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Planning Application Details

This page shows details of the planning application selected.

If the application you have selected does not yet have a decision and you would like to send comments on this application to the Development Control Team please click on the **Comment on Application** button, complete your comments and press the **Send** button. Please note that the comments you make will be available for the public to see.

If plans, elevations and any other supporting information are not available to view at the bottom of this page you can view this information by coming into the Civic Centre, Crook, Co Durham DL15 9ES between 8:30 am and 5:00pm Monday to Thursday and 8:30am and 4:30pm Friday.

For more information please contact the Development Control Team in either of the following ways: -

- By telephone on 01388 765555
- By email planningcrook@durham.gov.uk.
- By visiting the Civic Centre in Crook.
- Or you can write to us at Regeneration and Economic Development Department, Durham County Council, Civic Centre, Crook, DL15 9ES.

Application details

| | | | |
|------------------------------------|--|------------------------------|---|
| Reference number | 3/2010/0323 | Application Type | Change of Use Application |
| Site Address | 5 MARKET PLACE BISHOP AUCKLAND COUNTY DURHAM DL14 7NJ | Proposed Development | CHANGE OF USE OF PART OF PAVEMENT IN FRONT OF THE PUB FOR USE AS A PAVEMENT CAFE SEATING AREA |
| Valid Date | 09/09/2010 | Received date | 05/07/2010 |
| Date Passed To Case Officer | | | |
| Status | Change of Use Approved | Decision Date | 21/10/2010 |
| Decision Level | Delegated | Committee Date | |
| Consultation Start Date | 22/07/2010 | Consultation End Date | 12/08/2010 |
| Agent name | Mrs Lucy Jones | Case officer | Paul Martinson |
| Agent Telephone | 01612363650 | Applicant Name | Mr Chris Ferriday |
| Agent Address | 2 Knot Mill Manchester Greater | Applicant Address | Reeds Crescent Watsford |

Manchester M15
4PY

Herts WD1 1QH

Images

[1139189_1278342569456_AL100_existing_and_proposed_plans.pdf- AL100 existing and proposed plans](#)

[1139189_1278342569456_AS100_Site_location_plan.pdf- AS100 site location plan](#)

[1139189_1278342569456_AV100_proposed_elevations.pdf- AV100 Proposed elevaitons](#)

[1139189_1278342569456_ApplicationFormNoPersonalData.pdf- Application Form - Without Personal Data](#)

[1139189_1278342569456_AttachmentSummary.pdf- A summary of the attachments in the proposal](#)

[1139189_1278342569456_Design_and_Access_Statement_JD5268.doc- Design and Access Statement](#)

[Highways_Consultation.pdf- Highways Consultation](#)

[Neighbour_Consultation.pdf- Neighbour Consultation](#)

[Cllr_Harrison_Consultation.pdf- Cllr Harrison Consultation](#)

[Cllr_Zair_Consultation.pdf- Cllr Zair Consultation](#)

[delegated_report.pdf- delegated report](#)

[decision_notice.pdf- decision notice](#)

Durham County Council, Crook Area Planning Office
Civic Centre, Crook, Co Durham. DL15 9ES
Tel: 01388 765555 Fax: 01388 766660

APPROVAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 3/2010/0323

Applicant
Mr Chris Ferriday
J D Wetherspoon plc
Wetherspoon House
Reeds Crescent
Watsford
Herts
WD1 1QH

Agent
Mrs Lucy Jones
Harrison Ince LLP
2 Jordon Street
Knot Mill
Manchester
Greater Manchester
M15 4PY

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: CHANGE OF USE OF PART OF PAVEMENT IN FRONT OF THE
PUB FOR USE AS A PAVEMENT CAFE SEATING AREA
At: 5, MARKET PLACE, BISHOP AUCKLAND, COUNTY DURHAM,
DL14 7NJ
Date Application Valid: 09/09/2010
Date(s) of Amended Plans: 09/09/2010

PART 2 – PARTICULARS OF DECISION

The **Durham County Council** hereby give notice in pursuance of the Town and Country Planning Act 1990 that planning permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following:

Conditions

1. The development should not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority:

| Plan Ref No. | Description | Date Received |
|--------------|-----------------------------|---------------|
| | Site Location Plan | 06/07/2010 |
| AL100 / A | Existing and Proposed Plans | 09/09/2010 |
| AV100 | Proposed Elevations | 06/07/2010 |

3. Prior to the commencement of the development full details of the proposed demountable canvas banners shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

Reasons

1. 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. To define the consent and ensure that a satisfactory form of development is obtained.
3. In the interests of preserving the character and appearance of the Conservation Area, the visual amenity of the Market Place and the setting of the Listed Building. In accordance with policies GD1, BE4, BE5 and S1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

REASONS FOR APPROVAL

The proposal would comply with policies GD1, BE1, BE4, BE5 and BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 for the following reasons:

1. The proposal would not harm the character or appearance of the Conservation Area.
2. The proposal would not be detrimental to the setting of the Grade II Listed building.
3. The proposal would not be detrimental to the vitality or viability of the town centre.
4. The proposal would not result in harm to archaeological remains.

