

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00738/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use of existing public house to create 5no. apartments and erection of 8no. terraced properties to the rear of public house with associated landscaping and highway improvement works.
<b>NAME OF APPLICANT:</b>	Enterprise Inns PLC
<b>ADDRESS:</b>	The Former Durham Light Infantryman Public house, 110 – 111 Gilesgate, Durham Dh1 1JA
<b>ELECTORAL DIVISION:</b>	Gilesgate Steven Pilkington
<b>CASE OFFICER:</b>	Planning Officer 03000 263 264 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of a former public house located in the Gilesgate Area of Durham City. The Public house comprises a two-storey building with a series of single storey off shoots to the rear. A tarmac parking area is located to the north with a large grassed area to the rear.
2. Further to the North and East the residential properties of Green Lane and McNally Place back onto the application site, separated by a mature 3m high hedgerow. To the south a mixture of residential and commercial properties fronting on to Gilesgate Bank are present, along with the their rear gardens to the west of the site. Vehicular access serves the development to the south, taken directly from Gilesgate Bank.

#### The Proposal

3. Planning permission is sought for the change of use of the existing public house to form 5no. dwellings, minimal external alterations are proposed however existing windows in the front elevation will be altered along with the demolition of a flat roofed extension to the rear. Windows will also be created in the side elevation of an existing single storey offshoot. The apartments will be two bed-roomed with access principally taken from the rear.
4. It is also proposed to erect 8 new residential dwellings, these will take the form of terraced properties located in two blocks of development measuring 20m in length by a maximum of 10.4m in width. The properties will measure 8.2m in height and be of a relatively traditional appearance with sash style windows, a first floor bay window

feature and individual chimneys. To the rear each property will have a two storey off shoot and a grassed garden.

5. It is proposed that the development will be served by 18 parking spaces taken of a widened access way. A turning head will also be located on the access road, which would be offered up for adoption by the Highways Authority.
6. This application is reported to Planning Committee due to its classification of a major application.

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## **PLANNING HISTORY**

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7. Planning permission was granted for extensions and alterations to the building in 1997 to facilitate a kitchen extension and the provision of a beer garden.

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## **PLANNING POLICY**

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### **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 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.
11. *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.
12. *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.
13. *Planning Policy Guidance 17: (PPG17) Sport and Recreation:* Sets out the Government objectives to provide for recreation and sporting open space. Within new residential development proposals should seek to provide for open space and

where necessary planning obligations should seek to address local deficiencies in the quantity and quality of open space, sporting and recreational land.

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 27<sup>th</sup> 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 28 – Gross and Net Dwelling Provision* – Sets the targets for dwelling provision for each Local Authority in the North East.
27. *Policy 29 – Delivering and Managing Housing Supply* – Sets targets for development of Brownfield sites as well as minimum density targets.

28. *Policy 30 – Improving Inclusivity and Affordability* – Requires that development proposals make provision of for a range of dwelling type and size while making provision for affordable housing.
29. *Policy 32 - Historic Environment*: Seeks to preserve and enhance the historic environment
30. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
31. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

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

32. *Saved Policy E6- Durham City Centre Conservation Area* - states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
33. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
34. *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
35. *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.
36. *Saved Policy H2 – New Housing development within Durham City* - Sets out that development on previously developed land will be considered acceptable within the Development limits of Durham City on previously Developed land.
37. *Saved Policy H10 – Backland Development* – sets out that backland development will only be permitted where a safe satisfactory means of access can be provided, the amenity of new and existing dwellings are not adversely affected and it is in keeping with the character, density and scale of surrounding developments.
38. *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.
39. *Saved Policy C9 – Loss of an existing Community Facility* – Sets out that where development proposals result in the loss of an existing community facility (including a Public House) permission will only be granted where it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility in the areas and an equivalent facility is available in the area.

40. 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.
41. *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.
42. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
43. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
44. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
45. *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.
46. *Saved Policy Q15 – Art in Design* – Identifies that the councils will seek to ensure that provision is made for artistic elements in the design of developments and where appropriate seek the provision of 1% of development costs for offsite are provision.
47. *Saved Policy U7 – Pollution* - Sets out that planning permission will not be granted for developments on land affected by land contamination or pollution.
48. *Saved Policy U11- Contaminated Land* – Require development proposals to assess the level of land contamination and take appropriate mitigation measure to deal with any contamination.
49. *Saved Policy R2 – Provision of open space* – Sets out that development proposals should make provision for the open space and sporting within developments, or alternatively make a contribution to off site provision where appropriate.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

50. *The Highways Authority* – Consider that in principle the layout of the development and the intensification of the access is acceptable subject to full engineering details of new access road. As the site will be required to be offered up for adoption discussions will need to be held with the councils Adoption Manager. This may involve relatively minor tweaks to the layout of the internal access road

### **INTERNAL CONSULTEE RESPONSES:**

51. *Design and Conservation* – Overall offer no objections to the scheme but encourage improvements to the landscaping of the site.
52. *Ecology* – Offer no objections to the scheme
53. *Environmental Health* – Raise no objections but outline that the development will be located in close proximity to an Air Quality Management Area. It is also recommended to restrict working hours on site while requiring a dust suppression scheme to be submitted.
54. *Arbrocultural Officer* – Offers no objections to the scheme subject to the incorporation of appropriate root protection measures.
55. *Archeological Officer* – The submitted Archeology report satisfactorily appraises the likelihood of assets being located to the rear of the site, a watching brief condition is however recommended should significant service runs be required to the front.
56. *Landscape Officer* – Offers no objections to the scheme, but considers that the footpath access to the gardens should be made of a porous material and that the hedgerow should be protected during construction. A landscaping scheme should also be submitted as controlled by condition.

#### **PUBLIC RESPONSES:**

57. Neighbouring residents have been notified by individual notification letters, site notice and press notice to date no letters of objection have been received.

#### **APPLICANTS STATEMENT:**

58. The site was previously used as a public house for many years, with the grassed area to the rear forming part of its curtilage and reserved as possible expansion of the pub business. The pub has been closed for over two years and despite being on the market for sale as a licensed pub as an ongoing use there has been no interested purchasers. An alternative use is therefore sought.
59. The proposed development will closely match the scaled of existing terraced housing found in Gilesgate and elsewhere within the Conservation Area of the City. The development will replicate similar fenestration details, including sash windows, bay window detailing, brick work and slate roofs. The proposed access road will be offered up for adoption by the Highway Authority.

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00738/FPA>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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60. 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

61. The application site is located within the defined settlement limits of Durham City, as set out on the Local Plan Proposals Map. Policy H2 of the Local Plan sets out that

small scale residential development will be acceptable within these settlement limits providing the site is classed as previously developed land.

62. Part of the application site has been developed, including the existing public house building on site and existing hard standings. However part of the development will be located on a green undeveloped area to the rear of the pub. Although it could be argued that this forms part of the curtilage of the pub it is accepted that this element has the characteristics of a green field site.
63. Policy H2 identified that development will only be considered acceptable on Greenfield sites. However notwithstanding this, since the adoption of the Durham City Local Plan there has been a shift on the focus of previously developed land to an assessment of the overall sustainability of a site. This is embodied in the Draft National Policy Framework (NPF) which focuses on a presumption in favour of sustainable development. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services and amenities of Gilesgate and the wider Durham City Centre.
64. Saved Policy C9 of the Local Plan sets out that where development proposals result in the loss of an existing community facility (including a Public House) permission will only be granted where it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility in the areas and an equivalent facility is available in the area.
65. The applicant has stated that the property has been for sale for the past two years in its current use. However no information has been submitted to verify this or to establish that the business is not financially viable. However in taking a pragmatic approach, it is appreciated that traditional public houses have been operating under difficult circumstances in the current economic situation. After visiting the site it is noted that the property would require significant modifications and upgrades to be brought back into use at a viable level. Furthermore there are three pubs within a 200m distance of the application site serving the local population, while the wider Durham City is readily accessible. The loss of the public house is therefore not considered to affect the vitality or sustainability of Gilesgate.
66. Overall on balance although the previously developed nature of the site is debatable, it is considered that the application would provide for development located within a sustainable location which given its scale and land availability in the Durham City Area would not materially impact on the focus of development on Previously Developed Land or wider regeneration initiatives. The principle of development is therefore considered acceptable subject to further detailed analysis of the proposal.

#### Impact on Visual Amenity of Conservation Area

67. Planning Policy Statement 5: Planning for the Historic Environment requires that The Authority considers development proposals in relation to the significance of the Heritage Assets. In this instance the Heritage Assets identified are the wider Durham City Conservation Area and the Street Scene of Gilesgate. Saved policies E6, E21 and E22 of the Local Plan seek to preserve the setting, appearance and character of conservation areas, particularly Durham City Centre. 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.
68. The character of the Durham City Conservation Area in the immediate area is defined by a mixture of two storey buildings fronting on to Gilesgate Bank. To the rear of these properties Burgage style plots have historically been present, and still in

existence at no. 103-107 Gilesgate. There is a mix of architectural styles in area but predominantly buildings are two storey terraced properties built in the middle 18<sup>th</sup> to the early 19<sup>th</sup> Century. Although Burgage plots have historically been present to the rear of buildings a number of 'back land developments' have been constructed, notably at Chaple Mews. Three streets that run at 90 degrees to the main highway are also present on the north side of Gilesgate Bank, including West View, Magdalane Street and Wynyard Grove.

69. The proposed new build properties will take the form of two blocks of development running at a 90 degree angle to the highway of Gilesgate Bank. The terraced blocks will be relatively traditional in appearance but will feature a floating bay window at a first floor level on the front elevation. A two storey mono pitched roof off shoot to the rear is also proposed. The fenestration details will include wooden sash windows, wooden bay window detailing and with individual chimneys. It is also proposed to remodel and extend the existing parking area to provide a new access and 18 parking spaces with areas of landscaping surrounding the site.
70. In assessing the impact of the proposed development, both new build and the conversion works on the Heritage Assets identified, it is considered that the scheme would not detract from the character or appearance of the street scene or Conservation Area. This is because the proposed new build development is considered to reflect the character, form and scale of other developments in the area. While replicating the linear arrangements of adjacent burgage plots. The conversion works to the existing building are also considered appropriate, retaining existing key features such as the entrance doorway and the removing two disproportioned windows in the front elevation. No objections have been raised from the Council Design and Conservation Section. It is however considered appropriate to control the finer details of the materials to be used in construction of the dwellings, the landscaping of the site, particularly the hard standings.
71. Overall in considering the impact of the development on the street scene of Gilesgate Bank and the wider Conservation Area against the above planning policies, it is considered the development would have an acceptable impact. The scale and massing of the building are also considered commensurate with other developments within the area. Subject to appropriate conditions the development is considered acceptable, preserving the character of the Conservation Area in line with policies E6, E21 and E22 of the Local Plan.

#### Trees

72. Saved Policy E14 of the Local Plan requires development proposals to protect adjacent vegetation. As mentioned above the hedgerow encompassing the site helps to protect the amenity of neighbouring residents and also helps to assimilate the development into its surroundings. Consideration has been given to the impact of the development on the hedgerow and some significant trees to the northern boundary, to which the Arbicultural officer offers no objections subject to the installation of protection measures as detailed by condition below.

#### Impact on Amenity of Neighbouring Land Users

73. The development site is surrounded by residential properties on all four sides, consideration of the impact on these properties and other land users is required under policies H13 and Q8 of the Local Plan.
74. After reviewing the submitted plans and visiting the site it is considered that the separation distances evident on site, 23m to the properties to east served off Green



Lane and 22m to a rear extension at no.103 -106 Gilesgate are sufficient to prevent a loss of privacy or create an overbearing effect. These separation distances are in excess of the minimum 21m separation distance as advocated in the Local Plan. A mature hedgerow bordering the rear 103-107 Gilesgate also helps to screen direct views into rear gardens. In relation to the proposed parking areas, these are not considered to give rise to a significant loss of amenity given the estimated traffic generated, particularly in comparison to the potential generation of the Public House if operational.

75. The submitted plans indicate that a bin store for the apartments will be located to the most eastern boundary of the site however concerns are raised regarding the proximity of this store to existing houses (6.5m) which although screened by a mature hedgerow could cause a loss of amenity. It is considered that a suitable place could be found within the development to accommodate this and therefore in order to address this issue it is recommended that a separate condition be attached to agree this at a later date.
76. Given the proximity of the development to neighbouring land users it is recommended by to attach conditions limiting the working hours on site and to require a scheme of dust suppression to be submitted as advised by the Environmental Health Department. The Environmental Health Department have also identified that the development site lies in close proximity to an Air Quality Management Area, although this is not sufficient to warrant refusal of the application it is recommended that this be brought to the applicant's attention by way of informative.
77. Overall subject to the recommended conditions, it is considered that the development would not have an adverse impact on the privacy and amenity of neighbouring residents over and above the existing arrangements on site.

