



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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

11/00024/FPA

Erection of detached 5 bedroom dwelling house and 1 no. garage with associated external works, including demolition of the existing bungalow and 2 no. garages.

FULL APPLICATIONS DESCRIPTIONS:

11/00025/CAC

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

NAME OF APPLICANT: Dr W And M Bremner

ADDRESS: 76 Claypath
Durham
DH1 1QT

ELECTORAL DIVISION: Elvet

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

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

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

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

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

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

Proposal:

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

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

PLANNING HISTORY

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

PLANNING POLICY

7. **NATIONAL POLICY:**

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

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

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

setting or significance.

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

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

8. REGIONAL POLICY:

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

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

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

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

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

9. LOCAL PLAN POLICY:

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

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

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

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

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

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

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

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

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

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

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

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

development.

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

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

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

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

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

11. INTERNAL CONSULTEE RESPONSES:

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

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

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

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

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

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

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

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

12. PUBLIC RESPONSES:

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

One letter has been received in support of the application.

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

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

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

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

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

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

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

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

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

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

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

13. APPLICANTS STATEMENT:

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

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

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

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

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [\(link to webpage\)](#). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

Demolition

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

New Development - Key Issues

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

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

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

Scale and Character in the Conservation Area

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

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

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

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

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

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

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

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

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

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

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

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

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

The Quaker Burial Ground

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

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

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

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

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

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

Other Matters

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

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

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

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

CONCLUSION

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

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

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

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

RECOMMENDATION

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

4/11/024/FPA:

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

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

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

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

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

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

and Q8 of the City of Durham Local Plan, 2004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4/11/025/CAC:

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

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

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

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

REASONS FOR THE DECISION

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

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

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

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

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

BACKGROUND PAPERS

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

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





For reference purposes only. No further copies may be made



Planning Services

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council (Durham City Area Office) Licence No. 100022202 2005.

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