SIGNATURE

Signed:



Date: 28th September 2010

Stuart Timmiss
HEAD OF PLANNING SERVICES

INFORMATIVES

Informative 1

The formal consent of the Highway authority is required under the Highways Act 1980 for anyone to trade within the highway. Consent must be obtained from Network Management, Regeneration and Economic Development, Durham County Council, Durham, DH1 5UQ. The applicant must contact Vicki Erskine, 0191 3834111 prior to carrying out any work.

Informative 2

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.

- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

IMPORTANT NOTICE

THIS PERMISSION IS NOT VALID UNLESS THE CONDITIONS LISTED ARE COMPLIED WITH

DELEGATED REPORT

APPLICATION DETAILS

APPLICATION No: 3/2010/0323
SITE LOCATION: 5 MARKET PLACE, BISHOP AUCKLAND, DL14 7NJ
PROPOSAL: CHANGE OF USE OF PART OF PAVEMENT IN FRONT OF THE PUB FOR USE AS A PAVEMENT CAFE SEATING AREA
DATE(S) OF AMENDED PLANS: 09/09/2010

DESCRIPTION OF THE SITE AND PROPOSAL

SITE:

The application site is an area of pavement to the front of the Stanley Jefferson public house at 5 Market Place, Bishop Auckland. The pavement is approximately 6-9m wide in this location and abuts the edge of a Taxi Rank and the Market Place parking area. The Stanley Jefferson public house is a Large Grade II Listed brick built building with a prominent curved bay projection adjacent to the entrance.

PROPOSAL:

The application seeks planning permission for the change of use of part of the pavement to the front of 5 Market Place, Bishop Auckland. The application proposes the installation of an outside seating area immediately to the frontage of the existing public house. The seating area would be comprised of a single table seating four people and six tables seating two. The edge of the seating area would be defined by canvas screens suspended between stainless steel posts. No details of the content of these screens have been provided, although they are also the subject of an advertisement consent application that has been received by the Council and is currently invalid. An area of pavement measuring 1.8m wide would be retained.

PLANNING HISTORY

3/2003/0818 – Change of use from office to A3 use. Approved 26/02/2004.

PLANNING POLICY

NATIONAL POLICY:

- PPS1 – Delivering Sustainable Development
- PPS4 – Planning for Sustainable Economic Growth
- PPS5 – Planning for the Historic Environment

LOCAL PLAN POLICY:

The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are considered relevant to the consideration of this planning application:

- GD1 – General Development Criteria
- BE1 – Protection of the Historic Environment
- BE4 – Setting of a Listed Building
- BE5 – Conservation Areas
- BE17 – Areas of Archaeological Importance
- S1 – Town Centres

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Highway Authority - There is an ongoing issue regarding the Environmental Enhancement scheme promoters as the area used for taxi's is some 60m long but the taxi's continue to queue beyond onto the No Waiting Restrictions and thus park on the area of widened footway causing problems to through traffic etc. This is a traffic management issue and will hopefully be resolved. It is possible that any resolution will impact on the area includes within the red line, this is a traffic management, not a planning issue. I have no objections to this proposal from the highways aspect subject to the following:

Please advise the applicant that formal consent of the Highway authority is required under the Highways Act 1980 for anyone to trade within the highway. Consent must be obtained from Network Management, Regeneration and Economic Development, Durham County Council, Durham, DH1 5UQ. The applicant must contact Vicki Erskine, 0191 3834111 prior to carrying out any work.

INTERNAL CONSULTEE RESPONSES:

Design/Conservation – No objections subject to further details of banners.

