



## Area Planning Committee (Central and East)

**Date** Tuesday 9 September 2014  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Minutes of the Ordinary Meeting held on 8 July 2014 and the Special Meetings held on 3 July 2014 and 22 July 2014 (Pages 1 - 38)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) PL/5/2012/0336 and PL/5/2012/0337 - Dalton Pumping Station, The Waterworks, Cold Hesledon, Murton, Durham (Pages 39 - 60)  
Part residential conversion into 6 dwellings, 2 new dwellings and 4 apartments
  - b) DM/14/01377/AD AND DM/14/02115/AD - Various roundabout sites located in the former City of Durham Area and the former District of Easington Area (Pages 61 - 70)  
Display of advertisements on roundabouts.
  - c) DM/14/02182/FPA - 20 Dalton Heights, Seaham, SR7 8LB (Pages 71 - 76)  
Erection of a single storey extension to the side of existing dwelling.
  - d) DM/14/02175/FPA - 42 Halliday Grove, Langley Moor, Durham (Pages 77 - 82)  
First floor side extension and rear single storey extension.

4. 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

1 September 2014

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

Councillor P Taylor (Chairman)  
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,  
K Dearden, D Freeman, S Iveson, J Lethbridge, B Moir, J Robinson,  
C Kay and R Lumsdon

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**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 8 July 2014 at 1.00 pm**

**Present:**

**Councillor P Taylor in the Chair**

**Members of the Committee:**

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, S Iveson, B Moir and R Lumsdon

**1 Apologies for Absence**

Apologies for absence were received from Councillor A Laing.

**2 Substitute Members**

There were no substitute Members.

**3 Minutes**

Councillor Conway highlighted that during the discussions on item 5b at paragraph 3 of page 6, the reference to 83 beds should be changed to 83 properties.

With the amendment noted, the Minutes of the meeting held on 10 June 2014 were confirmed as a correct record and signed by the Chairman.

**4 Declarations of Interest**

There were no declarations of interest.

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

**5a DM/14/00921/FPA – Land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham**

The Committee considered the report of the Senior Planning Officer regarding an application for the erection of student accommodation for 198 units at land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members had visited the site earlier that day and were familiar with the location. The Senior Planning Officer advised that by way of a late representation, should permission be granted an additional condition would be added to require full details of the cycle provision.

Ms R Zakrzewski, local resident, addressed the Committee. Ms Zakrzewski lived in Orchard Drive and raised concerns regarding drainage and geological matters. She felt that although no concerns had been raised by relevant officers regarding drainage and geological issues, there had in the past been stability issues resulting from a nearby underground watercourse and she felt that there had not been an adequate assessment of the effect of the development on the adjacent downward slope.

Ms Zakrzewski noted the condition 3 of the report regarding materials and queried whether residents would be able to view the proposed materials before they were agreed.

In relation to paragraph 96 of the report, Ms Zakrzewski disagreed that the development would not detract from the character or appearance of the area or of the amenities of residents, as she felt parking space was an amenity and this would be impacted upon.

In relation to paragraph 98 of the report, Ms Zakrzewski argued that policy 32 related to new build houses, not apartments. Furthermore she advised that while she was satisfied with the travel plan, she was concerned about vehicle access and she queried how the travel plan would be implemented.

Mr M Phillips, local resident, addressed the Committee, advising that he represented DBUG, the staff and student bicycle user group based in the University. Members were advised that DBUG were concerned about the quality of the cycle parking provision and the access to the site by bike. Although the group had made written suggestions regarding the application, it was felt that they had not been adequately addressed.

Mr Phillips advised that in relation to the number of cycle parking places, there had been some confusion in the report over the Council's current policies for student residencies. He stated that those policies stipulated a minimum of 1 cycle parking place per 5 student residents plus a further 1 place per 20 residents to cover visitor cycle parking. That amounted to 50 places for the proposed development and it was noted that the developers were offering 52. However Mr Phillips felt it should be noted that the policy set a minimum and it should therefore be expected that more would be appropriate in some circumstances. As such, Members were advised that DBUG suggested that a car free development on the periphery of the

student housing area would merit more than the minimum provision, as did the applicant who had originally proposed 100 places in line with BREEAM standards.

Secondly, Mr Phillips advised that DBUG had concerns about the quality of cycle parking. He quoted from the Department for Transport's Manual For Streets regarding storage facilities for cycles. Members were advising that the developers were proposing the very least cycle storage provision:- cycle stands enclosed by low railings topped by a flat roof. Mr Phillips stated that rain, leaves and other debris could easily blow in from the sides, giving owners a battle to keep their bikes clean and well maintained. He felt that a far better provision would be well lit basement storage designed into the buildings at the outset. He therefore requested that a condition be imposed that the bike shelters for residents' parking be properly enclosed at the sides.

Thirdly, DBUG felt that for a car free development it was important to ensure walking and cycling routes were safe and convenient. It was proposed that the footway along the north side of the A690 be widened to 3m as part of the off site works and the Highways Authority envisaged that would form the main cycle and pedestrian access to the site. DBUG had concerns about the proposed width. Mr Phillips advised that the Department for Transport minimum for pedestrian only footways was 2.4m. As such he felt 3m was sub standard for shared cycle/pedestrian use by the side of a National Speed Limit dual carriageway. The plan of proposed works showed no alterations to enable cycle access to the path which would be required from the Gilesgate roundabout and Leazes Lane.

DBUG therefore requested that this be addressed and that the conversion to shared use should proceed only after consultation on the design with local cycling bodies.

Mr Phillips advised that students would also need to access local shops further east along Gilesgate. The most direct route was across the adjacent footbridge over the A690 and the transport assessment commissioned by the developers noted it was already used by cyclists. Mr Phillips pointed out that this was only a footbridge and was not wide enough for shared use, it had tight corners and the parapet was not up to the height required for safe riding.

Mr Phillips stated that the assessment also mentioned routes to the south via Station Lane, but failed to observe that the street was currently one-way for all vehicles, feeding onto a National Speed Limit dual carriageway. DBUG suggested adding a contraflow cycle lane permitting two way cycling on that street and they also urged upgrading and signing of the network of paths between the footbridge and Gilesgate to enable access to the local shops.

In conclusion, Mr Phillips advised that DBUG requested:-

- Commitment in the travel plan to increasing the cycle parking spaces as demand grew
- An initial provision of 70 spaces recognising that the proposal was to be car free
- Cycle shelters fully protected from the weather and preferably lockable
- Pedestrian and cycle access along the A690 to be widened to 4 or 5 metres where possible, with good connections for cycling to neighbouring roads and paths
- A further S106 contribution to pay for adaptations to the footbridge, two way access on Station Lane and other improvements to the network on the south side of the A690.

The Senior Planning Officer responded to the points raised as follows:-

- Geological issues – it had been recognised that there were concerns regarding the stability of the land. Some investigative work had been done but it was conditioned that further works be undertaken should permission be granted. Information of that nature would come from the developer and be sent on to relevant bodies such as the Coal Authority to ensure that the land was indeed sufficiently stable.
- There was no statutory consultation requirement to consult with residents in relation to the discharge of conditions.

The Highways Officer responded to the points raised as follows:-

- The developer did not intend to provide student parking as the development was within the parking zone and students would not receive parking permits. It would therefore be pay and display for any visitors.
- Members were advised that the proposals did comply with the standards for cycle and vehicle parking.
- The Highways Authority felt that there was a need for good cycle parking provision and as such a condition would be imposed to ensure that covered, closed and secure facilities were provided. Members were also advised that 52 spaces was above the minimum standard.
- Lanes – It was acknowledged that cycle lanes could be a contentious issue as there was various guidelines. Lanes that were too wide could attract vehicle parking therefore widening the pathway would encourage cycle use.

Mr P Colebrook addressed the Committee, speaking on behalf of the applicant. Members were advised that the developer specialised in the delivery of student accommodation and over the past 20 years had developed a good reputation for high quality accommodation through well managed purpose built housing, managing the initial development of the scheme, the construction of the buildings and the ongoing management of the resulting accommodation.

Members were advised that the proposed development at Chapel Heights was for purpose built student accommodation which fully complied with the NPPF and local policy in so far as it was well located within Durham City Settlement boundary, well linked to services, re-used brownfield land, was of high quality design and fully considered the wider landscape and historical setting.

Mr Colebrook advised that at least 64 construction jobs and a number of full and part time jobs once the facility opened, would be created. Further subcontractor work during the construction phase and operation of the facility would also be created.

Every effort would be made to employ local people where appropriate and the planning process the developer would also be making a financial contribution to local employment and training.

Mr Colebrook suggested that purpose built student accommodation such as that proposed would help free up HMO's for more family and affordable housing in the City.

Members were advised that the site had been vacant for 15 years and was currently in poor condition and was a remnant of a former scrapyard. The scheme represented a beneficial sustainable development which re-used a brownfield site.

Mr Colebrook stated that highways improvements to the existing access to Ashwood from the A690 would also benefit local residents.

The site adjoined St Mary Magdalene Scheduled Ancient Monument to which there was currently no public access and the grounds of which weren't currently maintained and were overgrown.

The proposals included landscaping around the monument, a new access via steps and a disabled compliant ramp, maintenance of grass and planting around the monument and the erection of an interpretation board. The landscaped area would also provide a more accessible entrance to public footpath 75 which would reduce the number of people walking on the grass verge along the A690 between the carriageway and the pedestrian footbridge.

Members were advised that during the planning application the applicant had worked with various officers as well as English Heritage to develop a design which took on board all of the issues raised, such that the proposal had received support from all statutory consultees.

Mr Colebrook advised that the applicant had also received Scheduled Monument Consent from English Heritage for the proposed works.

The applicant and secured support from Durham Cathedral who owned the Monument and reached an agreement with them to maintain the ancient grounds moving forward.

Following an on site meeting with residents, Mr Colebrook advised that all comments had been considered and the applicant had sought to address them wherever possible.

In summarising Mr Colebrook advised that the applicant believed they were delivering a well designed, purpose built accommodation scheme which and been fully considered, taking into account all concerns raised through the design process, on a brown field site and in a manner which took into consideration the schemes relationship with the wider environment. It also addressed the challenges of the immediate neighbouring ancient monument and its ongoing maintenance.

Councillor Moir acknowledged that while the University and Cathedral would obviously support the scheme with the restoration of the monument and the provision of student accommodation, he could understand the concerns of residents. There seemed to be an influx of such accommodation and he was not comfortable with the numbers being proposed across the city which appeared to be in excess of what was actually required.

In relation to cyclists, Councillor Moir commented that he saw more students on foot than on bike and indeed some students would have cars, it was therefore unrealistic to think that student accommodation should be a car free zone.

In relation to access to the Chapel, Councillor Moir was pleased to see the plans for its restoration. If access was restored to the monument then it was inevitable that some visitors would come by car through an area not intended as a thoroughfare.

Councillor Freeman stated that Durham had an issue regarding the proliferation of student accommodation and he questioned the need for the number of student accommodation developments which were being proposed.

In referring to policy H16 he raised concerns regarding the density of students and highlighted that should the application be approved, there would be 85% student population in that area which was a clear imbalance in population.

On the S106 contribution, Councillor Freeman highlighted that none were mentioned in the report, despite the impact on the surrounding area being immense, particularly with large numbers of students regularly walking to and from Durham on what were already poor footpaths. He felt that a S106 contribution could see the improvement of highways, cycling provision on the Gilesgate roundabout and improvements to pathways. As such, in the absence of a S106 contribution, Councillor Freeman felt unable to support the application.



The Senior Planning Officer responded to the points raised as follows:-

- Student Accommodation Applications – while it was acknowledged that lately there were a lot of student accommodation applications coming forward, there was no requirement for a developer to demonstrate need.
- H16 – Policy H16 did relate to the mix in population in an area and data on that postcode area showed that only 13% of accommodation in that area was for students.
- S106 – It Was felt that the public art contribution, the improvements to the Chapel and the introduction of interpretation boards was sufficient contribution to benefit the area. Also condition 8 would see improvements made to access and highways.

Councillor Lethbridge was disappointed about the distressed state of the Chapel and felt the scheme would adequately address that, however the gradient and narrowness of the access road would limit vehicle volume and that gave him cause for concern. On balance however he welcomed the contribution which the University made to the city and so moved approval of the application.

Councillor Lumsdon was encouraged by the high quality development which was being proposed however shared concerns of residents and Councillor Lethbridge. In referring to Part 1 of the NPPF regarding economic growth, she highlighted that the Committee had not been provided with any significant data.

In relation to NPPF Part 4 regarding the need to travel, Councillor Lumsdon felt that the application would actually maximise the need to travel.

Councillor Bleasdale seconded the motion to approve the application and upon a vote being taken it was:-

**Resolved:-** That the application be approved subject to the conditions detailed within the report and an additional condition to require full details of the cycle provision.

#### **5b DM/14/00349/OUT – Land to the west of Elemore View and south of Front Street, South Hetton**

The Committee considered the report of the Senior Planning Officer regarding outline residential development (access to be considered) at land to the west of Elemore View and south of Front Street, South Hetton (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Ms G Rodgers, local resident, addressed the Committee to speak in objection to the application.

Members were advised that the village had just approved the building of 80 houses at the rear of Windsor Drive which would more than cover any demand for new housing, as significant development had already taken place recently throughout the village. Four houses completed in the immediate vicinity of the site in the last 2 months were currently unsold and many houses in the village had been up for sale for more than a year.

In relation to road safety, Ms Rodgers advised that the proposed access to the A182 would be very close to a very busy bus stop which already caused problems for local residents. That current problem would be exacerbated by the already approved 80 houses.

Ms Rodgers stated that the comments of the Highways Authority appeared to show no appreciation of the considerable time spent and money required to install 3 further traffic calming measures in addition to those already in situ at the site of the proposed access. Members were advised that the Parish Council had also expressed their surprise that no highways issues had been highlighted by the Highways Authority.

In relation to public amenities, Ms Rodgers stated that the village was on the boundary with Tyne and Wear, it's school was full and had already had 2 extensions . There was no scope to extend the school further and Haswell had no school, thus putting pressure on Shotton. Furthermore the small school at Easington was always full. Ms Rodgers argued that looking to Tyne and Wear to have children educated was unsatisfactory for local County Durham children and as there had already been significant housing expansion in Easington Lane and Hetton, there was now pressure on their schools.

In referring to sewerage and surface issues, Ms Rodgers highlighted that the plan showed a flood plain which covered part of a number of properties on Pinedale Estate. Members were advised that the inability of the pumping station and drainage beck to cope had been an issue for many years, Ms Rodgers stated that one property had partially collapsed under heavy rainfall and acute run off 2 years earlier when drains were overwhelmed. Parts of the field, beck and footpath adjacent to the proposed development had collapsed with sink holes appearing as the water which was drained underground had been too much for the system provided to date.

Ms Rodgers advised that residents at the Pinedale Estate had met the original costs as part of the development and without assurance that significant additional provision would be built into the planning application there was no sound reason to consider that flooding would be an inevitable consequence for both existing and new housing in that area.

In relation to visual impact Ms Rodgers advised that currently the approach to the village from Easington Land and Haswell reflected the rural nature of the village. The former industry was completely invisible and development on green belt land, which was in use for grazing, was felt to be inappropriate while there was sufficient infill and brown field opportunities elsewhere in the village.

On the issue of natural habitat, Ms Rodgers advised the Committee that the area in question was home to a wide range of wildlife and local residents noted that the applicant submitted a superficial view from a conservation society who made one visit, that there may be bats in the area. Ms Rodgers stated that there had been, and remained, a significant number of bats in the area. Furthermore, Members were advised that there were owls, newts, toads and a variety of other wildlife living in the area which would be threatened by the proposed development.

The Senior Planning Officer responded to the points raised as follows:-

- Education - Members were advised that there had been a late response from the Education Department. Officers were of the view that while there was a deficiency of school places in South Hetton, that could be overcome by S106 contributions.
- Flooding – Members were advised that a flood risk assessment had been submitted and both Northumbrian Water and Drainage Officers were satisfied that there would be no impact

The Highways Officer responded to points raised as follows:-

- Visibility – Highways Officers had concluded that there would be adequate visibility in both directions
- A182 – The volume of traffic which would be generated from the new development would amount to approximately 20 extra vehicle trips per hour which was not enough to suggest that there would be a severe impact on the network

Mr J Whitfield, agent for the applicant, addressed the Committee. Mr Whitfield suggested that there was an overwhelming need to bring out sustainable sites to meet the target for new development over the coming 5 years. The proposal satisfied the NPPF in terms of sustainability. The proposals brought economic benefits to the area in terms of jobs, council tax and New Homes Bonus and from a transport point of view the proposals were also sustainable.

Mr Whitfield advised that a wide choice of homes would be delivered along with a significant area of public open space. Furthermore the applicant was committed to helping avoid a flood risk.

In referring to the third reason for refusal as detailed in the officers report, Mr Whitfield advised that a phase 1 ecological report had found no evidence of badgers in the area.

In referring to paragraph 60 of the officers report, Mr Whitfield failed to see the difference between the proposed development and the Windsor Drive application, which had been deemed by officers to have good access. The current application was for less properties than the Windsor Drive development and so would have less of an impact.

In relation to education, Mr Whitfield advised that in the previous academic year South Hetton Primary School did not fill all of its places. He concluded by requesting that the application be approved.

The Senior Planning Officer responded to the points raised as follows:-

- Sustainability of the site – Members were advised that officers did not dispute whether the site was or wasn't sustainable, indeed an 80 dwelling development had already been approved nearby. The recommendation for refusal was not on the grounds of sustainability, but rather that the development would encroach on the countryside due to the location being on the outskirts of South Hetton;
- Need for Housing – There was a need for housing across the county, however in accordance with the emerging County Durham Plan, South Hetton did not have any further allocations and so the proposed scheme was not considered critical to the delivery of the county's houses.

Seconded by Councillor Bleasdale, Councillor Moir moved that the application be refused in accordance with officer recommendations. Councillor Clark echoed the motion to refuse.

Upon a vote being taken it was:-

**Resolved:-** That the application be refused for the reasons detailed within the report.

### **5c DM/14/01024/FPA – Land adjacent to 1 Bewley Terrace, New Brancepeth**

The Committee considered the report of the Senior Planning Officer regarding the development of 6no. two bedroom flats at land adjacent to 1 Bewley Terrace, New Brancepeth (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members had visited the site earlier that day and were familiar with the location.

Councillor J Chaplow, local Member, addressed the Committee. She was extremely pleased that the application had come forward and was fully in support of the proposals.

Councillor D Bell, local Member, addressed the Committee. He advised that his only concern with the application had been regarding access to the street for residents at no.1 Bewley Terrace. Members were advised that the occupier of no.1 Bewley Terrace owned an out building nearby and so were concerned about vehicles potentially parking in the vicinity of it should they choose to develop it in the future. However the application site was currently a blight site in New Brancepeth and on balance Councillor Bell fully supported the application.

Mr M Abley, agent for the applicant, was in attendance at the meeting and was willing to answer any questions the Committee might have regarding the proposals.

Councillor Lethbridge had been on the site visit earlier that day and concurred that the area was indeed a blight site. As such he fully supported the proposals and moved that the application be approved. Councillor Moir seconded the motion for approval, concurring that the development would be a major improvement to the area.

In response to a query from Councillor Conway, the agent for the applicant advised that there was a shortage of flats in the area, hence the applicant had chosen to develop 6 flats rather than 3 houses.

Councillor Freeman commented that the development could only be an improvement and advantage to the area, he hoped that local Members would be able to deal with the remaining blight site near the development.

**Resolved:-** That the application be approved subject to the conditions outlined in the report.

**5d DM/14/01389/OUT – Relley Farm Cottage, Front Street, Broompark, Durham, DH7 7RJ**

The Committee considered the report of the Planning Officer regarding the development of 1 no. dwelling – outline – all matters reserved except access, at Relley Farm Cottage, Front Street, Broompark, Durham, DH7 7RJ (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members had visited the site earlier that day and were familiar with the location. Members were advised of a representation which had been received from the City of Durham Trust which objected to the application for the following reasons:-

- Compensation (“allowance”) for a nearby Western Relief Road is not a material planning matter
- It was premature to assume that the Inspector at the County Plan EiP would sanction the Western Relief Road and de-scheduling of the Green Belt
- Even if the Western Relief Road got the go-ahead, it was still contentious whether “exception circumstances” could be justified in removing Green Belt status from the immediate vicinity of Relley Farm Cottage
- The applicants were incorrect in stating that the Durham Local Plan would cease to be in force before the adoption of the County Plan, since several policies of the former had been specifically “saved”

The Highways Officer addressed the Committee. He advised that although the Western Relief Road (WRR) was not secure within the County Durham Plan as of yet, it was most certainly an aspiration. The route of the road had not yet been fixed though the geological layout would dictate where the route would be. As such, it

was likely that the access would be via a roundabout at the Broompark Picnic area, approximately 100 metres from the nearest dwelling, though that could move approximately 15 metres in either direction. Members were advised that the Western Relief Road would go ahead subject to approval by the Inspector.

Councillor J Chaplow, local Member, addressed the Committee. She had been involved in talks with planning officers for 3 years in relation to the applicants situation and officers had been sympathetic to the issue. Members were advised that the potential WRR would be very close to the applicants property and as he was already in bad health, the WRR would only exacerbate his illness with increased pollution from fumes. As such, the applicant now had an opportunity to move but if action was not taken now then it would be too late.

Councillor Chaplow advised that it was a poor situation for the applicant to find himself in, they would certainly be affected by noise and fumes from a significant volume of traffic.

Members were advised that the application site was the applicants own greenfield and as such they were the only ones who would be affected by the loss of amenity.

Councillor D Bell, local Member, addressed the Committee. He concurred with the statement made by Councillor Chaplow and advised that although the WRR would be welcomed, it would affect the applicant, he therefore called for the Committee to approve the application.

Mr M Boyle, applicant, addressed the Committee. Mr Boyle advised that he was born in Esh Winning and had lived alongside the B6302 most of his life, so was confident in stating that there had never been a major junction added to that road, as such the Western Relief Road brought about a once in a lifetime change of circumstances to the locality.

Members were advised that Relly had been changing since medieval times, indeed a map which Mr Boyle had showed Relly in the 1600's before the conurbation built up around Durham City and before most of the surrounding villages existed. The local character had evolved over time, a larger settlement existed in medieval times then again during the industrial period when Deerness Cottages brought the number of local houses up to 8. Members were advised that the cottages disappeared in the 1960's and a new dwelling was added in the 1990's bringing the current number of houses to 3. In 2004 a major scheme took place with the Relly Bridge reconstruction straightening and widening the road. Mr Boyle advised that during his 16 years at Relly, he and his wife had improved the look and feel and would maintain such standards with the proposed new development, thus improving the DH7 housing stock.

Mr Boyle advised that from the image supplied by the Council, the scale and extent of the road and roundabout was visible, together with its potential impact on the Green Belt and Relly Cottage. However Mr Boyle suggested that the Durham Plan maps placed the road even closer to his home than the Council image showed.

In effect, Mr Boyle suggested that the Relly settlement would be boxed in by the WRR, the East Coast main line and the B6302 by boundaries that were likely to be permanent thus preventing urban sprawl.

Mr Boyle advised that he had become aware of the WRR three years earlier and at the outset had been advised by Council officers that, in relation to the siting of executive homes on their one hectare site, it would be only fair that they got approval in light of the 2500 houses which were planned at Sniperley roundabout. However since then, despite following the advice of Planning Policy officers, Mr Boyle advised that he had failed to make satisfactory progress.

As such, Mr Boyles local Member, Councillor J Chaplow, had suggested he apply for planning permission for a single dwelling moving away from the WRR. The pre planning advice accepted the likely disturbance to Relley Cottage by the WRR, the secluded site location and accepted the access arrangements.

Mr Boyle suggested that looking around Durham, there were many other Green Belt sites either proposed, already approved or in the process of being developed. Such sites were being approved for development so Mr Boyle stated that the arguments used against his proposal were self defeating and contradictory because they did not show consistency in their Green Belt decision making. Members were advised that the 4000 houses, helping to fund the relief roads and the 4% loss of Green Belt, were in conflict with the planning policies quoted by officers as reasons for recommending refusal on his application. He felt it would be fair to refuse his application only if all Green Belt applications were always refused.

Mr Boyle stated that his proposal was for one home on land which would not be seen from the existing road or the proposed road because of the landscape and screening would provide a healthier environment for he and his wife, by dramatically reducing noise and air pollution. This was particularly important to him as he had industrial dust damage.

Members were advised that the application was in line with policies E1 and E7 plus NPPF guidelines part 9, in particular paragraph 87 which allowed for special circumstances, as well as paragraphs 88 and 85.

In summary, Mr Boyle stated that as one of the few homeowners directly affected by the WRR, he hoped the Committee would approve his application.

The Principal Planning Officer responded to the points raised as follows:-

- The officer's case and reasons for refusal were clearly stated within the report.
- The issues regarding the Green Belt were re-emphasised.
- Moving House – it would be a possibility to look at the application again when the situation regarding the WRR was fixed as there would be a potential to review the position
- Members were reminded that the proposal was not to replace a property, it was for the addition of a dwelling and as such the application was contrary to Green Belt policy.

The Highways Officer clarified that although there would be noise and air pollution from the WRR, appropriate mitigation would be undertaken.

In response to a query from Councillor Bleasdale, the Principal Planning Officer clarified that the Coal Authority defined how much at risk an area was in terms of safety and stability for development. For an outline planning application a detailed investigation would not be undertaken, rather it would be a condition imposed on any outline permission.

Councillor Moir had been on the site visit earlier that day and stated that the site was undeniably in the Green Belt.

Although he was unconvinced that living in close proximity to the road would have a serious impact on the applicant's health, he stated that the application site was actually the applicants garden and so it was their own land which was Green Belt. He was therefore uncomfortable to dictating that their own land could not be developed.

Councillor Lethbridge stated that the Green Belt existed to mitigate against large scale urban sprawl of built up areas, however by contrast, the application was for one dwelling which would be quite secluded. Furthermore, it seemed that although the applicant had been dealt with somewhat sympathetically for 3 years, a template was now being slapped on his application with no room for discretion or flexibility.

Councillor Lethbridge felt it would be unfair to refuse the application and stated that to say the WRR was just an aspiration was untrue, his understanding was that it was a very determined objective.

He failed to see how the application was in any way harmful to the Green Belt and as such urged that the application be approved.



Councillor Dearden failed to see how the effect of noise and fumes experienced at the cottage would be any different at the application site, as there was very little difference between the two locations.

Councillor Freeman felt to cite the WRR as a special circumstance was premature as it currently didn't exist. As such, the Committee were in effect dealing with open land and Green Belt. The application site was not a garden, it was a grazing field clearly situated in the Green Belt, as such Councillor Freeman was in support of the recommendation to refuse the application.

Seconded by Councillor Freeman, Councillor Dearden moved that the application be refused and upon a vote being taken it was:-

**Resolved:**

That the application be refused for the reasons detailed within the report..

**5e CE/13/00752/OUT – Land to the East of Aldridge Court, Ushaw Moor, County Durham, DH7 7RT**

The Committee considered the report of the Planning Officer regarding the development of residential accommodation for over 55's and Care Home/EMI Facilities and access road at land to the east of Aldridge Court, Ushaw Moor, County Durham, DH7 7RT (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor J Chaplow, local Member, addressed the Committee. Members were advised that there was a real need for the proposed development as dementia patients were increasing. The development would mean that dementia patients would be able to reside in 2 bedroom bungalows and would no longer need to travel further afield for care and support. As normal residential care homes were unsuitable for such patients, there was a growing need for specialist dementia care facilities such as that which was proposed. In addition Councillor Chaplow highlighted the extended benefit the development would have on general housing in that area, as it would mean that social housing properties would be freed up.

Councillor Chaplow highlighted that the development was sustainable in terms of public transport, with 2 nearby bus stands which facilitated travel direct into Durham and into Ushaw Moor village.

In referring to the reasons cited by officers to refuse the application, Councillor Chaplow argued that the support desperately needed by elderly dementia patients was more important than protecting the Green Belt.

Councillor D Bell, local Member, addressed the Committee to reiterate the comments made by Councillor Chaplow and to pledge his support for the application.

Mr G Hodgson, agent for the applicant, addressed the Committee. He advised that the applicant fully acknowledged that the development was to be within the established Green Belt between Ushaw Moor and Bearpark, hence the recommendation for refusal. However in mitigation, Members were advised that the applicant had assessed the impact of the development within the Green Belt and the Design and Access Statement which had been submitted with the application demonstrated how little impact there would actually be.