#### Impact on Highway Safety

78. Policy T1 of the Durham City Local Plan requires all developments to protect highway safety while providing sufficient in-curtilage parking provision. The current access arrangements to the public house consist of a single vehicular access served off Gilesgate Bank. It is proposed to increase the width of this access to 4.5m, with a 6m curb radii. Internally to the site a new access road serving the dwellings will be created along with a turning head and provision made for 18 car parking spaces.
79. Consideration of these issues have been given by the Councils Highway Officer, who considers that the proposed access arrangements increasing the width of the access to 4.5m with a 6m junction radii acceptable. The proposed parking provision is also considered appropriate to serve the development, particularly considering its central location. The proposed highway will be required to be offered up for adoption by the Highways Authority, it is therefore envisaged that minor alterations may be required to the final details of the internal layout to suit specific specifications. It therefore recommended that a condition be placed on approval of the application requiring a final parking and highway layout with full construction specifications to be agreed in conjunction with the Highways Authority.

#### Ecology

80. Planning Policy Statement 9 (PPS9) requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In screening this application the councils Ecology Officer advises that the scheme is unlikely to affect ecological interest, namely bats at the proposed works do not alter

the roof structure. It is however recommended to put an informative on approval of the application outlining the applicant's responsibility to contact Natural England in the unlikely instance bats are found on site. Overall the granting of Planning Permission would not constitute a breach of the Conservation (Natural Habitats, &c.) Regulations 1994

## Planning Obligations

81. Saved Policy Q15 identifies that the council will seek to ensure that provision is made for artistic elements in the design of the development and where appropriate seek the provision of 1% of development costs for offsite provision. In this instance the development costs are estimated to be in the region of £650,000 which under the terms of the policy would amount to a fee of £6500. Based on the cost of other art installation projects, including procurement, design and manufacture, £6000 would not deliver any meaningful installation. In this instance officers have taken the view that should a full landscaping be submitted incorporating artistic features it would satisfy policy Q15. It is envisaged that higher quality road surfacing would be utilised, while decorative railings used to enclose private areas and imaginative planting.
82. The Local Plan through saved policy R2 requires developments of 10 or more dwelling to make a contribution to off site sporting and recreation provision. This is of particular importance in this instance given the limited amenity space associated with the 5no. Apartments which would be largely forced to rely upon existing facilities in the area. Accordingly the applicant has submitted a draft section 106 agreement for the payment of £10,000 for offsite play provision equating to £1000 per dwelling (8) and £500 per apartment (4 newly created). It is recommended that planning permission be granted subject to entering into this agreement.

## Other Issues

83. 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.
84. Planning Policy Statement 23 requires that development proposals consider the potential of contaminated land affecting development proposals, this is also replicated at a local level in policies U7 and U11 of the Local Plan. Accordingly the applicant has submitted a Contaminated Land Desk top Study, although no comments have been received from Environmental Health in relation to this, the report suggests that there is a low risk of contaminates being present that would preclude the development. However in taking a risk based approach it is considered that the standard condition in relation to land contamination is placed on the application requiring a more detailed site investigation.
85. Issues regarding land stability are also material planning considerations, however the submitted land contamination report highlights that there are unlikely to be any issues in relation to land stability. The site also lies outside Coalmining Referral Area.
86. Although the applicant has outlined sustainable energy production measures on site in order to secure this, as required by policy 38 of the RSS and wider sustainable development objectives it is recommended to attach a condition to ensure 10%

renewable energy generation is provided for the development, to details to be submitted and approved in writing.

87. An Archaeological Evaluation has been taken of the site as required by Planning Policy Statement 5, this evaluation has focused on the rear of the development site where the most substantial of the ground works are to be located. It was identified that there was no archaeological resource found at the site. The Council's Archaeological Officer agrees with the findings and methodologies of this report but suggests a watching brief condition should be proposed to the front of the site.

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## CONCLUSION

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88. The proposed development has been considered against the above policies and is considered to have an acceptable impact on the Durham City Conservation Area and local Street Scene, while being considered an appropriate location for development. The scheme is also considered to protect the privacy and amenity of neighbouring land users while protecting highway safety. Contributions have also been secured through a section 106 agreement in relation to the provision of off site sporting and recreation facilities.
89. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval subject to entering into a S.106 agreement

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## RECOMMENDATION

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90. That the application be **APPROVED** subject to entering into a section 106 agreement to secure the following:-

- The contribution of £10,000 for off-site play provision

And 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 7<sup>th</sup> September 2011

Proposed Site Layout, Drwg no. E/12/02 Rev F, Received 19<sup>th</sup> December 2012

Proposed Sectional Elevation, Drwg no. E/12/08 Rev A, Received 7<sup>th</sup> September 2011

Proposed Elevations, Drwg no. E/12/07 Rev B, Received 7<sup>th</sup> September 2011

Proposed Elevations, Drwg no. E/12/06, Received 7<sup>th</sup> September 2011

Proposed Floor Plans, Drwg no. E/12/05, Received 7<sup>th</sup> September 2011

*Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting Durham City Conservation Area, and to accord with policies, E6, E14, E21, E22, H13, Q8, T1 and*

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 external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Durham City Conservation Area and in accordance with the provisions polices E6, E14, E21, E22 and Q9 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.*

4. Notwithstanding the submitted plans full details (including cross-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 Durham City Conservation Area and character of the Listed Buildings and in accordance with the provisions polices E21, E22 and E23 of the Durham City Local Plan and Policy 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 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 Durham City Conservation Area and to mitigate the loss of existing trees on site in accordance with the provisions polices E6, E14, E21, E22, Q15 and Q9 of the Durham City Local Plan and Policy 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 Durham City Conservation Area and amenity of neighbouring land users, in accordance with saved policies 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 information submitted 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 be commenced until:

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

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

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

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

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

*Reason: In accordance with the aims of Planning Policy Statement 23*

10. No development shall commence unless in accordance with the mitigation proposed in the Arbocultural Implications Assessment, received 5<sup>th</sup> January 2010 including the

installation of tree protection measures in accordance with BS 5837 (Trees in relation to construction),

*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.*

11. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

*Reason - In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.*

12. Notwithstanding the submitted information, prior to the commencement of the development details of a revised position of the proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store(s) shall be constructed and made available for use prior to the first occupation of the apartments herby approved.

*Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents and to accord with the aims of Policy Q8 of the Durham City Local Plan*

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 the approved details 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. Notwithstanding the submitted information, no development shall commence until full specifications and construction details of the amended means of access and final highway layout has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Councils Highway Authority. The amended access shall provide for a minimum width of 4.5m and a curb radii of 6m while providing designation of privately owned areas. The approved highway layout and access shall be implemented on site prior to the first occupation of the dwelling and apartments herby approved.

*Reason: To ensure satisfactory entry and exit from the onto the wider highway network and in the interests of highway safety in accordance with policy T1 and T10 of the Durham City Local Plan*

15. No development within 20m of the public highway 'Gilesgate', including highway improvement works or service runs 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 written scheme of works, investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
- 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 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 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 archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

*Reason: To comply with policy E24 of the City of Durham Local Plan due to the sites archaeological interest and lack of investigation to the front of the property*

16. Notwithstanding the submitted information, no development shall commence until scheme for the provision of onsite public art has been submitted to and improved in writing with the Local Planning Authority. The approved scheme shall be installed onsite in accordance with the approved information before the first occupation of the dwellings hereby approved.

*Reason: In order to comply with policy Q15 of the Durham City Local Plan*

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed development has been assessed against polices E6, E14, E21, E22, H13, Q8, Q15, R2, T1 and T10 of the Durham City Local Plan and Polices 1, 2, 3, 4, 6, 7, 8, 24, 28, 29, 30, 32, 33 and 35 of the Regional Spatial Strategy for the North East of England and is considered to be acceptable, having regard to all other material considerations. In particular the key material planning considerations relating to the principle of development, layout and design, residential amenity and highway safety were considered acceptable given the attached conditions and merits of the application.
2. 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.

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## **BACKGROUND PAPERS**

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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, 9, 13, 23 and 25

Response from Highway Authority

Response from Design and Historic Environment Section

Response from the councils Archaeological Officer

Public Consultation Responses



