

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	4/11/0235
FULL APPLICATION DESCRIPTION:	Erection of detached dwelling house (retrospective with proposed amendments to main roof shape and fenestration).
NAME OF APPLICANT:	Oaktree Homes (Durham) Ltd.
ADDRESS:	Plot 4, Bishopgate Nursing Home, 48 North End, Durham, DH1 4LW
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Steve France Steve.france@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 Included within the main Durham City settlement boundary, North End is a mature residential area, both in terms of the age of the properties and its extensive tree cover, elements of which are subject to Tree Preservation Orders. The houses in the general area, set in generous gardens, are generally characterised by large detached and semi-detached interwar housing. North End, the street, includes a mix of these properties, along with converted farm buildings, a large red-brick Nurse's Teaching Centre, and detached properties dating from both between the wars and the 1960s, along with modern infill dwellings. The area falls outside the Conservation Area, which extends to the top of Western Hill.
- 1.2 Plot 4, Bishopgate is a single building plot in the south-west corner of a larger site formerly occupied by Rookstone and Milford Nursing Homes at 48 North End. The nursing homes were cleared following approval of a part 'outline', part 'full' planning permission for 7 no. building plots in 2009. Plot 4 was one of three units at the rear, southern part of the site approved in detail.
- 1.3 The front of the larger site is bounded to the front by an estate road that has a reputation for being a rat run between County Hall, the A167 and St. Leonards School, during busy times of the day. To its east is the large red brick Nurse's Teaching Centre, with a small modern development of specialist care bungalow accommodation at its rear. Traditional two storey semi-detached interwar properties wrap around the south-west boundaries of the site, with particularly long gardens. To the immediate west of the site, at a lower level is a bungalow called 'The Nook', where planning permission has recently been applied to extend a consent for its replacement with a larger dwelling house. The overall site slopes from the road frontage to its south-west corner. A Tree Preservation Order protects trees on the

front boundary of this larger site, a copse of trees along the rear boundary, and a mature Oak between Plots 3 and 4. Plot 4 is in the lowest part of the site.

- 1.4 Planning approval was granted in detail for a dwelling on Plot 4 in 2009. That dwelling provided for two floors of residential accommodation including kitchen/lounge/dining room/family room rooms and 5no. bedrooms. The dwelling was a two storey 'T' shape, the main element having a fully hipped roof, with a two storey gabled element projecting towards the road, stepping down to a single storey garage at the front. A single storey offshot was attached to the elevation facing the rear gardens of Fieldhouse Lane. This single detached house was approved was approved as 19.7m long, 12.2m wide, and 7.7m high.
- 1.5 The dwelling that was then constructed on site that differed from the approval in being 21.05m long, 12.2m wide and 9.5m high. The roof had been increased in pitch from 33 degrees to 40 degrees, with gabled ends, and accommodation inside the roof-space. An extra room was erected atop the garage – this has been removed.
- 1.6 Following various discussions with Officers the current application was submitted, which seeks to retain the structure as built, with the exception of a proposed alteration to the roof to hip the western section of the main element, where closest to Fieldhouse Lane.
- 1.7 The application is reported to Committee at the request of Councillor Holland reflecting concerns of local residents on the unauthorised works.

2.0 PLANNING HISTORY

- 2.1 The overall site has been subject to a series of applications for residential development over recent years. A proposed scheme of 24 apartments and 7 dwellings was refused in 2006. In 2008 approval was granted for the demolition of existing nursing homes and erection of 14 no. dwellings, including town-houses and dormer bungalows.
- 2.2 The site had a longer history of extensions to the two nursing home homes, including an approval for change of use to student accommodation.
- 2.3 The application approved under delegated powers in 2009 proposed the demolition of the then existing nursing homes and erection of 3 no. dwellings (Plots 2, 3 and 4) and outline planning permission with details of access and scale for 4 no. dwellings (Plots 1, 5, 6 and 7). Each of the three dwellings approved in detail are in an advanced state of construction, with pre-submission discussions with various parties interested in those plots approved in outline ongoing.
- 2.4 The application is part retrospective with alterations proposed. The dwelling at plot 4 was not constructed in accordance with the approved plans, and whilst once the unauthorised works were drawn to the Council's attention by local residents, some elements of variation were regularised by agreement – this including the additional room above the single story garage, and windows on the western boundary – the developer then submitted this application which seeks to approve a building larger than that originally approved.
- 2.5 Unfortunately assurances that works to the plot would cease whilst the Planning Application was considered had to be followed by a Stop Notice as internal works continued to be progressed. The public consultation exercise has been exacerbated by a series of mistakes and errors on the submitted and resubmitted plans which

has served to complicate an already contentious issue, along with elements of the on-going works - albeit some of the complaints about site works related to contractors working on the adjacent plots.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- 3.1.1 Planning Policy Statement 1: **Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- 3.1.2 Planning Policy Statement 3: **Housing** 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 and land supply.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=6618>

3.2 REGIONAL POLICY:

- 3.2.1 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. The Government has stated its intention to rescind the RSS, 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. The relevant Policies are detailed below:
- 3.2.2 Policy 1 (**North-east Renaissance**) seeks to deliver sustainable and inclusive economic prosperity and growth, and sustainable communities, capitalising on the Region's diverse natural and built environments, heritage and culture.
- 3.2.3 Policy 2 (**Sustainable Development**) sets out a series of environmental objectives, social objectives and economic objectives to address climate change issues.
- 3.2.4 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.
- 3.2.5 Policy 33 (**Biodiversity and Geodiversity**) seeks to ensure planning proposals affecting geological and ecological resources are protected and enhanced by development proposals

3.3 LOCAL PLAN POLICY:

- 3.3.1 Policy H2 (**New Housing 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.

- 3.3.2 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.
- 3.3.3 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.
- 3.3.4 Policy T1 (**Traffic – 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.
- 3.3.5 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.
- 3.3.6 Policy E14 (**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.

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 (www.durham.gov.uk)

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.1.1 None

4.2 INTERNAL CONSULTEE RESPONSES:

4.2.1 None

4.3 PUBLIC RESPONSES:

- 4.3.1 18 no. local residents have written, some repeatedly, with detailed objections, a standard letter raising concerns has been sent from 44 properties, and an objection has been received from the Member of Parliament.
- 4.3.2 Objections to the proposed applications have been complicated as some correspondents have sought to re-visit the existing approval, and the basis upon which that delegated decision for this was reached.
- 4.3.3 As regards the current application, objectors consider the building oversized, for the site, the wider residential area, and in relation to facing existing dwellings, therefore being detrimental to the character of the locale. The prime concern in terms of the building itself is with its height – and increased height over that approved, the raised

roofline described as dominant, huge, towering, overbearing, imposing, ostentatious, crude, astonishing, unsympathetic and out of scale, having the appearance of a prison or Victorian Workhouse. The three storey building is considered to compromise both resident's view and privacy both of their houses and gardens. The proposed half-hipped roof is described as lop-sided, destroying the aesthetic of the area. Residents worry of the danger of snowfall from the roof as proposed causing injury to children and garden structures in neighbouring properties. The scale of the building is such that the development can be seen from the approach from the A167 on Spingwell Road and between houses on Fieldhouse Lane. The additional accommodation afforded by the alterations proposed to the roof, and as a result of the unauthorised works are considered unacceptable.

- 4.3.4 Objection is also raised to the increases length of the building, and the implications of this to existing resident's amenity, in the increase in the 'immense' floor area of the building, the resultant increase in mass and in bringing the structure closer to the boundaries shared with existing residential property, making the property overbearing, and compromising privacy.
- 4.3.5 Overall the house at plot 4 is considered too big for it's plot, and of poor design in being built right up to the western boundary. It is considered too close to the new dwelling on Plot 3. The removal of the lleylandii hedge from the west boundary is criticised, there being considered not enough space for a replacement. The new gable roof window is considered to have an unreasonable effect on the privacy of properties in The Grove, and the use of that room variously described as a bedroom and storage in supporting information is questioned. A reduction in roof-pitch to that originally approved is requested. The raised height of the rear of the dwelling is considered to give its ground floor windows unreasonable effect on facing dwellings, with reduction in window numbers or the use of frosted glass proposed as the only recourse. The side door of the house on the west elevation is considered likewise unacceptable, representing a gross invasion of privacy to The Grove.
- 4.3.6 Objectors point out that the main site slopes towards plot 4 and between removed landscaping, and the presence of new buildings on the site, their gardens have potential for flooding and soil slippage. With development of seven dwellings, with hard-standing for potentially 15no. cars excessive demands on the existing sewers are envisaged, with requests for site testing of the adequacy of drains requested. Objection to the use of a Commercial Building Control contractor, and lack of Council control over them, or response to requests has been considered unacceptable.
- 4.3.7 The other properties built on adjacent plots are considered too large, out of scale, obtrusive, and to have likewise an unreasonable effect on existing privacy and amenity
- 4.3.8 Lack of disabled access to the building is raised. Objectors consider their dwellings likely to have been devalued and complain their view has been lost. The development is stated as having detrimentally affected wildlife interests.
- 4.3.9 As noted above the applicant has struggled to provide an accurate set of plans to support the application, and this has caused huge contention and reaction during the course of the application and the various consultation exercises based on those plans, with consultees variously demanding the process be brought to quick conclusion, and be extended, that this had been purposefully manipulated by both the applicant, and the Council through its website to the detriment of neighbours. The validity of the application has been questioned, the accuracy of the Design & Access Statement criticised, requests for the Council to survey and produce

proposed plans received or commission a full independent survey, along with criticism of the wording of the Stop Notice, the timing of the Stop Notice. Objectors have sought to retrospectively object to the previous approval, claiming an objection to it was not taken into account, that the consultation exercise was not handled correctly, that Policy and advice was ignored and that Maladministration and Professional incompetence has been a feature of both that and the current application, with differences between the ground levels shown on different schemes a particular point, albeit some admit to being happy to accept the plans at the time, and not investigating the proposals fully.

- 4.3.10 Objectors have struggled with the submitted scale plans, and the lack of annotated dimension on them, and have complained vociferously on the accuracy and lack of consistency of the various sets of submitted plans.
- 4.3.11 The standard letter sent by 44no. residents is not framed as a specific objection, the three line message raising 'concern' that 'issues have been raised', stating the correspondent is 'keen to preserve the character of the area'.
- 4.3.12 The objection from the MP asks the Council to agree that it is unacceptable for developers to modify approved plans and ignore the conditions of their approval, nor allow them to 'get away with it' through retrospective approval, asking the Committee to 'send a message' to developers. The lack of objection to the original scheme is evidenced as demonstration that all parties were broadly supportive of that development, however the current building is considered to differ significantly from that approval. The MP's main objection to the building is the proposed design of the asymmetrical roof, which is out of character with surrounding buildings, and therefore contrary to Policy Q8. The property has been stretched in height and length, 25% on the main roof (5.25m high increased to 6.5m), 19% above the two storey wing (4.8m to 5.7m) and is 5% longer than approved (13.8m to 14.5m), with the problems exacerbated by the removal of the previous screening lleylandii hedge – a replacement hedge is considered an essential condition. The overall development is considered to have become visually fragmented as plot-build – an eventuality the original report sought to avoid.

4.4 APPLICANTS STATEMENT:

- 4.4.1 The applicant has submitted a Design and Access Statement describing the site and it's environs, and its proximity to transport nodes. The development is described as on traditional lines with brick and tile-hung elevations, scaled to match surrounding residences. Principal rooms are orientated to the rear of the property and windows have been sited to take account of neighbour privacy and amenity standards.

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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00235/FPA>

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 5.1 **The main issues for consideration are background to the development, principle of the development, size, scale and design, residential amenity and drainage.**
- 5.2 **Background**
- 5.2.1 This application relates to plot 4 of a plot-build development formerly occupied by the Rookstone and Milford nursing homes, now named 'Bishopgate'. The dwelling

was one of three houses on the rear part of the site approved in detail – the three properties on the roadside, and one in the centre of the land approved in ‘outline’, requiring the further submission of details through formal application before implementation (no reserved matters applications for these plots has of yet been received). The approved dwelling was to be 19.7m long, 7.7m high to its main ridge, with a single storey integral garage to the front, and a small single storey offshot, 2.5m wide on it’s western elevation. Main living room windows would face south, towards existing residential property in The Grove, with only high obscured service windows on the west elevation, facing the rear of dwellings in Fieldhouse Lane.

