

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00451/CAC and 4/12/00450/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing hotel and dwelling and erection of two detached dwellinghouses
NAME OF APPLICANT:	Mr & Mrs A Whitley
ADDRESS:	Bracken Cottage, Bank Foot, Shincliffe, Durham
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 is located in-between the villages of Shincliffe and High Shincliffe on the A177 to the South of Durham City Centre. At present a large hotel and detached accommodation is present on the site, with access taken from the A177 serving both the hotel and the existing accommodation. The site is located within the Green Belt and is predominately surrounded by mature vegetation while also being located within the defined boundaries of the Shincliffe Village Conservation Area.

The Proposal

2. Planning Permission and Conservation Area consent sought for the demolition of the existing hotel and residential accommodation. It is proposed that the existing developments would be replaced by two large two storey detached split level dwellinghouses on site. The dwellings would largely be located on the foot print of the existing development and would be set back a minimum of 10m from the highway.
3. This application is reported to Planning Committee as it represents a departure from the development plan and at the request of the Parish Council.

PLANNING HISTORY

4. 95/00205/FPA - Change of use and alterations to stable to form bungalow –Refused
5. 03/00630/FPA - Change of use from holiday cottage to use as self contained holiday accommodation or as a permanent residential dwelling for occupation by the owner and staff of the Bracken Hotel – Approved

6. 03/01046/FPA - Change of use and conversion of existing Hotel and Staff Cottage to form a single residential unit – Approved
7. 06/00970/FPA - Change of use and conversion of the Bracken Hotel (C1) and ancillary cottage to 2 no. separate residential dwellings – Refused
8. 10/00166/FPA - Change of use and conversion of existing hotel and associated staff accommodation to form 1 no. dwelling with detached annex, including demolition of existing entrance and erection of replacement, and minor external alterations - Approved

PLANNING POLICY

NATIONAL POLICY

9. 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.

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 are considered relevant to this application:

NPPF Part 3 – Supporting a prosperous rural economy. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

NPPF Part 6 - Delivering a wide choice of high quality homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

NPPF Part 7 – Requiring Good Design. 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.

NPPF Part 8 – Promoting Healthy Communities. 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.

NPPF Part 9 - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

NPPF Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on

biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

NPPF Part 12 – Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

REGIONAL PLANNING POLICY

10. 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.

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.

11. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
12. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
13. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
14. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
15. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
16. *Policy 7 – Connectivity and Accessibility* – Aims to reduce the need to travel particularly by the private motorcar.
17. *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
18. *Policy 9.5 – Green Belt* – Sets out the importance of the North Durham Green Belt

19. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
20. *Policy 32 – Conservation Areas* – Seeks to protect heritage assets including the character and setting of Conservation Areas.
21. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
22. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

LOCAL PLAN POLICY:

23. *Saved Policy E1* – Sets out that within the defined Green Belt the construction of new buildings is considered inappropriate unless it is for agricultural or forestry activities, essential sport and recreation facilities, replacement of an existing dwelling and the re-use conversion of an existing building.
24. *Saved Policy E7 – Development Outside Settlement Boundaries* – Seeks to limit new development in the open countryside
25. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
26. *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.
27. *Saved Policy E21 – Conservation and Enhancement of the Historic Environment* – Seeks to prevent development that would impact on features of historic interest.
28. *Saved Policy E22 – Conservation Areas* – Sets out that the council will seek to preserve and enhance the character and appearance of Conservation Areas
29. *Saved Policy H5 – New Housing in the Countryside* – Sets out that new build housing development will only be permitted where it is essential that a person needs to live near their place of work.
30. *Saved Policy H6 – Replacement Dwellings Outside Settlement Boundaries* – allows the replacement of existing dwelling that are of a similar size as the existing while being sensitively located to protect their surroundings.
31. *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.
32. *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.
33. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities

34. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
35. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
36. *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.
37. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.

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:

38. *The Highways Authority* – Offers no objections in relation to highways safety.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation* – Consider the demolition of the hotel acceptable, but raise concerns regarding the replacement dwellings, encouraging a frontage on to the main road and a more cohesive design approach.
40. *Ecology* – Considers the methodology and conclusions of the bat risk assessment sound but recommends conditions in relation to the mitigation measures.
41. *Arboricultural Officer* – Advises that no major trees will be affected on the site although 5 immature trees will be removed to facilitate the redevelopment. It is however recommended that a condition be attached requiring that the existing trees on site are protected in accordance with a previously approved scheme.

PUBLIC RESPONSES:

42. Neighbouring residents have been notified by individual notification letters and site notice, 2 letters of objection have been received in relation to the application, including that from the parish council. These objections received relate to the principle of development and the impact on mature trees on site.

APPLICANTS STATEMENT:

43. The current use is not viable on site having been run over a number of years by the applicants. This is mainly due to the approval of new and the expansion of existing hotels within Durham City Centre. The scheme proposes two dwellings, this is necessary in order to remain viable given the demolition costs of the existing building, build costs and to cover cost and investment associated with the existing business. The scheme has been carefully designed, pulling the development away from the main allowing the site to be opened up, reduction the impact of the

development over the existing. A mixture of building materials, roof shapes and increasing the landscaping of the site will allow the development to assimilate into the landscape.

Comments submitted in relation to this application and associated documents can be viewed at:

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M3CHJQBN5B000 and

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M3CHJMBN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

44. 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 principal material planning considerations raised.

Principle of development

45. The application site is located outside the defined limits of development, with the Durham Green Belt as defined by the Durham City Local Plan Proposals Map. Saved policy E1 of the Local Plan seeks to limit development within the Green Belt to protect its openness, visual amenity and its purpose of preventing urban sprawl. This is reinforced within the Regional Spatial Strategy which identifies the importance of the Green Belt in protecting the special character and setting of Durham City.
46. Policies E1 and H6 of the Local Plan do however permit the replacement of existing dwellings within the Green Belt in principle. Although the property is a hotel, planning permission has been previously granted to change the use of the existing buildings on site to form one residential unit. On the face of it this element of the scheme would be in line with the Local Plan, however it is proposed that two dwellings would be created on the site, resulting in an increase of one net new build property. In assessing this additional property against the above planning policy it is considered that it would fail to satisfy the tests of policies E1 and H5 in order to justify a new dwelling within the countryside, while constituting inappropriate development within the Green Belt.
47. In the recently published National Planning Policy Framework, the Government also identifies that the construction of new buildings within the Green Belt is considered inappropriate. This is unless the redevelopment of the site would not have a greater impact on the openness of the Green Belt over the existing development, while set against a back drop of promoting sustainable development. In considering the sustainability of the site, it is noted that the site is in ready walking distance to a number of services and community facilities within Shincliffe Village, High Shincliffe and wider employment sites within Durham City. A regular bus service also links the site to other service centres such as Bowburn. Consideration also need to be given to the potential number of trips generated to the site should the hotel operate to its capacity, which is considered to be significantly greater than the two dwellings proposed.
48. Since the refusal of a planning application in 2006, the hotel use has largely ceased on site through lack of trade, the applicant puts this down to the emergence of a number of hotels on Durham City Centre. Although a comprehensive marketing exercise has been carried out, advertising the property over a period of 18 months no alternative uses have been forthcoming and now with the exception of the

residential unit to the rear of the site, the building is vacant. The buildings on site are also considered to have a somewhat irregular relationship with the surrounding land being particularly prominent and unsightly when travelling in a southerly direction down the A177. The prominence of this development is considered to increase the perceived spread of development from Shincliffe Village to High Shincliffe, against the purposes of including the land within the Green Belt.

49. The erection of an additional residential property at this location would be in conflict with Saved Policy E1 of the Local Plan, however this needs to be weighed up against the sustainability of the site, the demonstrated lack of interest in using the property for alternative uses and the costs in disposing of the business and more importantly the more flexible approach advocated in the NPPF. On balance it is therefore considered that should the scheme have a lesser impact on the visual amenity and openness of the Green Belt than the existing, in principle the erection of an additional residential dwelling at the site could be considered acceptable in principle.