PUBLIC RESPONSES:

The application has been advertised on site. The occupiers of neighbouring properties have been notified individually in writing of the proposals. Three letters of representation have been received from the same respondent, the contents of which are outlined below:

1. The seating area would encroach onto the door of the neighbouring premises;
 2. The seating area would look messy ;
 3. The seating area would create rubbish and litter;
 4. Concern over the impact of people smoking, drinking and eating adjacent to front door of neighbouring property.
-

PLANNING CONSIDERATION AND ASSESSMENT

The key issues for consideration are:

- Impact on the Character and Appearance of the Conservation Area
- Impact on the Vitality and Viability of the Town Centre
- Highway Issues

The application seeks planning permission to create an outside seating area on a relatively wide stretch of pavement immediately to the front of the existing public house. The proposal would involve the siting of chairs and tables which would be enclosed by a canvas screen suspended by stainless steel posts. These would all be removed when not in use and would be stored within the existing building. As the proposal would be temporary in the sense that the proposed seating area could be removed, it is not considered that there would be any concerns in principle in relation to the impact on the special architectural or historic character of the Grade II Listed building. As the existing building is a public house it is not considered that the outside seating area would appear out of place subject to the design of the canvas screens that would define the edge of the seating area. Although a means of enclosure of the pavement could be acceptable in principle, no details of these have been provided and as such it is considered that there is potential for their content and design to harm to the character of the Conservation Area. As such it is recommended that further details are provided through a planning condition. Advertisement consent would also be required for signage (including the banners shown on building on the proposed plan) which would allow the design to be carefully controlled in order to protect the character of the Conservation Area and the setting of the Listed building. Banners on the building would not be acceptable. Subject to a suitable design being agreed it is considered that the proposal would comply with policy GD1, BE4 and BE5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

The application site is located in a prominent location within the town centre of Bishop Auckland. As such the proposal has the potential to impact on the vitality and viability of the town centre. Although there have been concerns expressed following the consultation response, it is not considered that the proposal would encroach on the doorway of the neighbouring property as there would be a 1m gap between the edge of the seating area and the doorway of the neighbouring property. It is not considered that the seating area would look untidy; indeed, it is considered that the provision of outside seating in this location would help to introduce a "café culture" that would enhance the provision of the town centre and benefit Bishop Auckland as a whole. The letters of objection also state that the proposal would lead to an increase in rubbish and litter in and around the site. It is considered that it is in the public house's interest to remove any litter and furthermore, it is not considered that a public house is likely to generate significant amounts of litter with glasses, crockery and leftover food being cleared away by staff. The objector is also concerned that smoking, drinking and eating would occur adjacent to the entrance of the neighbouring property. Although customers using the seating area could be smoking, drinking and eating, it is not considered that this would be to such a level as to result in a detrimental impact on the operation of the adjacent business premises. If problems with smells and noise do arise then this would be a matter for Environmental Health. It is considered that the proposal would not harm vitality or viability of the shopping area and as such would comply with policies GD1 and S1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

The proposal would retain a sufficient gap for pedestrians to continue using the pavement and as such it is not considered that the proposal would be detrimental to pedestrian or highway safety. The Highway Authority has no objections. The proposal would therefore comply with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDATIONS AND CONDITIONS

Recommendation that the application is:

APPROVED subject to the following conditions

Conditions:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority:

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|---------------------|-----------------------------|----------------------|
| | Site Location Plan | 06/07/2010 |
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Reasons:

1. To define the consent and ensure that a satisfactory form of development is obtained.
2. In the interests of preserving the character and appearance of the Conservation Area, the visual amenity of the Market Place and the setting of the Listed Building. In accordance with policies GD1, BE4, BE5 and S1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

REASONS FOR THE DECISION

The proposal would comply with policies GD1, BE1, BE4, BE5 and BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 for the following reasons:

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3. The proposal would not be detrimental to the vitality or viability of the town centre.
4. The proposal would not result in harm to archaeological remains.

ADDITIONAL MATTERS

i.e covering letters, enforcement, informatives

INFORMATIVE:

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SIGNATURES

Case Officer Signature _____ Date _____

To be Completed by the Authorising Officer:

| | |
|---|-----|
| Have the correct neighbour consultations been initiated? | Y/N |
| Has the 21/14 day period for consultation responses expired (including weekly list)? | Y/N |
| Has the correct statutory publicity been initiated with copies of relevant Notices on file? | Y/N |
| Has the correct CLG PS1 Code been attributed to the application? | Y/N |
| Are all neighbour/statutory consultee comments properly appraised in the report? | Y/N |
| Do the stated conditions/reasons for approval/refusal meet the relevant tests? | Y/N |
| In the case of a delegated refusal is there an audit trail to demonstrate the applicant has been advised of refusal recommendation and invited to withdraw? | Y/N |

Authorising Officer Signature _____ Date _____

TARGET DATE

Application report within target determination date:

YES NO

If no please stipulate: