

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | 4/11/00881/FPA and 4/11/00882/CAC |
| FULL APPLICATION DESCRIPTION: | Demolition of existing cottage and erection of two storey dwelling |
| NAME OF APPLICANT: | Mr S Pears |
| ADDRESS: | Sparks Cottage, Hall Lane, Shincliffe, Durham, DH1 2SZ |
| ELECTORAL DIVISION: | Durham South Steven Pilkington Planning Officer |
| CASE OFFICER: | 03000 263 264 steven.pilkington@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a single storey detached residential cottage located within Shincliffe Conservation Area. The building was constructed pre 1860 and is of symmetrical design with a footprint of approximately 13m in length by a maximum of 6m in width. The Pitched roof of the property has a maximum height of approximately 4.6m, a detached garage is located to the south of the dwelling with pedestrian and vehicular access served off Hall Lane.
2. Poplar Tree Garden Centre is located to the West of the site while open countryside is present to the south, to the North and East residential properties are located. A number of mature trees and vegetation surround the application site.

The Proposal

3. Planning Permission and Conservation Area Consent is sought for the demolition of the existing dwelling on site and detached garage and erection of a two storey dwelling house. Although procedurally these applications are dealt with separately for convenience this report assesses both applications as one.
4. The proposed replacement dwelling will have a footprint measuring a maximum of 21.5m in length by 10.6m in width, a pitched roof is proposed measuring a maximum of 9.6m from the road level. The length of the building is broken up by a series of single storey features varying in height. The dwelling will compromise 5 bedrooms with living accommodation and garaging on the ground floor.
5. The vehicular access is proposed to be amended moving approximately 15m to the north of the site, an attached double garage and hardstand is also proposed.

6. This application is reported to Planning Committee as requested by Cllr Mac Williams with relation to concerns regarding the design of the property in a Conservation Area, Highway Safety and the proposed materials.

PLANNING HISTORY

7. There is no relevant planning history to this site

PLANNING POLICY

NATIONAL POLICY

8. *National Planning Policy Framework (NPPF)* - In July 2011 The Government published the NPPF in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
9. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
10. *Planning Policy Guidance Note 2: (PPG2) Green Belts*, outlines the history and extent of Green Belts and their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use are summarised.
11. *Planning Policy Statement 3: (PPS3) Housing* sets out the Governments objectives in relation to housing, including ensuring that there is a mix and range of housing available for different members of the community.
12. *Planning Policy Statement 5: (PPS5) Planning and the Historic Environment*. Sets out the Government's planning policies on the conservation of the historic environment with a key aim of conserving heritage assets in a manor appropriate to their significance.
13. *Planning Policy Guidance Note 13: (PPG13) Transport*. This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
14. *Planning Policy Statement 23: (PPS 23) Planning and Pollution Control*: Sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.

15. *Planning Policy Statement 25: (PPS25) Planning and Flooding.* Requires consideration be given to run off and discharge of foul and surface water from a development site.

REGIONAL PLANNING POLICY

16. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities.
17. However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils. This intended future abolition must also be given material weight in planning decision making.
18. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
19. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
20. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
21. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
22. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
23. *Policy 7 – Connectivity and Accessibility* –Aims to reduce the need to travel particularly by the private motorcar.
24. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings
25. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
26. *Policy 32 - Historic Environment:* Seeks to preserve and enhance the historic environment
27. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
28. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

LOCAL PLAN POLICY:

29. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
30. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
31. *Saved policy E21 – Historic Environment* - requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site
32. *Saved Policy E22 - Conservation Areas* - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
33. *Saved Policy H3 – Residential development in larger villages* - Sets out that development on previously developed land will be considered acceptable within the Development limits of Shincliffe Village.
34. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.
35. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
36. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
37. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
38. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
39. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
40. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
41. *Saved Policy U7 – Pollution* - Sets out that planning permission will not be granted for developments on land affected by land contamination or pollution.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *The Highways Authority* – Offers no objections to the scheme and considers there to be no material increase in highway traffic relative to the existing users of the Lane. A check of the DCC road accident database highlights that no accidents have been recorded on Hall lane or its junction with High Street in the last five years.

INTERNAL CONSULTEE RESPONSES:

43. *Design and Conservation* – Overall consider the demolition of the existing dwelling appropriate due to its limited architectural quality and previous modifications. Following design amendments to the replacement building it is considered that the proposed dwelling will be sympathetic to the character of the area and represent a high quality of design.
44. *Ecology* – Considers the methodology and conclusions of the bat risk assessment sound but recommends conditions in relation to the mitigation measures.
45. *Arbrocultural Officer* – Advises that the findings of the Arbrocultural Impact Assessment are sound, but the protection measures proposed should be secured by condition. Minor pruning of tree 5A will be required but this will not affect the overall character of the tree.

PUBLIC RESPONSES:

46. Neighbouring residents have been notified by individual notification letters, site notice and press notice, to date 27 letters of objection have been received in relation to both applications. A petition of 12 signatures has also been received, while objections have also been submitted from the City of Durham Trust and Shincliffe Parish Council.
47. Following the receipt of amended plans an additional consultation exercise has been carried out, which at the time of writing this report has not expired. Any new representations will be verbally updated to members at committee.
48. The objections received to date have been summarised to issues below and are addressed in turn within the main body of the report:-
- Over development of the plot
 - Loss of an attractive building
 - Appearance of the replacement building, overly modern and excessive in height
 - Impact on the wider countryside and views of the Conservation Area
 - Errors have been included in the Heritage Statement
 - Loss of privacy and amenity
 - Loss of highway safety
 - Principle of the demolition of th building within the Conservation Area, existing building should be extended
 - Design does not reflect the adjacent properties
 - Impact on adjacent Listed Buildings
 - Existing building has historical significance
 - New build does not enhance Conservation Area
 - Demolition of the building would set an undesirable precedent

- Impact on surrounding trees

APPLICANTS STATEMENT:

49. The current property is in a state of disrepair and requires significant upgrade to make it habitable while not providing an appropriate level of accommodation. The building has limited architectural merit and does not contribute to the wider conservation area. Existing vegetation will be retained which screens the development and a change in levels helps offset the impact on neighbouring residents.
50. The proposed dwelling is sympathetically designed and will enhance the area.

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00881/FPA>

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00882/CAC>

PLANNING CONSIDERATIONS AND ASSESSMENT

51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised.

Principle of development

52. The application site is located within the defined settlement limits of Shincliffe Village, within these defined settlement limits saved policy H3 of the Durham City Local Plan identifies that residential developments are permitted providing that the site is classed as previously developed land.
53. Previously the site would have been considered previously developed land, due to being located in the curtilage of a residential garden. However the definition of previously developed land has since been amended to exclude private residential gardens, based on this new definition parts of the new dwelling are located on green field land. However the demolition of the dwelling and erection of the proposed property will not result in a net increase of dwellings on the site. Furthermore the site is located within the defined settlement limits of Shincliffe and therefore within easy reach of the amenities provided as well as being accessible to the town centre.
54. Overall it is considered that although part of the dwelling would represent development on a Greenfield Site, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national and development plan policies. Issues regarding the detailed impact of the development are set out below.

Impact on Heritage Assets.

55. Planning Policy Statement 5: Planning for the Historic Environment requires that The Authority considers development proposals in relation to the significance of Heritage Assets. In this instance the Heritage Assets identified are the Shincliffe Conservation area and the existing building, including any historical significance associated with it. In addition to policies at a national level, saved policies E21, E22 and E23 of the Local Plan seeks to preserve the setting, appearance and character of conservation areas and that of listed buildings. This is replicated at a Regional Level in policy 32 of

the RSS identifying that developments should seek to preserve and enhance the historic environment.

56. The building is believed to be constructed circa 1861, with a small rear extension added between 1919 and 1940. Two rooms are present internally separated either side of a central entrance. The building is simply built in English Garden Wall bond with a plane Welsh slate roof. After visiting the site it is apparent that the extensions to the south and rear have significantly enlarged the cottage in a relatively unsympathetic manner. It is also noted that the principle external features of the building, its front windows, appear to be a later alteration, rather than being original. PPS5 sets out a presumption in favour of the conservation of heritage assets and that any substantial harm or total loss requires clear and convincing justification. This is replicated in policy E22 of the Local Plan, which identifies that the demolition of buildings which contribute to the character of Conservation Areas will not be permitted. Significant objections have been received in relation to this issue, indeed an application for the building to be listed has been submitted to English Heritage outlining historical links with George Sparks a prominent mine owner and engineer in the area.
57. Significant consideration has been given to the proposed demolition of the building in conjunction with colleagues in the Design and Conservation Section. However in this instance it is reluctantly considered that existing building despite being of some character is not of sufficient architectural merit or significance to resist its demolition, subject to the erection of a suitable replacement. While it is acknowledged that the property has historical links to a notable mine owner from the area. It is not considered that these links or indeed the significance of George Sparks gives sufficient special protection. This view was also taken by English Heritage when deciding to reject a recent application for listing.
58. Furthermore it is considered that the principle character of the Conservation Area relates mainly to the main highway running through the village, Low Road and High Street. The application site has a limited relationship with these areas being located on the village fringes amongst lesser quality developments, including the garden centre and a group of unsightly flat roofed garages. It is also considered that the relationship with a nearby listed building Old England is marginal, despite being of a similar size.
59. With regard to the suitability of the replacement building and its relationship with the Heritage Assets identified, while taking into account representations received, based on the advice of the Design and Conservation officer it is considered that the building would not detract from the character or appearance of the Conservation Area. Although the building will represent a significant increase in terms of scale and footprint of the existing property, it is not considered disproportionate to the size of the plot. This is principally due to the re-orientation of the building with the gable facing out onto Hall Lane. The mass of the dwelling is also considered to be successfully mitigated through the use of single storey elements of varying height and half dormer windows. The ridge height of the building (9.6m) would remain lower than that of a larger two storey building to the north of the site (House Cowdray approx 10.3m) and that of Wood View due to a level difference.
60. The council's Design and Conservation Officer also advises that the property utilises appropriate fenestration details including sash style windows, conservation roof lights, chimney detailing while incorporating a traditional 45 degree roof pitch. It is proposed the building will be rendered with a brick course at a lower level with a slate roof, this mix of materials is also considered appropriate and is relatively common in the Conservation Area, while it is accepted that there is a mix of building

materials and architectural styles. Solar panels are proposed to the rear of the property; however their impact is considered an acceptable balance between retaining the character of the area and promoting wider sustainability objectives.

61. Overall the demolition of the existing building is considered appropriate and the proposed replacement is considered a suitable replacement. However in order to control the final appearance of the development it is recommended to attach conditions to control the materials to be used and window detailing.

Landscape and Trees

62. Concerns have been raised by objections on the impact of the development most notably on two mature trees adjacent to the site. Policy E13 of the Local Plan requires that development protect significant vegetation on the site, accordingly the applicant has commissioned an Arbocultural Impacts Assessment. In considering the assessment and the impact on adjacent trees the councils Arbocultural officer considered that the development will not have an adverse impact subject the mitigation measures proposed. While it is acknowledged that pruning works to an adjacent mature Oak tree will be required, these are not considered to be significant and will retain the character of the tree.
63. Objections have been raised in relation to the impact of the development on the openness and visual amenity of the wider area, which is designated Green Belt, when viewed externally and internally from the village. Consideration is required to be given to this matter as set in Planning Policy Guidance note 2 which seeks to preserve the visual amenity and openness of the Green Belt. However it is considered that the building will not create an incongruous feature as it will set against the backdrop of existing developments when viewed external to the site while existing vegetation also helps assimilate the building into the landscape. When viewed from inside the village existing vegetation helps create a definitive boundary to the open countryside. Due to the importance of this landscaping it is recommended to attach conditions to ensure its protection through a landscaping plan, while accepting that the applicant will look to formalise a garden area.

Impact on privacy and amenity of neighbouring land users

64. Objections have been raised regarding the potential to adverse impact on the amenity of neighbouring residents, principally in relation to the scale of the building. Saved policy Q8 of the Local Plan requires development associated with residential developments to give consideration to the privacy and amenity of neighbouring residents.
65. In considering this issue and visiting the site, while the concerns of local residents are appreciated and duly noted it is considered that on balance a significant adverse impact will not arise. While it is acknowledged that the ridge height of the dwelling will be significantly greater than that of the existing, a minimum separation distance of approximately 28m will be evident to that of 7 Wood View (in excess of the 21m advocated in the Local Plan). This impact is further mitigated by a maximum level change of approximately 1.7M between the application site and the terrace of Wood View, although this levels off to the most southern part of the site. The proposed building is also partially screened by two mature trees adjacent to the site. Also material to this is the amount of amenity space available to the residents of 7 Wood View which is relatively substantial. Velux roof lights serving a bedroom, storage area, bathroom and a single en-suite window will face back towards Wood View, however given the nature of these windows and rooms along with the separation distance a significant loss of privacy is not expected to arise.

66. Overall, while the property would be visible from the residential dwellings of Wood View it is considered that the separation distances and on site characteristics would ensure that an adverse loss of privacy and amenity would not arise for neighbouring residents. However it is recommended to restrict permitted development rights of the property and limit working hours on site.

Highway Safety

67. The existing property is served from a single vehicular access to a detached garage, it is proposed that this access would be altered to serve a new double attached garage. Concerns have been raised from neighbouring residents on grounds of highway safety, particularly as no footpath is present linking the dwelling to the main highway of High Street. However in considering this issue and having regard to policy T1 and T10 of the local plan which seeks to maintain highway safety and to ensure that sufficient in-curtilage parking is provided on site the Highway Officer raises no objections. This is principally as it is considered that the scheme will not result in any material impact in terms of traffic generation of Hall Lane relative to existing neighbouring uses, including the garden centre. The Councils Road accident database also identifies that there have been no recorded accidents on Hall Lane or its junction with High Street within the last 5 years. Any construction traffic would have a responsibility to not block the highway, enforced under separate legislation and the Highways Authority.

Ecology

68. Planning Policy Statement 9 (PPS9) requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. Given the nature of the property and its proposed demolition the applicant has undertaken a Bat Risk Assessment which concludes that the potential for bats using the site was low. It was however acknowledged that the foraging habitat in the immediate vicinity is of medium quality but is unlikely to impact on the foraging patterns of bats. Habitat enhancement features including additional roosting is however suggested. The findings of the report and the methodologies utilised has been verified by the Councils Ecology Officer. Overall the granting of Planning Permission would not constitute a breach of the Conservation (Natural Habitats, &c.) Regulations 1994

Other Issues

69. Policy 35 of the RSS and PPS25 require consideration be given to issues regarding flooding particularly from surface water run off. No details have been submitted in relation to the proposed means of drainage from the site and as the proposal will increase the amount of hardstanding and potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with waste water and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3.
70. Objections have been raised in relation to the potential to set a precedent for the demolition of buildings in the Conservation Area, however each application must be assessed on its own merits.

CONCLUSION

71. The proposed development has been considered against the above policies and is considered to have an acceptable impact on the street scene of Hall Lane while protecting the character, appearance and setting the Shincliffe Conservation Area, subject the conditions set out below. The scheme is also considered to protect the privacy and amenity of neighbouring residents and highways while remaining an appropriate location for residential development.
72. In relation to the objections received, while the concerns of local residents are appreciated and duly noted, it is considered in this instance that they are not sufficient to warrant refusal of the application
73. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

RECOMMENDATION

That the application 11/00881/FPA 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- Imposition to be required 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:-

Site Location Plan, Received 9th November 2011

Proposed Elevations, Drwg No, 11 45 01 H, Received 20th January 2011

Proposed Site Plan, Drwg No, 11 45, Received 20th January 2011

Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting of the Shincliffe Conservation Area, and to accord with policies, E21, E22, H13, Q8, of the Durham City Local Plan and Policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development here by approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of the render and its finish.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Shincliffe Conservation Area and in accordance with the provisions policies E21 and E22 of the Durham City Local Plan and policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

4. Notwithstanding the submitted plans full details (including x-sections) and materials and colour of all windows, doors and roof lights at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that windows and doors have a recess of at least 100mm from the

outer face of the wall. The development shall be carried out in accordance with the approved details and shall be retained in perpetuity.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Shincliffe Conservation Area and character of the Listed Buildings and in accordance with the provisions of polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site, the scheme shall provide and detail for:-
- The planting of trees and / or shrubs (including species, sizes, numbers and densities),
 - The provision of screen fences or walls,
 - Any movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development.
 - Full details of any hard standing proposed
 - The retention and protection of existing vegetation on site.

The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Shincliffe Conservation Area and visual amenity of the wider Green Belt in accordance with the provisions of polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

6. Notwithstanding the provisions of Class A,B,C,D,E and F of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of the character, appearance and visual amenity of the Shincliffe Conservation Area and amenity of neighbouring land users, in accordance with saved polices E21, E22 and Q8 of the Durham City Local Plan and policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though

working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

8. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and implemented in accordance with the approved scheme thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Planning Policy Statement 25 and Policy 35 of the North East Regional Spatial Strategy

9. No development shall commence until an Arbocultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), construction details of the proposed foundations, details of storage areas, location of service runs and details of the constriction of areas of hard standing. The development shall be carried out in accordance with the approved details.

Reason: To protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

10. All pruning works required to Tree 5a identified in the Arbocultural Implications Assessment received 25th January 2012 shall fully detailed and submitted for approval to the Local Planning Authority, prior to the development commencing. Works to the tree shall only be carried out in accordance with the approved details.

Reason: to protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

13. Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment and a scheme of dust suppression shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works.

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

14. No development shall commence unless in accordance with the mitigation detailed within the protected species report 'Sparks Cottage, Shincliffe, Bat Risk Assessment Report, received 4th November 2011 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Planning Policy Statement 9, policy E16 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

That the application 11/00882/CAC be **APPROVED** subject to the following conditions;

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

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-
Site Location Plan, Received 9th November 2011
Proposed Elevations, Drwg No, 11 45 01 H, Received 20th January 2011
Proposed Site Plan, Drwg No, 11 45, Received 20th January 2011

Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting of the Shincliffe Conservation Area, and to accord with policies, E21, E22, H13, Q8, of the Durham City Local Plan and Policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

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

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

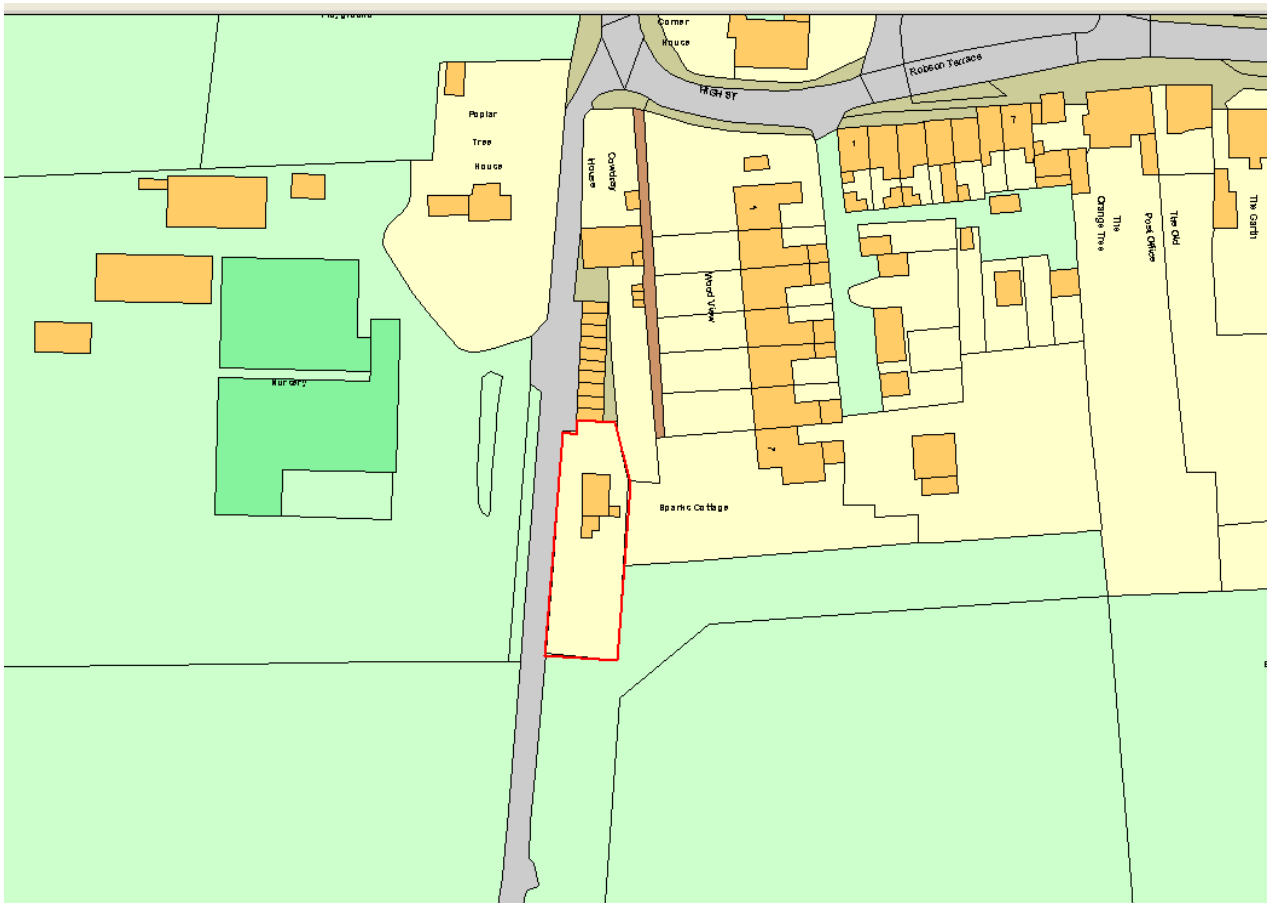
REASONS FOR THE RECOMMENDATION

74. The proposed development has been assessed against policies E14, E21, E22, H13, Q8, T1 and T10 of the Durham City Local Plan and Policies 1, 8 and 32 of the Regional Spatial Strategy for the North East of England and is considered acceptable particularly in relation to the principle material considerations relation the impact of the development on the character appearance and setting of the Shincliffe Conservation Area, amenity of adjacent landusers and highway safety.
75. In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify approval of the application given the residential nature of the development and its location and screening afforded from the street scene.
76. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval. A copy of the officers Committee Report is available on request.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004

Planning Policy Statements and guidance 1, 3, 5, 13, 23 and 25
Response from Highway Authority
Response from Design and Historic Environment Section
Public Consultation Responses



Planning Services

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Comments

Date 26th January 2012

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