Impact on the visual amenity of the surrounding area

50. In addition to being located within the Green Belt the site is also set within the limits of the Shincliffe Conservation Area. Policies 8 and 32 of the Regional Spatial Strategy of the North East of England require that all developments are sympathetic to their surroundings while seeking to preserve and enhance Conservation Areas. Saved policies E21 and E22 of the Durham City Local Plan also seek to preserve the setting, appearance and character of conservation areas. In addition to this, section 12 of the National Planning Policy Framework (NPPF) seeks to preserve and enhance heritage assets as they are considered irreplaceable and any harm or loss, in whole or part.
51. As set out above the application site consists of an existing hotel complex, which due to level differences on the site and previous extensions, has a poor relationship with the surrounding area, particularly when travelling south on the A177. It is considered that this has an adverse impact on the character of the Conservation Area in this location and on the visual amenity and openness of the Green Belt. This is because the area between Shincliffe and High Shincliffe is characterised by significant amounts of vegetation, which adds to rural character of the area creating a distinctive break between the two villages. Therefore no objections are raised to the demolition of the hotel and other buildings on the site subject to suitable replacements.
52. The scheme proposes the erection of two executive style dwellings set back from the roadway by a minimum of 10m. The dwellings would be varied in design with differing eave and ridge heights to break up the massing of the development, while being set on different levels as they change across the site. The maximum height of the proposed dwellings would be set below that of the existing hotel building, incorporating a pitched roof rather than a prominent gable. In considering the suitability of the design and layout the views of the Design and Conservation Officer have been sought. While no objections are raised to the overall scale and massing of the development, concerns have been raised regarding its layout and the lack of a cohesive design approach. It is suggested that any new development should also have a frontage on to the A177 extending up the bank.
53. However while the views of the Design Officer are respectfully noted, it is the officer's opinion that the success of the scheme involves increasing the openness of the site and reducing the visibility of the development from the A177. This is because as previously mentioned the Conservation Area and Green Belt in this area is characterised by dense vegetation lining the highway. The lack of development in this area provides a clear break and distinction between the two villages of Shincliffe and

meets the purpose of including land within the Green Belt. Furthermore should the development about the highway, future residents would likely experience reduced levels of residential amenity due to the volume and speed of traffic using the A177.

54. Concerns have also been raised regarding the design approach, utilising both traditional and contemporary detailing. However on balance, in considering the increased screening and landscaping proposed and the re-siting of the buildings away from the highway the scheme would provide for an attractive form of development, and ultimately would have a significantly reduced visual impact.
55. Overall it is considered that the development would significantly improve the appearance, visual amenity and openness of the site over and above the current arrangements protecting the Character of Shincliffe Conservation Area and the purposes of including land within the Green Belt. It is however considered appropriate to restrict future permitted development rights, while controlling the finer detailing of the application such as the materials to be used, window details and landscaping.

Landscape and Trees

56. As set out above a number of mature trees are in the proximity of the site, which form the character of this part of the Conservation Area and Green Belt. The applicant has submitted an Arboricultural Report, outlining the potential impact on these trees. In appraising this report the council's Arboricultural Officer advises that no major trees will be affected on the site although 5 immature trees will be removed to facilitate the redevelopment. It is however recommended that a condition be attached requiring that the existing trees on site are protected in accordance with a scheme approved before works start

Impact on privacy and amenity of neighbouring land users

57. Overall, while the dwellings would be visible from neighbouring residential dwellings it is considered that the separation distances and on site characteristics would ensure that an unacceptable loss of privacy and amenity would not arise for neighbouring residents. However it is recommended to limit working hours on site to minimise disturbance particularly given the likely ground works.

Highway Safety

58. The proposed scheme would be served by the existing access arrangements, with each property independently providing in-curtilage car parking. Given these existing access arrangements and the lawful use of the site it is considered that no loss of highway safety would arise.