Mr Hodgson stated that the development site, located on the eastern edge of Ushaw Moor, did not encroach northwards towards Bearpark, instead it filled in a small field between Aldridge Park and Broom Hall Farm.

Members were advised that the site area itself was of poor landscape value and by following the natural topography of the site area, Mr Hodgson suggested that the openness of the Green Belt would predominantly be unaffected by the development. Mr Hodgson advised that the site was currently subject to flytipping, grazing and anti-social behaviour. A number of environmentally sustainable measures would be included within the development, such as solar, bio-mass and geo-thermal, all of which had been incorporated successfully into previous similar developments.

Furthermore Mr Hodgson advised that the applicant would also include a full landscape scheme, details of which would be to follow.

Where it was fully accepted that the proposed measures would not justify the development within the Green Belt, Mr Hodgson hoped that the Committee would consider the divergence from policy in order to approve a much needed care and retirement facility which was a safe and secure premises.

The Principal Planning Officer responded to the points raised as follows:-

- Green Belt – The Officer reiterated the fact that the Green Belt issue, as detailed within the report, was a national issue and regardless of how prominent a development might be, by definition it was inappropriate, irrespective of how well it would be screened. The development would see settlements encroach closer to one another which it was the purpose of the Green Belt to prevent.
- Condition of development site – The condition of the site was acceptable in its present form and officers had seen no evidence of fly tipping. It was in reasonable condition and displayed no adverse environmental impacts.

In response to a query from Councillor Dearden, the Principal Planning Officer advised that it had not been felt necessary to take the Committee on a site visit as the presentation was sufficient.

Although he found the proposal itself to be acceptable, Councillor Freeman did value the importance of the Green Belt and so supported the officer recommendations to refuse the application.

Seconded by Councillor Lumsdon, Councillor Moir moved refusal of the application in accordance with officer recommendations and upon a vote being taken it was:-

**Resolved:**

That the application be refused for the reasons detailed within the report..

**5f DM/14/01428/FPA – Dalton Park, Murton, SR7 9HU**

The Committee considered the report of the Senior Planning Officer regarding the erection of a retail building and associated works at Dalton Park, Murton, SR7 9HU (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that conditions 7 and 8 were no longer required as they were removed by way of an application to remove the conditions from the previously approved non-food retail unit.

Seconded by Councillor Lethbridge, Councillor Bleasdale moved approval of the application.

**Resolved:**

That the application be approved subject to the conditions outlined in the report, with the exception of conditions 7 and 8

**5g DM/14/00414/FPA – Durham University Science Park, South Road, Durham**

The Committee considered the report of the Planning Officer regarding the erection of a Physics Research Building at Durham University Science Park, South Road, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Although accepting of the proposed development in principle, several Members expressed dissatisfaction with the proposed design of the building, finding it to be a poor example of modern architecture and not in keeping with the style of buildings elsewhere in the City.

Seconded by Councillor Bleasdale, Councillor Davinson moved approval of the application and upon a vote being taken it was:-

**Resolved:** That the application be approved subject to the conditions outlined in the report.

**DURHAM COUNTY COUNCIL**  
**SPECIAL AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of SpecialArea Planning Committee (Central and East) held in Council Chamber, County Hall, Durham on **Thursday 3 July 2014 at 1.00 pm**

**Present:**

**Councillor P Taylor in the Chair**

**Members of the Committee:**

Councillors A H Bennett (susbtitute for A Laing) G Bleasdale, J Clark, P Conway, I Jewell (substitute for M Davinson) and A Turner (substitute for S Iveson)

**1 Apologies for Absence**

Apologies for absence were received from Councillors Davinson, Iveson, Kay Laing, Lumsdon, Lethbridge, Moir and Robinson

**2 Substitute Members**

Councillor H Bennett substituted for Councillor A Laing, Councillor I Jewell substituted for Councillor M Davinson and Councillor A Turner substituted for Councillor S Iveson.

**3 Declarations of Interest**

There were no declarations of interest.

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

**4a PL/5/2011/0315 – Land adjacent to West View, Murton**

The Committee considered the report of the Principal Planning Officer regarding an application for the demolition of existing buildings and erection of 2 no. dwellings and the creation of a dog walker amenity area at land adjacent to West View, Murton (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that a draft S106 agreement had been submitted earlier that day and would therefore be scrutinised by officers over the coming days for accuracy.

Councillor Conway stated his support for the application however queried whether a condition could be added specifically to address the access issues referred to at paragraph 41 of the report. In response, the Solicitor clarified that the access rights would be better dealt with by the s106 agreement, which would have a legal effect, rather than by imposing a condition.

Councillor Clarke raised concerns with regard to the proposed insular fencing to the south of the site drawing attention to the structure of the fence and how it would be secured and maintained. Furthermore she concurred with Councillor Conway's suggestion of imposing a condition to address the access issues.

In relation to the fencing, the Principal Planning Officer advised the Committee that the existing boundary would be replaced by the mesh fencing which should be sufficient to see through. The demolition would result in there being no boundary to the east of the site, as such a 1.8m fence would be introduced. The 12m fence was purely the choice of the applicant and Members were reminded that balconies were also proposed as features on the dwellings. Members were advised that any damage to properties from cricket balls in the future would not be the concern of the Planning Authority.

It was again reiterated to the Committee that the legal S106 agreement would better deal with any concerns regarding the access of the site. The Solicitor clarified the benefits of addressing certain obligations for the developer in a legal document.

Seconded by Councillor Clarke, Councillor Bleasdale moved approval of the application.

**Resolved:**

That the application be **APPROVED** subject to the conditions detailed within the report and the signing of a S106 agreement in relation to access.

**4b CE/13/01221/FPA – Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham**

The Committee considered the report of the Principal Planning Officer regarding the erection of a canopy and retrospective erection of a store extension and widening of rear access at Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. He advised that this was a resubmission following deferral at a recent committee. The applicant sought to address members' earlier concerns by demolishing the car wash to facilitate easier manoeuvring for larger vehicles within the site, and a revised plan had been submitted. Officers did not consider it necessary to impose a condition requiring demolition of the car wash within a specific timescale.

Mr Wheatley, local resident, addressed the Committee to speak in objection to the application. Mr Wheatley was one of residents who lived at the rear of the application site and in referring to the previous Committee Meeting when the application had first been considered, it had been his understanding that the applicant was to be requested to look at alternative proposals. As such Mr Wheatley had been satisfied. His only concerns had been the encroachment onto the highway from vehicles using the rear access and Members were advised that the applicant had demolished the pathway without planning permission and with a total disregard for local residents. Furthermore, the applicant had now demolished the car wash.

Members were advised that despite a sign detailing that the exit was for local use only, heavy goods vehicles were still using the rear exit. This was a direct result of that access being widened by the applicant, so larger vehicles believed that it was suitable for their use also.

Mr Wheatley advised of the results from a traffic survey which found there to be approximately 800 vehicles per day using the rear exit and in widening that area, the applicant had introduced numerous heavy goods vehicles into the village. Members were advised that the very reason the adjacent by-pass was developed some 24 years earlier was to prevent the flow of heavy vehicles through the village and to reduce the number of fatalities.

Local residents could not rely on trust or hope that the applicant would enforce restrictions on the rear exit, as such Mr Wheatley called for the restoration of the path and the introduction of height restrictions at the rear exit. Durham Road was an unclassified highway and so by definition was only suitable for local traffic.

Mr Wheatley wished the garage business well and stated that he had no objections to the proposals for the canopy or the store, his concerns were purely in relation to the hazards posed by the widened rear exit.

The Highways Officer informed the Committee that while Durham Road was an unclassified road, that did not make it exclusive for local traffic. Indeed many unclassified roads served to connect settlements. From the viewpoint of the Highways Authority, Durham Road was suitable for all traffic. Whilst it was acknowledged that there was an accident history near the filling station on the A181, it was felt that notwithstanding heavy goods vehicles, the widened access at the site was mutually beneficial for local traffic. Furthermore, the Highways Authority was unable to impose conditions relating to the use of the road.

Members were advised that the applicant had applied for the appropriate licence relating to the highways works, and so subject to the granting of planning permission, it was expected that the works would be undertaken.

Councillor Clark felt that the bypass was designed to reduce the flow of heavy goods vehicles through the village and she concurred with the concerns of the local residents.

In response to a query from Councillor Bleasdale, the Principal Planning Officer clarified the aspects of the application which were retrospective.

Councillor Conway felt that the objections of residents were reasonable and raised concerns that two major elements of the application were retrospective, stating that he felt that applicant should be required to reinstate the pavement and the original access/exit.

Councillor Jewell suggested that heavy goods vehicles may be more likely to use the rear exit as exiting onto the fast and busy bypass could prove difficult and dangerous. The Highways Officer clarified that the A181 was a derestricted single carriageway with a 60 mph speed limit.

The Solicitor advised that despite Members concerns regarding retrospective planning applications, such concerns must be disregarded and the application should only be considered against planning policy.

Seconded by Councillor Turner, Councillor Bennett moved approval of the application.

**Resolved:**

That the application be **APPROVED** subject to the conditions detailed within the report.

**4c DM/14/00052/FPA – Land off Station Road and East of Salters Lane including site of Former Fleming Hotel and Bruntons Garage, Shotton Colliery, Durham**

The Committee considered the report of the Senior Planning Officer regarding an application for the substitution of 31 housetypes and addition of 18 dwellings at land off Station Road and East of Salters Lane including site of former Fleming Hotel and Bruntons Garage, Shotton Colliery, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

The application was moved for approval by Councillor Bleasdale and was seconded by Councillor Turner.

**Resolved:**

That the application be **APPROVED** subject to conditions detailed within the report.

**4d DM/14/00613/FPA – Former Registry Office and Peterlee Area Education Office, York Road, Peterlee, SR8 2DP**

The Committee considered the report of the Senior Planning Officer regarding for the erection of 57 no. dwellings with associated infrastructure at the Former



Registry Office and Peterlee Area Education Office, York Road, Peterlee, SR8 2DP (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. In referring to paragraph 58 of the report, the Senior Planning Officer advised that the plan had not yet been received and he therefore sought delegated authority for officers to impose a condition to require the works to be done within 12 months from approval of the application.

Councillor J Alvey, local Member, addressed the Committee. Councillor Alvey raised concerns on behalf of local residents regarding the detailing of any fencing and what the developer could do to help alleviate flooding problems in the area.

In response to concerns raised by Councillor J Alvey the Senior Planning Officer clarified that the developer had assessed the fencing and advised that due to poor condition, it needed to be replaced. A condition was attached to the application regarding the fencing as such there would be an opportunity for the Planning Authority to negotiate further with the developer.

Seconded by Councillor Conway, Councillor Bleasdale moved approval of the application.

**Resolved:**

That the application be **APPROVED** subject to conditions detailed within the report and an additional condition regarding the highways works.

**4e DM/14/01368/LB – 71 Gilesgate, Durham, DH1 1HY**

The Committee considered the report of the Principal Planning Officer regarding an application to replace the existing roof with reclaimed Welsh slate and fibreglass on the flat roof to the rear at 71 Gilesgate, Durham, DH1 1HY (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

The application was moved for approval by Councillor Turner and seconded by Councillor Bleasdale.

**Resolved:**

That the application be **APPROVED** subject to the conditions detailed within the report.



**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Special Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 22 July 2014 at 1.00 pm**

**Present:**

**Councillor A Laing in the Chair**

**Members of the Committee:**

Councillors A Bell, G Bleasdale, J Clark, K Corrigan (substitute for B Moir), P Conway, M Davinson, K Dearden, D Freeman and C Kay

**1 Apologies for Absence**

Apologies for absence were received from Councillors J Lethbridge, R Lumsdon, B Moir and P Taylor.

**2 Substitute Members**

Councillor K Corrigan substituted for Councillor B Moir.

**3 Declarations of Interest**

There were no declarations of interest.

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

**4a DM/14/00249/OUT – Land to the South East of Brackenhill Avenue, Shotton Colliery, Durham**

The Committee considered the report of the Senior Planning Officer regarding an outline application with all matters reserved for the residential development of up to 44 dwellings at land to the south east of Brackenhill Avenue, Shotton Colliery, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members had visited the site earlier that day and were familiar with the location. The Senior Planning Officer advised of a late representation which had been submitted by Shotton Parish Council, which highlighted that the development was not included in

the emerging County Durham Plan and also that the development would lead to localised congestion.

Councillor E Huntington, local Member, addressed the Committee. Members were advised that the original plan had been for 5 dwellings for the applicant and his family yet, despite applying recently for that proposal, the applicant had been advised that 5 dwellings could not be supported, however 44 could.

Councillor Huntington highlighted that the site was not proposed for development in even the most recent version of the County Durham Plan. The site was situated on a long, narrow lane, most of which did not have a pathway, yet it was determined to be a safe route to school. Increased traffic in that area was a very real concern, not least because access was only possible at one end of the lane.

Councillor Huntington advised the Committee that Dene Terrace and Dene Crescent were already coping with the impact of the recently developed 42 dwellings at Bracken Ridge. Both streets were experiencing end to end parking on both sides and as such were suffering undue pressure.

Members were advised that residents had strongly objected to the Bracken Ridge development, yet were not consulted on the current proposal, despite the fact that it would have an impact on the area.

The Senior Planning Officer responded to the points raised as follows:-

- Members were advised that the previous 2 applications which had been submitted for 5 dwellings had been withdrawn by the applicant, not refused;
- Consultation – a full consultation exercise for the application had been undertaken, which exceeded the minimum required;
- Access Road – The Highways Officer clarified that the access to the development had been assessed and was 6.25m wide, which met the standards required for a scheme of up to 100 dwellings. The condition of the area had been taken from the 2013 assessment which had shown no defects. The traffic which would be generated from 44 dwellings at peak times would be approximately 26 additional journeys per hour, which would not cause a significant congestion problem.

In response to a query from Councillor Bleasdale, the Senior Planning Officer clarified that the previous applications had been withdrawn. The reason may have been a change in planning policy, as the NPPF was now the most relevant policy document.

Councillor J Clark raised several queries as follows:-

- In relation to page 3 of the report and the reference to policy 36, although the application was outline, an indication of the scheme had been provided;

- Paragraph 37 – Councillor Clark queried why there had been no thoughts as to nursery or primary school provision;
- In relation to the access road Councillor Clark queried whether the highways calculations would be the same when there was only one direction traffic;
- Councillor Clark queried the statement made at paragraph 54 of report, as the site was located in an agricultural area of the village
- In relation to paragraph 63 of the report, Councillor Clark highlighted that the allocation for Shotton had already been met, therefore the current application would exceed the required 270 new dwellings

In relation to the query raised regarding education, the Senior Planning Officer advised that the Education Officer looked at all school places in the catchment area and had determined that there were sufficient places to support future nursery and primary school admissions.

The Highways Officer clarified that the highway was not a one way road and that the 6.25m access was adequate for two way traffic flows.

Councillor Kay supported the application in the absence of any relevant grounds to refuse it. This was echoed by Councillor A Bell who, despite acknowledging the concerns raised by the local Member, found the application difficult to refuse as the NPPF was in favour of sustainable development.

In response to a query from Councillor Conway the Senior Planning Officer advised that although the site had been classified as unsuitable within the SHLAA, officers felt there were other community benefits which outweighed that classification. Planning Policy did not object to the proposals and did not believe that delivery of the application would harm delivery of the County Durham Plan.

The Solicitor clarified that although sites would be proposed to be allocated in the emerging plan, it did not mean that they were fixed and as such did not prevent alternative viable proposals coming forward.

Seconded by Councillor Bell, Councillor Kay moved approval of the application however upon a vote being taken, the motion fell.

Seconded by Councillor Bleasdale, Councillor Clark moved that the application be refused for the following reasons:-

- That the application did not meet the requirements of the NPPF as it was in an unsustainable location;
- That the application contravened the emerging County Durham Plan in that the site was an edge of settlement site which if developed, would erode the gap between Shotton and the industrial estates to the east;

- That the application also contravened the emerging County Durham Plan in that the development of the site would result in a significant adverse landscape and visual impact;
- That the application contravened policy 36 of the Saved Local Plan as it did not encourage alternative means of travel to the private car.

Upon a vote being taken it was:-

**Resolved:-** That the application be refused.

**4b DM/14/00609/FPA – Land at Cain Terrace and Henderson Avenue, Wheatley Hill, Durham**

The Committee considered the report of the Planning Officer regarding the erection of 65 no. dwellings with associated works at land at Cain Terrace and Henderson Avenue, Wheatley Hill, Durham (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that local Member Councillor M Nicholls had submitted a representation on the application. As local councillor he fully supported the need for 65 houses on the Cain and Henderson site as it was housing which was badly needed and would enhance the village. The village had a new health centre being built which would support the development. Many people in the area were very supportive of the new development and had been wanting it for a considerable length of time. Traffic calming was also in place to deal with the speeding issues in the Quilstyle Road area.

In response to a query from Councillor A Bell, the Principal Planning Officer clarified that although the proposed dwellings were not specifically affordable by definition, they would be on the market at affordable prices and pricing would be set at a reasonable level for the area.

Councillor Bell was dissatisfied with the lack of S106 contribution or specific affordable housing allocation. The Principal Planning Officer advised that there was a formula for the classification of financial viability on applications and so appropriate advice had been provided.

Councillor Conway concurred with the concerns expressed by Councillor Bell, however was satisfied with the advice which had been provided. Furthermore he acknowledged that the area desperately needed the proposed housing and as such, seconded by Councillor Dearden, he moved approval of the application.

**Resolved:-** That the application be approved subject to the conditions outlined in the report.

**4c DM/14/00793/FPA – Former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY**

The Committee considered the report of the Senior Planning Officer regarding the development of 29 dwellings with associated parking and landscaping at the former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor J Turnbull, local Member, addressed the Committee. He expressed concerns regarding highway issues, in particular the pulling out of traffic from the development onto the main junction. He would have liked to have seen more thought put into the positioning of the junctions leaving the development site.

Councillor Turnbull advised that flooding was an issue in that area and also that Dairy Lane was regularly used as a race track by drivers, trying to jump the queues which would often build up on the main highway. He was concerned that should the development go ahead, a serious accident could occur. He felt that the application should be deferred to allow more time for consideration of highways issues.

The Highways Officer clarified that having assessed the application officers had determined that less traffic would be generated from the proposed development than from when the Dairy was in operation.

It was accepted that the A690 in that area did have a tendency to become congested, however there was an alternative western route which vehicles could take.

Mr Murphy, local resident, addressed the Committee to speak in objection to the application. Members were advised that as a driver at peak times on the main highway, it was impossible to turn right at the junction. Mr Murphy echoed the concerns raised by Councillor Turnbull regarding Dairy Lane being used as a race track, advising that his own vehicle had been hit by speeding cars on several occasions.

Mr Murphy advised that 10 years ago the A690 at that area would see in excess of 25,000 vehicles per day, it would therefore be much more than that now.

Members were advised that the only reason there had been just 7 letters of objection was because there were only 6 properties in that immediate area. Mr Murphy advised that he had lived opposite the Dairy Site for 17 years and his property was 75metres away from the old Dairy buildings. However the new properties would be just 13metres from his front garden and one property would be directly overlooking his property and 6 would have a direct impact on him. He suggested that the proposed dwellings should be reversed so that it was their back

gardens which would be adjacent to him and his neighbours, rather than the driveways which would pose more of a hazard.

Mr Murphy believed the development would add more pressure onto the A690 and called for more consideration in relation to highways issues. He also believed that the developer was trying to fit too many properties onto the site.

The Senior Planning Officer responded to the points raised as follows:-

Separation Distances – the actual separation distance between the existing and proposed properties would be 28 metres and as such was well in excess of the standard expected;

Density – the proposals were for 29 properties per hectare, the standard was 30 per hectare, as such the proposed density was standard.

The Highways Officer reiterated that while it was acknowledged that the A690 was saturated in that area, the Dairy had operated there and so the traffic from before was merely being replaced. A significant increase in traffic volume would not occur. The Highways Officer questioned the argument that the junction from the Dairy Site could not be exited, having heard that drivers were prone to using it as a rat run – he suggested that it would not be used in such a way if drivers could not then exit onto the A690.

Councillor Bell welcomed the scheme, but acknowledged that there were transport network problems, he therefore queried whether now could be an opportunity to address those issues. He also queried whether the driveways of some of the new dwellings would mean that vehicles would need to reverse onto the A690.

The Highways Officer clarified that those driveways would see vehicles reversing onto Dairy Lane, not the A690. In terms of addressing the traffic issues on the A690 the Highways Officer advised that the planned Western Relief Road would alleviate issues in that area.

In response to a query from Councillor M Davinson, the Senior Planning Officer indicated where the existing properties were and where the proposed visitor parking would be situated.

Councillor D Freeman felt the proposed development was appropriate for the currently derelict site but noted that any benefit to the transport network would come after the site had been developed. He further noted that traffic generated by the office development which was currently under construction adjacent to the site, should be factored in.

Seconded by Councillor Bleasdale, Councillor Bell moved approval of the application.



**Resolved:-** That the application be approved subject to the conditions outlined in the report.

**4d DM//14/01196/FPA – The Durham Light Infantryman Public House, 110 Gilesgate, Durham**

The Committee considered the report of the Senior Planning Officer regarding the development of 109 bed student accommodation at The Durham Light Infantryman Public House, 110 Gilesgate, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members had visited the site earlier that day and were familiar with the location.

Mr J Taylor, agent for the applicant, addressed the Committee. Members were advised that the applicant had undertaken an extensive period of pre application consultation to achieve the best possible scheme. While minor concerns regarding design and appearance had been raised during the public consultation, it was felt that the current building was not of any architectural merit and the new development would be an attractive addition to the end of the terrace.

Mr Taylor advised that the scheme would incorporate an acceptable level of parking, in addition there would be a travel plan co-ordinator.

The applicant acknowledged that Durham had a very mixed community and was confident that the scale of the proposed scheme would not alter the community balance.

Mr Taylor advised that the market suggested that there was a need for such schemes and that the developer would deliver the scheme very quickly. The site was situated in a sustainable location with easy access to the city centre and within a strong open market housing area.

Councillor Freeman expressed concerns regarding the number of student accommodation applications which had recently been brought forward for consideration. He felt that it would have been preferable had they been presented to the Committee at the same time. He noted that the University predicted an increase in student beds of 1800 by the year 2020, however the Committee had already approved an extra 2300 rooms, despite there being vacant beds throughout the city. Councillor Freeman felt that a strategic approach to future student accommodation development was lacking. Yet the Committee had to be mindful that when considering such applications, student bed numbers could not be taken into consideration.

Notwithstanding those concerns, Councillor Freeman acknowledged that the development would improve the site and the surrounding area, without detracting attention away from the main street.

In relation to parking, although there would be 18 parking spaces provided at the site, Councillor Freeman highlighted that cars could park in the surrounding streets as it was not within the control zone, he therefore queried how the developer would deter that from happening. Councillor Freeman further queried details of the S106 contribution. The Senior Planning Officer advised that unfortunately details of the S106 were not to hand.

In response to a query from Councillor J Clark, the Senior Planning Officer and the agent for the applicant clarified that the gate arrangement at the side of the development would be solid metal and there were no plans to licence the multiuse hub referred to in paragraph 76 of the report.

In response to the queries raised regarding parking, Mr J Taylor clarified that there would be a full management plan for the scheme and that the developer had maintained the parking provision at 15% of the residents which was more than the recommended minimum.

In response to a parking related query from Councillor P Conway, the Senior Planning Officer drew attention to condition 12 which required precise measures regarding parking, access and operation of the gate, prior to development. That condition would serve to ensure that no more than 18 cars would be allowed to park for the development and the agent reassured that the parking provision would be detailed thoroughly in the management plan.

Councillor A Bell found the current site to be in poor condition and felt the scheme would greatly improve the appearance of the area, as such seconded by Councillor Conway, he moved approval of the application.

**Resolved:-** That the application be approved subject to the conditions outlined in the report.

#### **4e DM/14/01261/OUT – Land between 3 Church Villas and 7 Rectory View, Shadforth, Durham**

The Committee considered the report of the Senior Planning Officer regarding the development of 10no. residential units (outline) at land between 3 Church Villas and 7 Rectory View, Shadforth, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members had visited the site earlier that day and were familiar with the location.

Councillor D Bell, Shadforth Parish Council, addressed the Committee and reiterated discussions on the item which had been recently held at a meeting of the

local Parish Council. A number of Parish Councillors had attended a Residents Association meeting and had reported that the vast majority of those in attendance were against the proposed development.

It was felt that green spaces gave villages a certain appeal, the area was a greenfield site and previous planning applications had been refused.

Councillor Bell suggested that the development would result in the loss of the ancient hedgerow and as no garages were planned, road blocking issues were inevitable. The site was also situated opposite a church which had no parking facilities, therefore the proposed development would only exacerbate the current parking issues on the main road.

Members were advised that there was a field to the rear of the development site and so residents were also concerned that further development could occur. Councillor Bell also highlighted that there were no development allocations for Shadforth within the emerging County Durham Plan, it was therefore felt that there was no need for an unallocated site to be developed. Members were also advised that the development would have an impact on the historic beck to the rear of the site.

Councillor S Guy, local Member, addressed the Committee. He advised that he had attended 2 local meetings which had been attended by over 130 residents and there was a very real local objection to the development. He pointed out that despite him objecting to the application, that had not been reflected in the report.

In referring to the relevance of the Local Plan, Councillor Guy advised that the 1990 Act stated that Planning Authorities should have regard to a Local Plan unless material considerations said otherwise. As such, he highlighted that the Saved Local Plan stated the need to maximise development of brownfield sites and to minimise the loss of greenfield areas. He argued that the application did not meet the expectations of saved policy E7 and stated that the area was farming land and so was clearly outside the settlement

Councillor Guy made reference to paragraph 58 of the NPPF and argued that the NPPF did not automatically accrue greater weight during the consideration of applications. In referring to paragraph 59 of the report, he suggested that because people from Shadforth tended to commute, the site could not be considered as sustainable. He argued that there was sufficient housing within Shadforth

In referring to paragraphs 60 and 61 of the report, Councillor Guy argued that whether or not an area was open countryside, it was countryside either way and so should not be developed.

Councillor Guy spoke of the implications the development would have on wildlife and the historic beck and stated that it was conceded that the site was within a conservation area. He also stated that the application contravened parts 11 and 12 of the NPPF.

In relation to traffic, Councillor Guy stated that the proposed entrance to the development posed risks and traffic flows would be affected and would attract high volumes of traffic.

In summary, Councillor Guy called for the application to be refused on the grounds that it contravened policies H3, H4 and H5, section 54a of the Town And Country Planning Act and parts 11 and 12 of the NPPF.

Mr I Heginbottom, Shadforth Community Association, addressed the Committee to speak in objection to the application. Members were advised that at a recent public meeting, 85 residents had voted against the proposals. He stated that the Community Association were appalled at the poor standard which had been outlined.

Mr Heginbottom stated that the NPPF was very clear that sustainable development was restricted within a conservation area and would require a full heritage impact assessment. The Community Association believed that the application therefore failed to fulfil paragraph 128 of the NPPF.

There was no overriding public benefit to the application, as such Mr Heginbottom stated that an exception could not be cited as reason to approve. The benefits of the development would be very limited.

In relation to highway safety, Mr Heginbottom argued that the development would be dangerous and detrimental,. A significant number of vehicles travelled at over 30mph, as such a wider splay was necessary.

Mr Heginbottom stated that Shadforth was one of the few historic farming and agricultural villages remaining in the county and as such strongly objected to poor quality housing being developed there.

Mr R Newlove, agent for the applicant, addressed the Committee. While acknowledging that the site was within the conservation area, Members were advised that the village was not totally against the development and he pointed out that preservation and conservation were two different things. It was paramount to ensure that the conservation should not be harmed, but Mr Newlove stated that a terrace of houses did not warrant such harm that the application should be refused.

Members were advised that the development would reinforce the traditional linear form of the village, complimenting the area with a robust rather than sporadic scheme.

It was highlighted that there had been no objections from statutory consultees and the Highways Authority found the proposals to be acceptable. Mr Newlove stated that whether the site was developed or not, parking at the church would remain an issue. On balance he argued that the application was acceptable.

The Senior Planning Officer responded to the points raised as follows:-

- Conservation Area – the site was within the conservation area, however the Design and Conservation Officer had fully assessed the application and the impacts were considered acceptable;
- Policy – it was accepted that the development was not in accordance with local plan policies, but the local plan was soon to be replaced and the County Durham Plan would completely remove the concept of settlement boundaries. Furthermore the site was not within the open countryside as it was surrounded by properties both to the north and the south, as such the application accorded with policy 15 of the emerging plan
- NPPF – In relation to sustainability, the Officer referred to paragraph 59 of the report and reiterated that it was believed the application was in accordance with the NPPF.
- Hedgerow – while part of the hedgerow would be removed to meet visibility requirements for access, a reserve matters application would require landscaping proposals to be submitted;
- Development at Rear – should further applications come forward in the future, they would have to be considered on their own merits. Members should only consider the application before them which was acceptable due to the linear form of the scheme;
- Historic Beck – It was highlighted that the County Ecologist was satisfied that the development would have no impact on the beck. Should surface water run off, it was acknowledged that it could impact on voles, therefore a vole assessment would be undertaken to mitigate against possible affects.

The Highways Officer responded to points raised as follows:-

- The additional traffic flow from 10 units would be approximately 8 trips per day per unit, which was a negligible amount;
- There had been 2 road traffic accidents in the area in the past 5 years, both had occurred in darkness and had involved vehicles which were speeding
- Parking – the parking proposed far exceeded the minimum standard
- Stopping distance – The Officer clarified how the stopping distance was calculated and confirmed that the Highways Authority was more than happy with the 70m stopping distance proposed

Councillor Conway concurred with the assertion in the applicants statement that settlements did indeed change and develop over time. However he proposed that the application be rejected for the following reasons:-

- The application contravened policies H3, H4 and H5 of the local plan
- The application contravened parts 11 and 12 of the NPPF
- There were issues with the layout of the development

Councillor Conway stated that as the application was outline only, then Members were unable to make a clear judgement as full details of the scheme were not available. Furthermore in relation to the County Durham Plan, there was no provision for allocations within Shadforth.

Councillor A Bell echoed the points raised by Councillor Conway. If the application would prove to compliment the conservation area, then that would be acceptable, however Councillor Bell stated that in the absence of clear proposals it was impossible to make a judgement either way. Councillor Bell also stated that the application site was graded agricultural land.

The Senior Planning Officer advised that although outline, both access and layout were being dealt with as part of the application, as such the actual layout of the development would be rigid and only design and landscaping would be dealt with by way of a reserved matters application.

Councillor Kay felt that the report provided insufficient detail for a judgement to be made either way and so seconded by Councillor Bleasdale, Councillor Kay moved that the application be deferred to allow more details to come forward, however the motion was immediately withdrawn.

Seconded by Councillor Clark, Councillor Conway moved refusal of the application for the following reasons:-

- The development was contrary to policies H3, H4 and H5 of the City of Durham Local Plan, as the site was located outside the defined settlement boundaries and the development did not constitute the definition of infill development.
- The proposed development would not preserve or enhance the character, setting or appearance of the Shadforth Conservation Area and would be in conflict with criteria detailed in Parts 11 and 12 of the National Planning Policy Framework.

**Resolved:-**That the application be refused.



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## Planning Services

**COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION NO:</b>	<b>PL/5/2012/0336 &amp; PL/5/2012/0337</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>Part residential conversion into 6 dwellings, 2 new dwellings and 4 apartments</b>
<b>NAME OF APPLICANT</b>	<b>Aquarium developments</b>
<b>SITE ADDRESS</b>	<b>Dalton Pumping Station, The Waterworks, Cold Hesledon, Murton, Durham.</b>
<b>ELECTORAL DIVISION</b>	<b>Murton</b>
<b>CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL****Site:**

1. This application site is located at Dalton Pumping Station, a Grade II\* Listed Building, and the grounds within which it is set. The site is outside of any settlement boundary in Cold Hesledon to the east of Murton and the south of Seaham, therefore it is technically classed as being in the countryside. It is not within a conservation area and not included on English Heritage's Register of Heritage at Risk. The associated Lodge which is outside of the application site, is also a Grade II listed building. It is not included in a Site of Special Scientific Interest, Site of Nature Conservation Importance or Local Nature Reserve.
2. The site, which is rectangular, has some tree coverage mainly to the north east and south west of the site with mainly agricultural land beyond to the north, east and south. Immediately to the west, across the B1432, is Cold Hesledon Industrial Estate and beyond that, across the A19 is the Dalton Park shopping outlet.
3. The architecture of the Pump House remains largely intact, with the lodge house, workers cottages and stable surviving to the north. Traces of the original built topography of the site can still be seen including the cooling ponds and reservoir.
4. Designed by Thomas Hawksley and built in 1873, the Pumping Station includes an imposing Venetian Gothic engine house and attached industrial ancillary buildings which are of significant architectural merit. The engine house still contains visually dramatic but non-operational pumping equipment. The attached boiler house and coal store are empty.

5. The complex remains an important landmark in the development of the region's nineteenth century industries and the associated expansion of its urban populations. It is one of a network of finely designed pumping stations that drew water from the underlying magnesium limestone geology to serve the expanding urban populations which were a consequence of the expansion of north east coast collieries and manufacturing industries.

**Proposal:**

6. This proposal seeks full planning permission and listed building consent for the conversion of the listed building into 6 residential units including external alterations, the erection of 2 dwellings and 4 apartments on land adjacent to the listed building with associated highway works and landscaping.
7. The residential conversion centres on the Coal Store, Boiler Room and two stores on either side of the chimney/stairwell, the Pump House and stairwell/chimney would not be affected by the development. The residential conversions are entirely within the confines of the existing pumping station buildings. Dwellings one to four (within the coal house/boiler room) have an internal area of approximately 192m<sup>2</sup> over two storeys whilst dwellings five and six (within the wings of the chimney tower) have an internal area of approximately 108.5m<sup>2</sup> over two storeys.
8. Externally, one new residential unit is a single storey, 3/4 bedroom dwelling with an internal floor area of 166m<sup>2</sup>, the other would be a two storey dwelling with an internal floor area of 220m<sup>2</sup>. The remaining four units would be 2 bedroom apartments, each with a floor area of approximately 105m<sup>2</sup>. Both of the detached properties and the two ground floor apartments would benefit from private, walled garden areas.
9. The materials and details proposed for the new dwelling units are lightweight, contemporary and distinct and would contrast from those used in the original pumping station buildings. This would allow the new dwellings, and its enclosed shared areas, to create a new identity that is distinct and obvious as a new addition to the site.
10. The existing vehicular access from the B1432 would remain, as would the access road outside of the site. This would be however, extended to serve parking areas and driveways to serve the dwellings.
11. In recent years the unoccupied status of the pumping station has left its continued welfare at risk, primarily from vandalism and theft. Therefore, as part of the development proposals, the applicant intends to make financial contributions toward the repair and maintenance of the pump house and its equipment. It is also intended that the pump house and equipment be made open to the public and handed over to a charitable trust in order to ensure public access and secure its long term future. The applicant has begun the process of drafting a Section 106 legal agreement with the Council's Legal Officers in this regard.
12. This application is being reported to committee as it is classed as a major development.

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## **PLANNING HISTORY**

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13. In 1991 Listed Building Consent to demolish the Pumping Station was refused given the importance of the building.
14. In 1994 planning permission was granted for the change of use of the building into a public house, restaurant and function rooms. This has never been commenced due to viability and funding issues.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

15. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
16. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal:

17. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
18. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
19. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
20. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

22. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
23. *Part 12* - Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

*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>*

## **LOCAL PLAN POLICY:**

### District of Easington Local Plan

24. *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.
25. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
26. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
27. *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.
28. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
29. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

*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>*

## **EMERGING POLICY:**

30. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
31. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
32. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
33. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
34. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
35. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

36. Murton Parish Council offer their full support to the proposals.
37. English Heritage consider the application acceptable on the basis that an appropriate costed condition survey is submitted in order to justify the quantum of development,

advice is taken from Council Conservation Officers and that the applicant enters a Section 106 agreement which ensures the repair of the building.

38. Northumbrian Water (who occupy part of the site) do not object subject to conditions ensuring that there are no adverse impacts on the water supply, that unrestricted access is maintained, that apparatus is protected and that a scheme is submitted to ensure future residents are not affected by on site activities.
39. Natural England have no objections to the proposals subject to a mitigation and monitoring strategy for bats.

#### **INTERNAL CONSULTEE RESPONSES:**

40. Archaeology Officers have no objections to the proposals subject to conditions requiring monitoring of groundworks and recording of works to the listed building.
41. Design and Conservation Officers support the principle of the development and have worked with the applicant to secure amendments to the scheme. Conditions are requested to ensure materials are acceptable.
42. Ecology Officers raise no objections subject to the mitigation contained in the ecology report.
43. Highways Officers have requested amended plans which have since been received and therefore offer no objections to the proposals.
44. Environmental Health Officers have no objections to the proposals.
45. Sustainability Officers request a condition securing renewable energy or carbon reduction measures to be incorporated into the scheme.
46. Tree Officers do not object subject to a replanting scheme along the western boundary of the site.
47. Landscape Officers do not support the proposals as they state that the character and setting of the listed building has not been fully considered and that the existing open space will be fragmented.

#### **PUBLIC RESPONSES:**

48. The Victorian Society welcome the principle of the development although raise concerns regarding the new build element of the proposals and the impact on the setting of the listed building. They also state that the long term future of the engine house and tower must be ensured.
49. One letter has been received from a member of the public involved in industrial archaeology who fully supports the proposals.

#### **APPLICANTS STATEMENT:**

50. The former Dalton pumping station in Cold Hesledon is a Grade II\* Listed Building that was constructed during the 1870's for the Sunderland and South Shields Water

Company to improve water quality and extend water provision in the surrounding area.

51. Whilst much of the existing building is now an empty void the engine house still contains the visually impressive and intact but non-operational engine machinery.
52. Designed by Thomas Hawksley in Venetian Gothic Revival style the building(s) are visually interesting and have some historical significance in terms of 19<sup>th</sup> century Victorian industrial architecture. The engines are of particular significance being a pair of 72" single-acting, non-rotating beam, superheated steam Cornish engines required specifically to pump water from the extra well depth of over 400 feet below the surface.
53. Dalton pumping station is one of five designed by Thomas Hawksley for Sunderland and South Shields Water Company and along with Tees Cottage and Ryhope these are the only three that remain, the other two buildings having been converted to residential use.
54. Dalton pumping station was privately acquired in 1994 from the Sunderland and South Shields Water Company when the building was deemed surplus to requirements following the construction and operation of a new pumping station located elsewhere within the overall site.
55. Generally, the condition of the building is in good order following an extensive programme of grant-aided works funded by English Heritage between 1997-1999 that secured the structural integrity of the building and provided for consolidation works to the fabric of the building including: reroofing; making good the brickwork; internal floors and front steps; replacing all of the windows; repairing rainwater goods; and general painting and decoration, sufficient to allow its removal from the Heritage at Risk register.
56. However, proposals originally put forward to change the use of the building to a pub and restaurant has not materialised and in the interim period the pumping station building has remained vacant and this continued lack of occupancy again presents a real risk to the fabric of the building from theft, vandalism and general weathering unless a permanent sustainable future for the building can be secured.
57. In order to protect the long term future of the building and in particular the engine house machinery discussions have been held with planning officers over an extended period in order to secure a satisfactory form of enabling development that would see the building safeguarded by being brought back into use and remove the potential risks to the building if no new enabling use can be secured.
58. To that end an enabling scheme has been put forward for the redevelopment of the void elements of the building to create 6 residential conversion units and an additional 6 new units comprising a single detached dwelling and a complex of 5 apartments.
59. It is considered the redevelopment proposals will restore and preserve the historic fabric of void element of the existing building will restore and preserve the historic fabric of the existing building. In terms of the new build element of the enabling development proposed this is restrained and is of a simple contemporary design that complements and minimises the likelihood of significant harm to the setting of the pumping station.

60. This enabling development will secure the long term future historic integrity of the building with the benefits of securing an established and on-going future programme of maintenance and repair, retention of the engine house and machinery and future public access to the engine house safeguarded by legal agreement under s106 of the Town and Country Planning Act 1990 including any contribution to community benefit measures.

*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*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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61. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
62. In this instance, given that the applications seek full planning permission and listed building consent, the main relevant considerations are the principle of the development, the impact on heritage assets, highways issues, ecology and archaeology. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Governments National Planning Policy Framework (NPPF) and the emerging County Durham Plan.

### **Principle of the development**

63. The key principle issues arising from this proposal which require due consideration in the determination of the application are the degree of accordance with existing and draft proposed policies, the benefits of the scheme and whether it is justifiable to permit an application on this site to come forward.

### Degree of accordance with existing and draft proposed policies

64. This proposal seeks full planning permission and listed building consent for conversion of the Grade II Listed Dalton Pumping Station into 6 dwellings along with 2 new dwellings and 4 apartments.
65. From a Spatial policy perspective, it is considered that the key issues in relation to this application are:
- a) The extent to which the proposed development accords with the existing development plan for the area;
  - b) The extent to which the proposed development is in accordance with the emerging County Durham Plan; and,
  - c) The extent to which the proposed development is consistent with Government planning for housing policy objectives set out in the National Planning Policy Framework (NPPF), with particular regard towards delivering a wide choice of high quality homes, which widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.



66. This scheme proposes housing development on brownfield land that is located outside of the nearest existing settlement boundary of Murton to the west. There are no specific landscape designations relevant to the site although as previously stated the pumping station is Grade II Listed. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary (Policy 3). Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with the District of Easington Local Plan.
67. As a consequence of the conflict with the District of Easington Local Plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the National Planning Policy Framework (NPPF) is far less restrictive than the Local Plan which specifies (Policy 67) that only previously developed land can come forward for housing development on sites which are located within defined settlement boundaries. The NPPF seeks to boost significantly the supply of housing and expects Local Planning Authorities to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para's 47 – 55). Therefore the key matter relates to directing development to suitable and sustainable locations.
68. The site is situated just outside of the settlement boundary which runs along the A19 to the west, 500 metres to the west beyond the A19 is the Dalton Park Factory Outlet which has planning permission for a supermarket, cinema, hotel and food and drink units. Closer to the application site is a small industrial estate and there are some residential properties to the north of the site. There are also bus stops directly outside the site
69. In view of these matters it is considered that although the site does not form part of an existing settlement, given the relatively small scale nature of the development and the proximity to public transport and nearby employment uses and retail development at Dalton Park, the site can be considered to be in a fairly sustainable location for residential development.

#### Benefits of the scheme

70. As mentioned previously, this building was Designed by Thomas Hawksley and built in 1873, the Pumping Station includes an imposing Venetian Gothic engine house and attached industrial ancillary buildings which are of significant architectural merit. The engine house still contains visually dramatic but non-operational pumping equipment.
71. The complex remains an important landmark in the development of the region's nineteenth century industries and the associated expansion of its urban populations. It is one of a network of finely designed pumping stations that served the expanding urban populations which were a consequence of the expansion of north east coast collieries and manufacturing industries.
72. In recent years the unoccupied status of the pumping station has left its continued welfare at risk, primarily from vandalism and theft. Therefore, as part of the development proposals, the applicant has begun the process of drafting a Section 106 legal agreement with the Councils Legal Officers in order to secure the long term future of the pumping station. In this regard it is intended to carry out a condition survey of the pumping equipment and tower and have any necessary repairs carried out. In addition, the pumping equipment and tower would be taken over by a

charitable trust who would maintain the building and open it to the public as both a visitor and educational attraction. A financial contribution would also be made to the charitable trust. These commitments would all be secured through a section 106 legal agreement before planning permission is granted.

73. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In addition, paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
74. In light of the above it is considered that the benefits of this scheme which would see the building repaired, maintained and opened to the public are substantial given the importance of the heritage asset, and should be given significant weight in the determination of this planning application.
75. As such, subject to technical matters being addressed there are no planning policy objections to the principle of the development subject to the applicant first entering into an appropriate Section 106 legal agreement.

### **Impact on Heritage Assets**

76. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council's Design and Conservation Officer has discussed the principle of residential development on the site at length with the applicant and fundamental issues raised about the impact on the setting of the listed buildings and harm to the historic landscape have been raised. An enabling development argument has also been discussed, essentially linking the profit from the new development to support conversion and reuse of the pumping station which is not economically viable as a standalone project. The applicant has not submitted a full enabling development case with their current application, although reference is made to the importance and condition of the pumping station and reference made to future charitable trust use of the engine house.
77. If this were a standalone application for housing development, the Design and Conservation Officer would oppose this development because of the likely detrimental impact on the setting of the pumping station. However if a mechanism such as a s106 agreement could be used to redirect the profits from the new development to the restoration project; to control phasing of works so that the new development was not carried out in isolation leaving the listed building still redundant; and to provide for public access to the pumping station; Design and Conservation Officers would not object to the principle of development. In short, the harm to the setting of the pumping station would be offset by ensuring its long term preservation through active reuse and retention of significance as a group heritage asset of architectural, historic and landscape interest. It is therefore considered that the principle of the works to allow for long term retention of the building is acceptable and the more specific details are discussed below.

### **Design Issues**

78. The residential conversion centres on the Coal Store, Boiler Room and two stores on either side of the chimney/stairwell, the Pump House and stairwell/chimney would not be affected by the development. The residential conversions are entirely within the confines of the existing pumping station buildings. Dwellings one to four (within the coal house/boiler room) have an internal area of approximately 192m<sup>2</sup> over two storeys whilst dwellings five and six (within the wings of the chimney tower) have an internal area of approximately 108.5m<sup>2</sup> over two storeys.
79. Externally, one new residential unit is a single storey, 3/4 bedroom dwelling with an internal floor area of 166m<sup>2</sup>, the other would be a two storey dwelling with an internal floor area of 220m<sup>2</sup>. The remaining four units would be 2 bedroom apartments, each with a floor area of approximately 105m<sup>2</sup>. Both of the detached properties and the two ground floor apartments would benefit from private, walled garden areas.
80. The materials and details proposed for the new dwelling units are lightweight, contemporary and distinct and would contrast from those used in the original pumping station buildings. This would allow the new dwellings, and its enclosed shared areas, to create a new identity that is distinct and obvious as a new addition to the site.
81. Design and Conservation Officers have requested amendments to the plans which would ensure that the central apartment block is lowered in order that it aligns with the eaves level of the workshops to the listed building which would now allow fuller views of the listed building across the site, these amendments have been received.
82. Design and Conservation Officers have no objection to the contemporary design concept of the new development, or the selected materials but would recommend that a planning condition be applied requiring further details of the external materials to be submitted before development commences.
83. In addition to the Councils Design and Conservation Officers, English Heritage have been consulted on the proposals.
84. English Heritage have commented that the conversion of the listed building into residential units is acceptable in principle subject to the legal agreement and therefore would not object to the principle and general approach.
85. With regard to the new development they consider that any development within the grounds will detract from the openness of the formal landscape garden around the listed building and so impact negatively upon its setting. They state that whilst mitigation can be achieved through density, scale and design a degree of harm to the significance of the listed building will result and justification in terms of an overriding public benefit will be required in line with the NPPF. In this case, the repair of the listed building is a public benefit and the failure of a previous commercial scheme suggests that residential development is a realistic option in the current economic climate.
86. English Heritage would consider the application acceptable if a condition survey and appraisal are submitted, materials and design detail are appropriate, and the applicant enters into a legal agreement which ensures the repair of the building is secured as part of the development. It can be confirmed that all of these issues raised will be addressed before development commences by way of either conditions or as part of a legal agreement.

87. Therefore it is considered that the proposals would be acceptable in terms of the impact on heritage assets and would be in accordance with part 12 of the NPPF.

### **Highways issues**

88. Highways Officers have been consulted as part of the proposals and have negotiated amended plans which have addressed issues relating to road widths and visibility splays. In addition conditions have been requested which would require improvements to the bus stop facilities outside of the site along with construction of footpaths linking the site to the bus stops.
89. On the basis of the amended plans received and subject to these conditions the proposals are considered to be acceptable from a highways point of view and therefore the proposals would be in accordance with saved policy 36 of the District of Easington Local Plan and part 4 of the NPPF.

### **Ecology**

90. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.
91. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:
- That there is no satisfactory alternative
  - That the population of the species will be maintained at a favourable conservation status in their natural range
  - That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
92. The applicant has submitted a habitat survey which has been assessed by the Council's ecology officers. The survey has found that a bat roost is present on the site. Bats are a European Protected Species and therefore there is a requirement to obtain a licence from Natural England which has been highlighted by Natural England.
93. In applying the derogation tests, it is considered that there is no satisfactory alternative that would enable to long term retention of the heritage asset.; in carrying out the conversion of the existing building, or indeed any conversion of the building, any bats present will be disturbed. . To do nothing to the building is not an option as the long term future, maintenance and preservation would surely fail resulting in the loss of a vaualbe heritage asset. It is considered that the proposed development is a

viale solution that has been the result of a number of years consideration, and that it will bring about overriding public and environmental benefits. In particular, the benefits of securing the long term future of the heritage asset and opening it to the public are significant.

94. A condition will be required which would ensure construction is carried out in accordance with the recommendations in the submitted habitat survey. It is also advised that no works should be carried out until an EPS Licence has been obtained. Subject to this condition, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF. It is also considered that as there is a possibility of a EPS licence being granted, the LPA has discharged its duties under the Directive and Regulations.

### **Archaeology**

95. In terms of the archaeological requirement, monitoring of any groundworks would be necessary as significant pipework associated with the working phase of the site (19th century) is believed to be located in the area where the new dwellings are proposed. Furthermore recording work would be required before changes can be made to the fabric of the structures proposed for conversion.
96. On the basis of the above, Archeology Officers have no objections to the proposals subject to conditions requiring and archaeological mitigation strategy being submitted and a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy being deposited at the County Durham Historic Environment Record.
97. Subject to these conditions it is considered that the proposals would accord with part 12 of the National Planning Policy Framework which seeks to protect sites with archaeological potential

### **Section 106 contributions**

98. The proposed scheme does not include the provision of open space therefore monies towards open space and recreational facilities in the area is being offered as part of the scheme. This contribution will be £500 per unit, therefore totalling an amount of £6000. This contribution will be secured through a section 106 legal agreement.
99. This will help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The proposal would be in accordance with policy 66 of the local plan.

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## **CONCLUSION**

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100. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this identified allocation. However the proposed new housing development would have some adverse impact on the setting of the pumping station which is a Grade II Listed building, however this adverse impact is not considered to be substantial.
101. In order to offset this adverse impact on the heritage asset there would need to be an over-riding public benefit in line with the NPPF. In this case, the applicant has

agreed to enter into a Section 106 legal agreement in order to secure the long term future of the pumping station. In this regard it is intended to carry out a condition survey of the pumping equipment and tower and have any necessary repairs carried out. In addition, the pumping equipment and tower would be taken over by a charitable trust who would maintain the building and open it to the public as both a visitor and educational attraction. A financial contribution would also be made to the charitable trust along with a contribution toward play provision in the Electoral Division. These commitments would all be secured through a section 106 legal agreement before planning permission is granted.

102. In light of the above, officers consider that the benefits of the scheme outweigh the impacts on the setting of the listed building, although these impacts are not considered to be substantial. Therefore, although there is conflict with saved policy 3 of the District of Easington Local Plan it is considered that the proposals are in accordance with the NPPF and on this basis officers recommend approval.

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## **RECOMMENDATION**

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That application ref PL/5/2012/0336 be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 legal agreement to secure the provision of:

- i. A condition survey and any subsequent necessary repairs
- ii. A scheme detailing the charitable trust and financial contributions
- iii. A scheme which details the phasing of the development
- iv. £6000 contribution toward enhancement or provision of play facilities in the Murton Electoral Division.

### **Conditions:**

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Tree Protection Plan ref TPP-A dated 22.12.09, Pumping Station Proposed Level 00 2376 B-10, Pumping Station Proposed Level 01 2376 B-11, Pumping Station Proposed Elevations 2376 B-20 Rev B, Pumping Station Proposed Elevations 2376 B-21 Rev B, Unit 01 Proposed Plans & Elevations 2376 B-35 Rev A, Proposed Site Sections 2376 B-51 Rev D, Unit 6 Proposed Plans & Elevations 2376 B-37 Rev A, Units 01-06 Proposed Roof Plans 2376 B-38 Rev A, Units 02-05 Proposed Plans & Elevations 2376 B-36 Rev B, Proposed Street Elevation 2376 B-52 Rev B, Existing/Proposed Roof Plans to Pumping Station 2376 B-25, Proposed Site Plan 2376 B-100 Rev F.

*Reason: To meet the objectives of saved Policies 1, 18, 35, 36 and 37 of the Easington District Local Plan and parts 1, 4, 7, 8, 10 and 12 of the NPPF.*

3. No dwellings shall be occupied until the existing public transport facilities on both sides of the B1432, in the vicinity of the Dalton Pumping Station, have been improved in accordance with details to be submitted too and approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting sustainable transport in accordance with part 4 of the National Planning Policy Framework.*

4. No dwellings shall be occupied until such time as a 1.8 metres wide footway has been constructed linking the site entrance to the southbound bus stop on the B1432 in accordance with details to be submitted too and approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting sustainable transport in accordance with part 4 of the National Planning Policy Framework.*

5. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

*Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone I of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment in accordance with part 11 of the National Planning Policy Framework.*

6. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

*Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone I of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment in accordance with part 11 of the National Planning Policy Framework.*

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters which needs to be managed in accordance with part 11 of the National Planning Policy Framework.*

8. No development approved by this permission shall be commenced until a scheme for the protection of the well (North Well) in the redundant Pumping Station (North Engine House and Pumping Station) on the application site from contamination/infiltration from foul waters has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the agreed protection scheme has been constructed and completed in accordance with the approved plans. Thereafter, the scheme shall be retained throughout the lifetime of the development.

*Reason: To prevent pollution and contamination of the public water supply in accordance with part 11 of the National Planning Policy Framework.*

9. Development shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure safe, unobstructed and unhindered access through the application site to South Engine House and Pumping Station at all times. The scheme shall provide details of the laying out vehicle parking, turning and manoeuvring, signage and demarcations to warn drivers that access to the main entrance point to South Engine House and Pumping Station is required to remain unobstructed at all times. Thereafter, the scheme shall be retained throughout the lifetime of the development.

*Reason: In the interests of highway safety and to ensure that the statutory undertaker has safe, unobstructed and unhindered access at all times to carry out essential operational and maintenance activities arising from the South Engine House and Pumping Station (Water Works), in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.*



10. Development shall not commence until a scheme to safeguard the amenity of the users of the proposed development from the operational and maintenance activities carried out at the South Engine House and Pumping Station (Water Works) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been fully implemented in accordance with the approved details which shall thereafter be retained in perpetuity.

*Reason: To ensure the future occupiers of the residential units are not subject to unacceptable nuisance due to essential operational and maintenance activities arising from the South Engine House and Pumping Station (Water Works) in relation to users of the proposed development, in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.*

11. No development approved by this permission shall be commenced until a scheme to ensure unrestricted access to the statutory undertakers water and sewer apparatus at all times has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the scheme has been constructed and completed in accordance with the approved plans.

*Reason: To ensure unrestricted emergency access the statutory undertakers water and sewer apparatus at all times in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.*

12. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 years following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

13. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works for each phase in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.*

- 15. Prior to first occupation, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy for that phase shall be deposited at the County Durham Historic Environment Record.

*Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.*

- 16. No development shall be commenced until details of trees, shrubs and hedges which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details.

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

- 17. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within part E of the bat survey prepared by Dendra consulting Ltd dated 17<sup>th</sup> August 2011.

*Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.*

- 18. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.*

19. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents shall take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works shall be carried out on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.*

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## **RECOMMENDATION**

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That application ref PL/5/2012/0337 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 only in accordance with the approved plans and specifications contained within:

Pumping Station Proposed Level 00 2376 B-10, Pumping Station Proposed Level 01 2376 B-11, Pumping Station Proposed Elevations 2376 B-20 Rev B, Pumping Station Proposed Elevations 2376 B-21 Rev B, Proposed Site Sections 2376 B-51 Rev D, Proposed Street Elevation 2376 B-52 Rev B, Existing/Proposed Roof Plans to Pumping Station 2376 B-25, Proposed Site Plan 2376 B-100 Rev F.

*Reason: To meet the objectives of saved Policies 1, 18, 35, 36 and 37 of the Easington District Local Plan and parts 1, 4, 7, 8, 10 and 12 of the NPPF.*

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works for each phase in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.*

- 5. Prior to first occupation, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy for that phase shall be deposited at the County Durham Historic Environment Record.

*Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.*

- 6. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within part E of the bat survey prepared by Dendra consulting Ltd dated 17<sup>th</sup> August 2011.

*Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.*

- 7. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents shall take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works shall be carried out on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- County Durham Plan Submission Draft
- Consultation Responses



**Planning Services**

**Proposed Part residential conversion into 6 dwellings, 2 new dwellings and 4 apartments**

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**Comments**

**Date** September 2014

## Planning Services

# COMMITTEE REPORT

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### APPLICATIONS DETAILS

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<b>APPLICATION NO'S:</b>	<b>DM/14/01377/AD AND DM/14/02115/AD</b>
<b>FULL APPLICATION DESCRIPTIONS:</b>	<b>Display of advertisements on roundabouts</b>
<b>NAME OF APPLICANT:</b>	<b>Durham County Council</b>
<b>ADDRESSES:</b>	<b>Various roundabout sites located in the former City of Durham Area and the former District of Easington Area.</b>
<b>ELECTORAL DIVISIONS:</b>	<b>Various across the two areas</b>
<b>CASE OFFICER:</b>	<b>Laura Martin</b> <a href="mailto:Laura.martin@durham.gov.uk">Laura.martin@durham.gov.uk</a> <b>03000 261960</b>

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### DESCRIPTION OF THE SITES AND PROPOSALS

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#### The Sites

1. The application sites relate to 26 roundabouts in the former Easington District and 29 roundabouts in the former City of Durham area. A number of the sites are located within designated Conservation Areas.

#### The Proposals

2. The proposal seeks to erect around 200 separate sponsorship signs across fifty five roundabouts in the former Easington and Durham Areas. The signs would be a maximum of 1200mm x 500mm on larger roundabouts and 1100mm x 450mm on smaller roundabouts.
3. The signs will be mounted on no more than two posts, of which neither post shall exceed 88.9mm diameter and 3.2mm wall thickness. The sign face material will be stiffed with aluminium channel across the full width of the sign plate and will not be retro-reflective.
4. The applications are brought before members of the planning committee at the request of Cllr Holland due to concerns relating to the retrospective nature of the applications and highway safety grounds.

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### PLANNING HISTORY

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None relevant to the application.

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### PLANNING POLICY

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## **NATIONAL POLICY:**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
8. The following elements are considered relevant to this proposal:-
9. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
10. Paragraphs 67-68- Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

*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>*

## **LOCAL PLAN POLICY:**

City of Durham Local Plan.

11. Policy Q16 (Adverts) seeks to ensure that advertisements are suitably designed and do not have an adverse impact on visual amenity or highway safety. Particular attention will be paid to the impact they may have upon the character and setting of listed buildings and the character and appearance of conservation areas.

Easington Local plan

12. Policy 40 - The location and design of adverts should be appropriate to the character of the buildings on which they are sited and to the surrounding area and should not conflict with traffic signs or signals.

## **EMERGING POLICY:**

13. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been



Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

14. Policy 16- Sustainable development in the build environment- ensure adverts are appropriate and sympathetic to their local setting in terms of scale, design, lighting and materials.

*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://content.durham.gov.uk/PDFRepository/cityofdurham.pdf> <http://content.durham.gov.uk/PDFRepository/easington.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

15. Parish Council- no comments

### **INTERNAL CONSULTEE RESPONSES:**

16. Highways Section- The display of advertisement signs on roundabouts within the public highway in County Durham was the subject of a report prepared by officers from the Neighbourhoods Section, which was submitted to and subsequently approved by the Corporate Management Team on 9 May 2012. As this is a recognised Council Policy no highways objections to raise against this planning application.
17. Design and Conservation Section- the signs in the various locations identified are considered to be acceptable in terms of their siting, scale and design. Concerns are raised in respect of DUR185- Seaham due to existing signage in the area.

### **PUBLIC RESPONSES:**

18. The applications were advertised by means of a site notices adjacent to the various sites. No letters of representation have been received in respect of the above developments.

### **APPLICANTS STATEMENT:**

19. Sponsorship of Roundabouts is a nationally recognised method for generating much needed revenue income which is to be used solely for the improvement of highways within that area. The signs themselves are small, unobtrusive and carry a simple message which is strictly regulated and consequently there has been no objections raised from highways personnel regarding their use.
20. Schemes like the one we are proposing have been adopted by many authorities nationally and some have been in place for a considerable time, all without any adverse effects. This particular scheme was approved by Cabinet in September 2011.
21. Durham County is currently split into three distinct areas for planning purposes and consent has already been received for the North area and the South & West area through delegated powers with the only area outstanding being the Central and East area.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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22. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
23. The main considerations in regard to this application are impact upon amenity and highway safety.
24. The NPPF stipulates that advertisements should be subject to control only in the interests of amenity and public safety. In addition the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires Local Planning Authorities to determine applications for advertisement consent in the interests of amenity and public safety, taking into account the provisions of the development plan where material, and any other relevant factors.
25. Additionally a number of the roundabouts are located within Conservation Areas; DUR01, 03, 04, 29 & 30 included within the Durham (City Centre) Conservation Area, DUR 31 included within the Burn Hall Conservation Area. No.3 are considered to be within the setting of the Durham World Heritage Site (WHS) DUR 01, 04 & 29, and No.1 is within the setting of a number of listed buildings DUR 01. DUR185 is within the Seaham Conservation Area and close to a Grade II listed building.

### **Impact upon Heritage Assets**

26. Local Authorities have the duty to preserve or enhance Conservation Areas as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning functions with respect to any buildings or other land in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
27. In respect of impact upon designated Heritage Assets, the sites which are located within sensitive locations have been highlighted below and have been assessed in detail.
28. DUR01; Four signs are to be located on the roundabout at north end of North Road, Durham City, in close proximity to the Viaduct (Grade II listed), North Road Methodist Church (Grade II listed), and where it can be seen in views towards Durham Cathedral and the World Heritage Site. The roundabout is large and already has substantial planting, trees and vegetation which provide a dark backdrop to the signs and reduces their visual impact. The signs here are considered to be acceptable in terms of their siting, scale, and design and would not be overly prominent. They are therefore considered to have an acceptable impact on the visual amenity of the area as they would not adversely affect the significance of this part of the conservation area, the setting of the nearby listed buildings, or be distracting in views towards the WHS.
29. DUR03; Three signs would be located on the roundabout situated between Leazes Road and New Elvet Bridge. This is the main route into the city centre from the east where the roundabout forms a prominent and attractive feature. Although more open and located away from development the signs here are not be too dominant and

would not interrupt any notable views, with the existing vegetation again reducing the visibility of the signs to some extent. On balance, the proposed signs in this location are not considered to be harmful to visual amenity or the significance of this part of the designated Durham City Conservation area.

30. DUR04; Three signs would be located on the large roundabout within the eastern part of the city centre between Upper and Lower Gilesgate, and visible in views towards the WHS. The extensive planting softens the appearance of the roundabout, which contributes to the abundance of greenery within this area, and which forms one of the main routes into the City Centre. The vegetation reduces the clutter of multiple signs being visible and provides a dark backdrop reducing their visual prominence, therefore the proposed signs in this location would be recessive features, and are not considered to impact upon the amenity or aesthetic quality of the surroundings in a negative way. In wider terms they would not interrupt or be visually distracting elements with regards to the notable views towards the WHS which can be gained from within this area.
31. DUR29; Three signs would be located in the southern part of the Durham City Conservation area on the prominent roundabout between Quarryheads Lane and Potters Banks where there is a notable view northwards towards Durham Cathedral. This smaller roundabout is fairly open containing a small group of trees within its centre and although the signs would be more visible here than elsewhere they would not adversely impact the semirural nature of this part of the conservation area, and due to their size and scale and by being low lying, would not interrupt or be visually distracting in views towards Durham Cathedral and World Heritage Site.
32. DUR30; Three signs would be located on the roundabout between the A177, Whinney Hill and Hallgarth Street. The substantial planting and vegetation on this large roundabout reduces the clutter of the multiple signs being visible, again providing a dark background which successfully reduces their visual appearance and impact. On this basis, they are not too dominant and do not adversely affect the visual amenity of the surroundings, thereby preserving this part of the Durham City Conservation area.
33. DUR31; Three signs would be located on the roundabout within the northern edge of Burn Hall Conservation Area adjacent to Farwell Hall West Farm. This is a very open grassed roundabout and although the signs would form visible features at varying orientations given the roundabouts position at the very northern edge of the designated conservation area with no views worthy of note, signs here would not be considered contentious with regards to their visual impact on the heritage asset.
34. DUR185; Three signs would be located on the roundabout adjacent to North Terrace, Seaham. Concerns were expressed by the Design and Conservation Team advising that they considered that there was already a large amount of signage in the area and that the proposed signage would impact upon views through the Conservation Area. The roundabout has substantial planting which provides a dark backdrop to the signs and reduces their visual impact. The signs here are considered to be acceptable in terms of their siting, scale, and design and would not be overly prominent. They are therefore considered to have an acceptable impact on the visual amenity of the area as they would not adversely affect the significance of this part of the Seaham Conservation area or the setting of the nearby listed building (The Former Police Station). In addition this is a commercial area and signs of this nature would be anticipated within such a location.

## **Highway Safety**

35. In relation to Highway safety, the Highways Authority has been consulted as part of the application and raises no objections. The signs are positioned in order to attract the attention of motorists. However the signs are not considered to be of an adverse effect as they are satisfactorily positioned on the roundabouts so that they are not considered to cause a distraction to motorists.

### **Amenity**

36. The signs follow a standard design in terms of size and material. As such, the proposed advertisements would be in keeping with those located on roundabouts in other Local Authority areas, and are not considered to look out of place or be unduly prominent within their respective settings. Therefore, the cumulative effect of the advertisements upon the character and appearance of each roundabout is considered acceptable.

### **Other Considerations**

37. In respect of the retrospective nature of the application, whilst the retrospective nature of the applications is regrettable the proposals have been assessed on their merits, and are considered to be acceptable. The retrospective nature of the application is not deemed to be a consideration to which any weight should be afforded in the determination of the application.

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## **CONCLUSION**

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38. Overall, the signs in the various locations identified are considered to be acceptable in terms of their siting, scale and design. They would not be unduly prominent and are therefore considered to have an acceptable impact on visual amenity and would not adversely affect the significance of the designated heritage assets affected. The signs will help promote the County Council's support of local businesses and potentially help reduce the amount of unauthorised signing in given areas.
39. The proposed advertisements are acceptable in terms of amenity and public safety and the cumulative impacts of the signage on the roundabouts will not lead to an unacceptable level of clutter on the respective roundabouts.
40. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plans or the NPPF.

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## **RECOMMENDATION FOR DM/14/01377/AD**

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

1. This consent to display the advertisement(s) is for a period of five years from the date of this permission.  
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and saved policy Q16 of the City of Durham Local Plan.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Large scale Location plan for former City of Durham Area, Signage Specification and 29 no. location plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy Q16 of the City of Durham Local Plan.

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
4. No advertisement shall be sited or displayed so as to —
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device for the purpose of security or surveillance or for measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair visual amenity.
6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
7. Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason for conditions 3 – 7: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004

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## **RECOMMENDATION FOR DM/14/02115/AD**

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

1. This consent to display the advertisement(s) is for a period of five years from the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and saved policy 40 of the Easington Local Plan.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Large scale Location plan for former City of Durham Area, Signage Specification and 29 no. location plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy 40 of the Easington Local Plan.
3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
4. No advertisement shall be sited or displayed so as to —
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device for the purpose of security or surveillance or for measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair visual amenity.
  6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  7. Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason for conditions 3 – 7: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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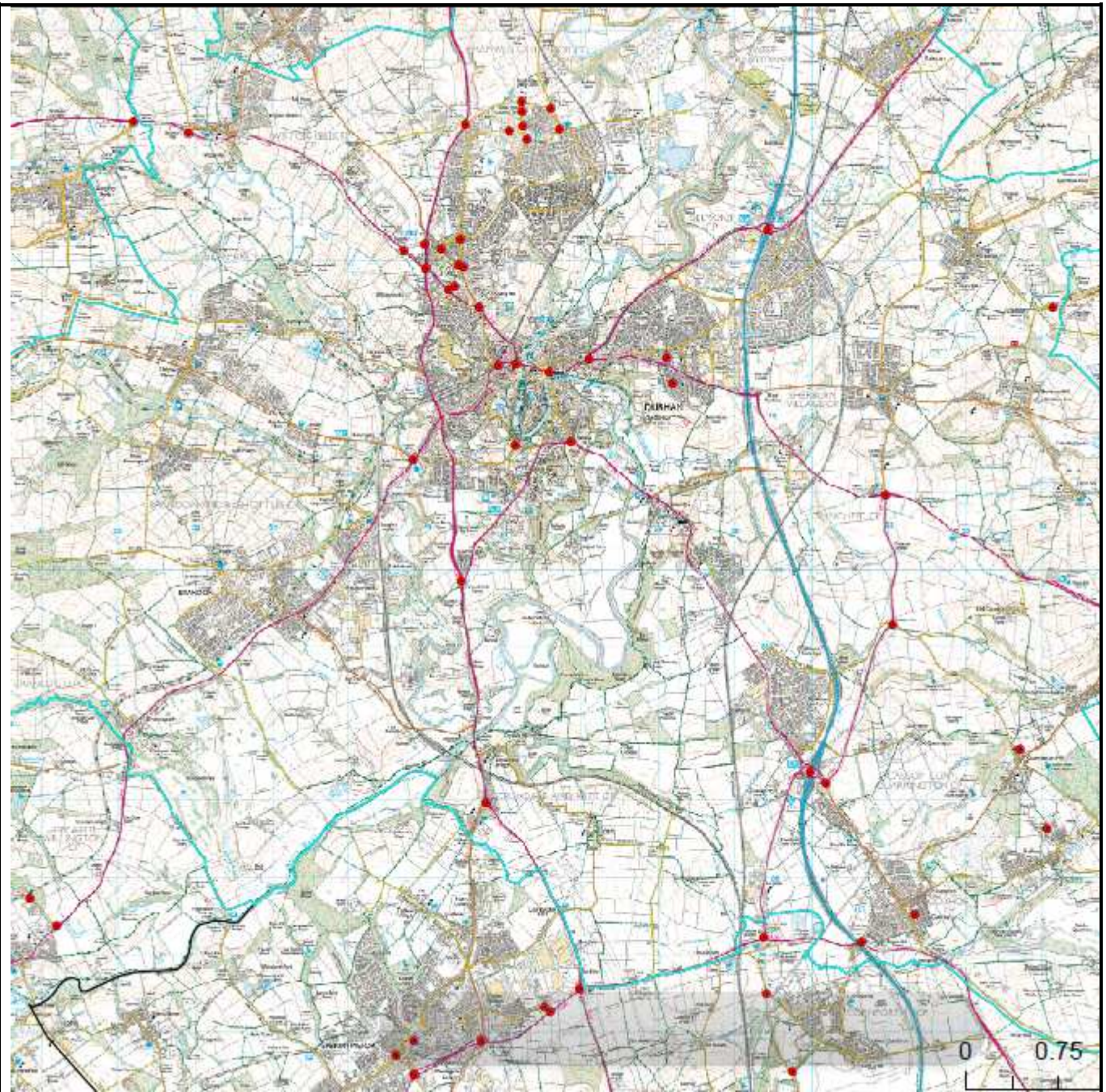
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- City of Durham Local Plan 2006 and Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



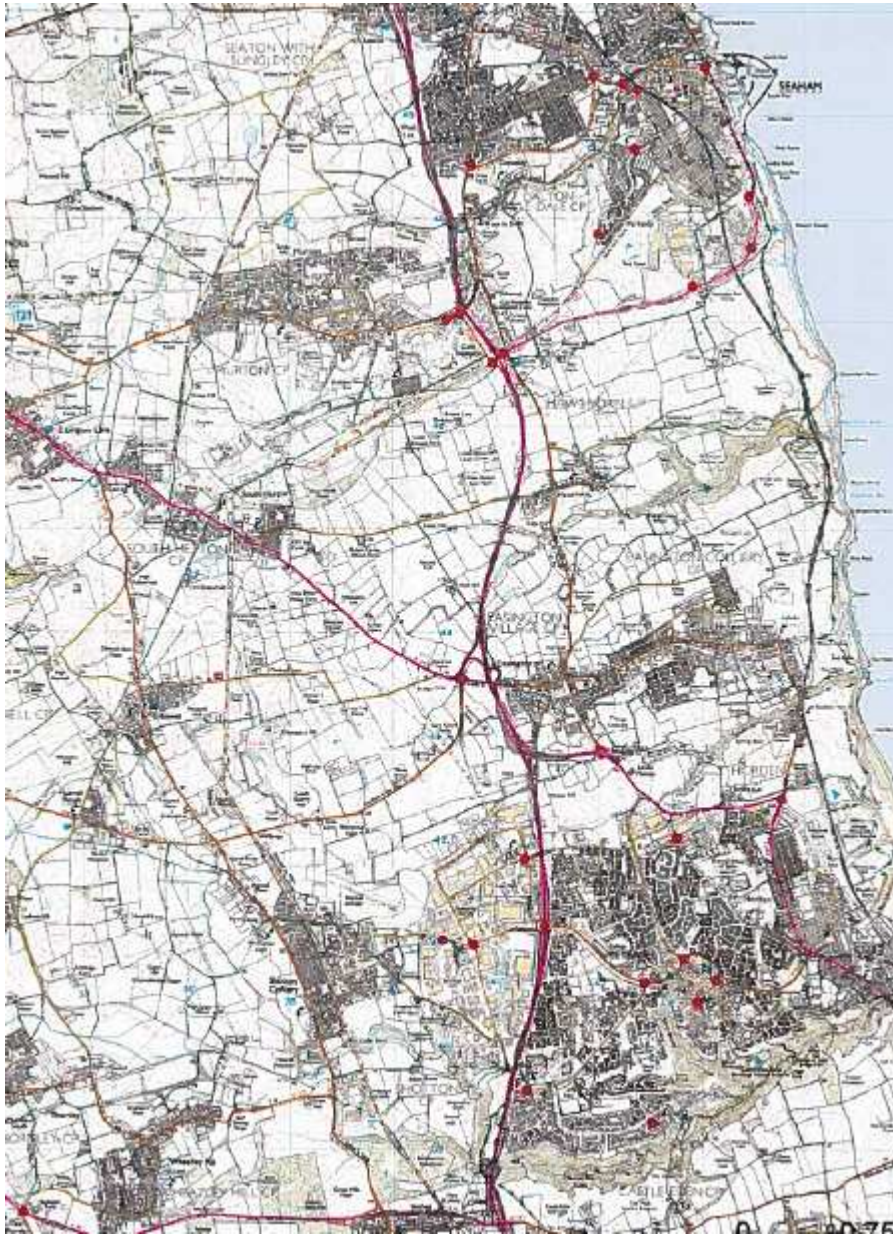
**Planning Services**

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**Display of advertisement on roundabouts  
 @ 29 Sites Within Former Durham City  
 District ref DM/14/01377/AD**

**Comments**

**Date. 9 September 14.**



**Planning Services**

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**Display of advertisement on roundabouts @ 26 Roundabout Sites In Former Easington District ref DM/14/02115/AD**

**Comments**

**Date. 9 September 14.**



# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/14/02182/FPA  
**FULL APPLICATION DESCRIPTION:** Erection of single storey extension to side of existing dwelling  
**NAME OF APPLICANT:** Mrs S Hallimond  
**ADDRESS:** 20 Dalton Heights, Seaham, SR7 8LB  
**ELECTORAL DIVISION:** Deneside  
**CASE OFFICER:** Michelle Hurton  
[michelle.hurton@durham.gov.uk](mailto:michelle.hurton@durham.gov.uk)  
03000 261398

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a residential property located on the estate road of a housing estate.

### The Proposals

2. Planning consent is sought for the erection of a single storey extension to the side of the existing dwelling.
3. The application is brought before members as the applicant is related to a member of staff within the Central and East Planning Team.

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## PLANNING HISTORY

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4. None relevant to the application.

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## PLANNING POLICY

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### NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
7. The following elements are considered relevant to this proposal:-
8. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
9. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*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>*

#### **LOCAL PLAN POLICY:**

District of Easington Local Plan 2001

10. Policy 1 - (*General Principles of development*) 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.
11. Policy 35 - (*Design and layout of the development*) 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.
12. Policy 73 - (*Extensions and/or alterations to dwellinghouses*) Extensions or alterations to an existing dwelling will have no serious adverse effect on the amenities of neighbouring properties in terms of overshadowing, loss of light, overlooking or visual intrusion, to be in keeping with the scale and character of the original building and the area generally in terms of site coverage, height, roof style, details design and materials and not result in the loss of off street car parking or lead to conditions that are prejudicial to road safety.

#### **EMERGING POLICY:**

13. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
14. Policy 16 - Sustainable development in the build environment

## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

15. Parish Council - no comments

### **INTERNAL CONSULTEE RESPONSES:**

16. Highways Section – Additional information was requested in respect of parking at the site. Confirmation has been received and an informative would be attached to any approval relating to the garage door type.

### **PUBLIC RESPONSES:**

17. The application was advertised by means of letter to 7 neighbouring properties within the area. No letters of representation have been received in respect of the above development.

### **APPLICANTS STATEMENT:**

18. The property has been in our family since it was built in the early 1980's. We as a family would like to retain the property within the family's ownership and the only way that it would be viable for ourselves to do so is to add the third bedroom. We have selected materials to match the existing property and have continued design features such as the arches to the front of the building and the barn style roof. We have located the extension to the side of the property to ensure that it will have minimal impact upon the neighbours and the overall streetscape.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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19. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
20. The main considerations in regard to this application are the principle of the development, design, scale and layout, highway safety and residential amenity.

### **Principle of development**

21. The application site is located within the settlement boundary for the town of Seaham and is a detached property located within a street where the properties do not have a uniform house type. The street comprises of bungalows and two storey properties.
22. Seaham is a large town with a range of facilities and as such development of this nature would be considered to be within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF Part 1 - general principles of development and Policies 1, 35 and 73 of the local plan. Therefore the expansion of the property would be acceptable in principle.

## **Design, Scale and layout**

23. In respect of the design and layout of the development it is considered that the extension has been designed in such a way as to be subservient in scale and massing to the host dwelling. It would occupy the full depth of the existing property with a width of 3 metres, and the pitched roof would be carried over to the same design.
24. Therefore in design terms it is considered that the proposed extension is in keeping with the host dwelling and would not detract from the appearance of the property or the wider streetscape in line with Policies 1, 35 and 73 of the District of Easington Local Plan.

## **Highway Safety**

25. In relation to Highway safety, the Highways Authority has been consulted as part of the application and additional information was requested with regards to the internal dimensions of the existing garage and the type of existing garage door that is currently installed. The additional information has been received and an informative would be attached to any approval relating to the garage door type.
26. Whilst it is acknowledged that an additional bedroom would be created the property has a driveway and garage and as such is capable of accommodating additional vehicles at the site.

## **Residential Amenity**

27. In respect of residential amenity, due to the location of the proposed extension it is considered that there would be minimal impact. As noted the works are to be located to the side of the property, no windows are proposed to be inserted within the side elevation, and as such it is not considered that the extension would impact upon the adjacent property.
28. The properties to the north and south of the application site are considered to be at a sufficient distance away from the proposed works as not to have any impact on this property.
29. All privacy distance standards have been adhered to as part of the application and it is considered due to this and the layout of the site and existing boundary treatments that there would be no impact upon residential amenity.

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## **CONCLUSION**

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30. Due to the existing boundary treatment and the location of the proposed extension it is not considered that the works would adversely impact upon the current levels of amenity enjoyed at the site.
31. The site is capable of accommodating a number of parked vehicles on-site and as such no objections have been raised by the Highways Authority.
32. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not

considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan or the NPPF.

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## **RECOMMENDATION**

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

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

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

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

Plan References	Date Received
Application Form	24 July 2014
Location Plan	24 July 2014
Proposed Floor Plans and Elevations	24 July 2014

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35 & 73 of the District of Easington Local Plan 2001.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/14/02175/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>First floor side extension and rear single storey extension.</b>
<b>NAME OF APPLICANT:</b>	<b>Mrs R Dunnill</b>
<b>ADDRESS:</b>	<b>42 Halliday Grove, Langley Moor, Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Brandon</b>
<b>CASE OFFICER:</b>	<b>Laura Martin</b> <a href="mailto:Laura.martin@durham.gov.uk">Laura.martin@durham.gov.uk</a> <b>03000 261960</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a residential property located on the estate road of a housing estate.

### The Proposals

2. Planning consent is sought for the erection of a first floor side extension and single storey rear extension.
3. The proposed side extension would be located above the existing garage and utility of the property running the full depth of the house. To the frontage a canopy would be erected to tie in with the existing feature over the porch.
4. To the rear of the site a garden room would be erected with a projection of 2.8m and measure 3.8m in width.
5. The application is brought before members as the applicant is a member of staff within the Central and East Planning Team.

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## PLANNING HISTORY

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None relevant to the application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
8. The following elements are considered relevant to this proposal:-
9. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
10. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*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>*

### **LOCAL PLAN POLICY:**

City of Durham Local Plan.

11. Q1- General principles
12. Q9- Residential extensions

### **EMERGING POLICY:**

13. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
14. Policy 16- Sustainable development in the build environment

*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://content.durham.gov.uk/PDFRepository/cityofdurham.pdf>*



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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

15. Parish Council- no comments

### **INTERNAL CONSULTEE RESPONSES:**

16. Highways Section- no objections to the application.

### **PUBLIC RESPONSES:**

17. The application was advertised by means of a site notice and by letter to 6 neighbouring properties within the area. No letters of representation have been received in respect of the above development.

### **APPLICANTS STATEMENT:**

18. We have spent the last 11 years in Langley Moor growing as a family. We have recently moved to our new house which we hope to make our family home for many years to come. Our proposed extension offers us the opportunity to provide a good home environment that we have always hoped for.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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19. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
20. The main considerations in regard to this application are the principle of the development, design, scale and layout, highway safety, residential amenity and other considerations.

### **Principle of development**

21. In terms of the principle of the development the site is located adjacent to the settlement boundary for the village of Langley Moor and is situated within an existing housing estate. Langley Moor is a large village with a range of facilities and as such development of this nature would be considered to be within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF Part 1- general principles of development and Policies Q1 and Q9 of the local plan. Therefore the expansion of the property would be acceptable in principle.
22. In respect of the single storey rear extension this would be classified as permitted development for which formal planning consent would not be required

### **Design, Scale and layout**

23. In respect of the design and layout of the development it is considered that the extension has been designed in such a way as to be subservient in scale and massing to the host dwelling. The ridge line of the proposed extension has been set

down from the existing dwelling and whilst the first floor is flush with the existing property, the canopy feature has been continued along the frontage.

24. As previously noted the rear extension is classified as permitted development for which formal planning consent would not be required. The design however of the rear extension ties in with the existing property through the careful selection of construction materials and the mono-pitched roof.
25. Therefore in design terms it is considered that the proposed extensions are in keeping with the host dwelling and would not detract from the appearance of the property or the wider streetscape in line with Policies Q1 and Q9 of the City of Durham Local Plan.

### **Highway Safety**

26. In relation to Highway safety, the Highways Authority has been consulted as part of the application and raises no objections. Whilst it is acknowledged that an additional bedroom would be created the property has a large driveway and garage and as such is capable of accommodating additional vehicles at the site.

### **Residential Amenity**

27. In respect of residential amenity, due to the location of the proposed extensions it is considered that there would be minimal impact. As noted the majority of the works are to be located to the side of the property over the existing garage. The neighbouring property to the north side of the application site does not have any windows on the side elevation and as such it is not considered that the side extension would impact upon this property.
28. In relation to the ground floor element as noted this would be classified as permitted development. In this instance however the garden room has been designed with a solid brick wall to the shared boundary which would ensure that there was no loss of privacy to the neighbouring property.
29. The property to the south of the application site is considered to be sufficient distance away from the proposed works as not to have any impact on this property. In relation to the property to the front of the application site the current privacy distances at first floor level would not be altered from the current arrangement. In relation to the ground floor element due to the layout of the two properties and the existing boundary treatment it is not considered that there would be any issues in this respect.
30. All privacy distance standards have been adhered to as part of the application and it is considered due to this and the layout of the site and existing boundary treatments that there would be no impact upon residential amenity.

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## **CONCLUSION**

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31. Due to the existing boundary treatment and the location of the proposed extension it is not considered that the works would adversely impact upon the current levels of amenity enjoyed at the site.
32. The site is capable of accommodating a number of parked vehicles on-site and as such no objections have been raised by the Highways Authority.

33. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan or the NPPF.

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## **RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Location Plan, existing and proposed floor plans and elevations.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies Q1 & Q9 of the City of Durham Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- City of Durham Local Plan 2006
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

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**First floor side extension and rear single storey extension at 42 Halliday Grove, Langley Moor, Durham.**

**Comments**

**Date. 9 September 14.**

**Scale 1:1250**