Ecology

59. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has produced a bat survey assessing the likely presence of bats within the trees on the development site and building which is to be demolished. The survey concludes that there was low risk of bats being present in the building, but suggests a mitigation strategy. The Ecology Officer considers the findings of this survey sound and offers no objections subject to the proposed mitigation measures being imposed. Overall the granting of Planning Permission would not constitute a breach of the Conservation Habitats, & Species Regulations 2010

Other Issues

60. Policy 35 of the RSS requires 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 however the proposal in not considered to significantly increase will increase the amount of hard standing or potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with wastewater and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3.
61. Objections have been raised, outlining that the development is similar to a scheme refused in 2006 for the change of use of the existing buildings on site to form 2 no. dwellings. However this refusal largely related to the levels of residential amenities that future residents would experience and the pressure for future extensions to the building. However notwithstanding this decision each application must be assessed on its own merits against the planning polices in force at the time and the relevant material considerations. The emergence of the National Planning Policy Framework is considered to be a significant difference in terms of planning policy out look and is a key material consideration in this application.

CONCLUSION

62. The proposed development has been considered against the above policies and while conflicting with policies E1 and H5 of the Local Plan is considered to be in a sustainable location, and would represent significant improvement to the visual amenity and openness of the site and therefore is considered to be consistent with planning policies contained within the National Planning Policy Framework
63. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

RECOMMENDATION

That the application 4/12/00451/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 3rd May 2012

Proposed Site Plan, Drg. No. 11 52 04, Received 1st May 2012

Proposed Site Sections, Drg. No. 11 52 08, Received 1st May 2012

Unit A Plans, Drg. No. 11 52 05, Received 1st May 2012

Unit B Plans, Drg. No. 11 52 06, Received 1st May 2012

Proposed Roof Plan/sections, Drg. No. 11 52 07, Received 1st May 2012

Reason:- In order to define the consent and to accord with saved policies, E1, E7, E14, E16, H5, H6, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 9.5, 24, 32, 33 and 35 of the Regional Spatial Strategy for North East 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 Shincliffe Conservation Area in accordance with policy E22 of the City of Durham Local Plan 2004

That the application 4/12/00450/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 3rd May 2012

Proposed Site Plan, Drg. No. 11 52 04, Received 1st May 2012

Proposed Site Sections, Drg. No. 11 52 08, Received 1st May 2012

Unit A Plans, Drg. No. 11 52 05, Received 1st May 2012

Unit B Plans, Drg. No. 11 52 06, Received 1st May 2012

Proposed Roof Plan/sections, Drg. No. 11 52 07, Received 1st May 2012

Reason:- In order to define the consent and to accord with saved policies, E1, E7, E14, E16, H5, H6, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 9.5, 24, 32, 33 and 35 of the Regional Spatial Strategy for North East 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 hereby 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 Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

4. Notwithstanding the submitted plans full details (including cross-sections) and materials and colour of all windows, doors and roof lights and dormer windows at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The submitted details shall demonstrate that windows and doors have a recess of at least 75mm from the outer face of the wall. 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 Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

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) to reinforce the southern and northern boundary of the site,
 - 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 making provision for permeable surfacing
 - 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 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

6. Notwithstanding the provisions of Class A,B,C, D of Part 1 Schedule 2 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 shall be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 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 (excluding bank holidays)
Saturdays - 0800 to 1300

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 and implemented in accordance with the approved scheme thereafter.

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

9. No development shall commence unless in accordance with the tree protection mitigation detailed within the Arboricultural Survey Report compiled by Ecosurv Consultants received 1st May 2012.

Reason: To ensure the preservation of trees on site in accordance with policy E14 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

10. No development shall commence unless in accordance with the mitigation detailed within the Bat Risk Assessment Report Survey Report compiled by Ecosurv Consultants received 1st May 2012 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

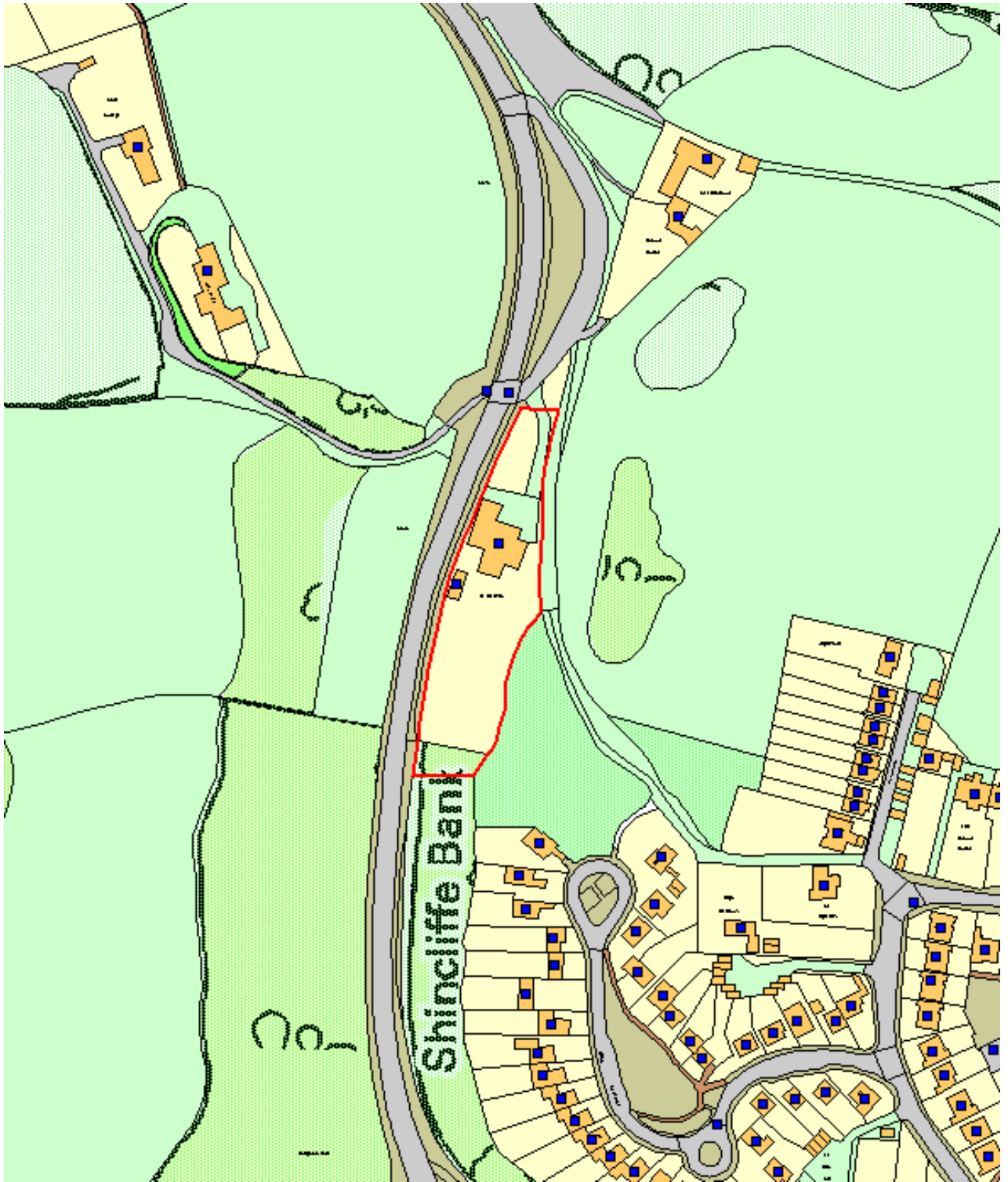
Reason: To ensure the preservation and enhancement of species protected by law in accordance with policy E16 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

11. Prior to the development commencing a scheme detailing sections of existing and proposed finished land and floor levels shall be 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 define the permission and to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

REASONS FOR THE RECOMMENDATION

64. The proposed development has been assessed against saved policies, E1, E7, E14, E16, H5, H6, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 9.5, 24, 32, 33 and 35 of the Regional Spatial Strategy for North East England and is considered acceptable particularly in relation to the principal material considerations relation the location of the development, impact of the development on the character and appearance of the surrounding area, amenity and privacy of adjacent land users and highway safety.
65. Although the proposed scheme would represent new development within the Green Belt it is considered that the benefits arising in the improvement to the visual amenity and openness of the site would outweigh the policy presumption against development in the Local Plan particularly considering the sustainability of the site and the more flexible approach advocated by the NPPF.
66. In relation to the objections received, while these were duly noted it was considered that in this instance they were not considered sufficient to recommend refusal of the application giving the benefits arising from the scheme and the change in policy direction.



Planning Services

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Comments

Date 26th January 2012

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