5.2.2 The dwelling was begun construction before the full discharge of conditions – noting that some of the conditions imposed on the host approval related to the individual plots, some to that overall site. With a private firm engaged to assess the Building Regulations application, Officers were not aware construction had commenced until informed by neighbours, and given the kit-build nature of the development, the mass of the building was already in evidence, and significant variations from the approval were apparent. The removal of an additional storey above the garage, and additional windows facing Fieldhouse Lane was immediately agreed and implemented within days, and discussions over the remaining variations were held on the basis that a planning application to allow the Council as Local Planning Authority, and surrounding residents the opportunity to formally assess the implications of the scheme. There is a difference between the scheme as built and as proposed, in that the main roof – originally proposed as fully hipped, constructed as gabled, and at a steeper pitch, to allow for an extra floor of accommodation – is proposed hipped at its western end, and remaining a gable at the elevation facing the adjacent Bishopgate building plot. The raise in pitch has resulted in a higher ridge-line, with all elements of the building higher than approved by different degrees, and a slight increase in length. The building is 9.5m high – an increase in roof height of 1.8m. Whilst it was originally stated that this was mitigated by the dwelling being erected lower than approved, on survey in later plans, this has proved not to be the case.

5.2.3 The current application needs to be assessed in its own right, on its own merits against the development plan – the City of Durham Local Plan, 2004. Officers advise that this decision must however give a high degree of material weight to the applicant’s ‘fall-back’ position, in other words the fact that the Council has already approved a large dwelling on the site, and this approval could still be implemented.

5.3 Principle of Development

5.3.1 The principle of development on the site, on ‘windfall’ previously developed land is generally accepted, as covered by policy H2 of the Development Plan. The site is suitable for residential accommodation, and the planning approval in 2009 for the wider site considered and accepted this principal and examined the more detailed and subjective policies that address requirements for setting separation distances, assessing scale and character, along with highways and drainage issues. There have been no material changes to either the site or the Policy context since that approval that would lead to an alternate assessment of the issue of principle.

5.3.2 With a planning application in preparation, the developer promised to cease site works, however despite various assurances low-level internal works continued over and above those agreed to make the site safe and secure, leading to an eventual Stop Notice. These on-going works however inflamed neighbours, who reported multiple instances of on-going works many of which were attributable to builders on the other plots – to subsequently exacerbate the situation a series of plans were submitted to the Council, and sent out quickly for consultation with errors on them, in

response to public demands for information, and much of the correspondence received – and it has been extensive – actually relates to dispute over process and procedures.

5.4 Size, Scale and Design of the proposed dwelling

- 5.4.1 The new dwelling is 9.5m high and 21m long. Set 1.37m from the boundary with Fieldhouse Lane, at its closest point, the main two storey side elevation of the building is 2.5m further removed from the boundary separated by the single storey side extension. The building is no wider, or nearer the boundary than originally approved. With the nearest facing dwelling some 27m distant from the boundary, the relationship generously exceeds the guidelines set out in the supporting text for Policy Q8 in the Local Plan, which requires 13m between a two storey gable facing living-room windows, or 21m between facing two storey main habitable rooms, that separation being over 30m.
- 5.4.2 The hipped roof on this elevation was negotiated by Officers for a number of reasons. In the first instance it reduces the physical mass of the building, and takes away the potential for overlooking to the properties and gardens in Fieldhouse Lane, bringing the effect on those properties far closer to the relationship already accepted and approved. With a separation of over 3m between the hipped roof and the boundary, the potential for injury from snow on the roof is considered unlikely. It should be noted that the visual effect of the dwelling is emphasised at present with the scaffolding, exposed frame and insulation having a far greater visual effect than would be the case when the building is finished. The second effect of the hipped roof is to lessen the visual effect of the roof where visible across the roofs of Fieldhouse Lane, when the site is approached from the A167. At present, and again allowing for the part finished appearance, the site is obtrusive from this approach. The hip would overcome problem. Alleged concerns relating to potential harm from roof snow, considered against the +3m distance between the main roof and the boundary is not considered reasonable.
- 5.4.3 Much has been made of the asymmetrical appearance of the building that would result from the roof shape now proposed. In reality, once the whole scheme at Bishopgate is implemented the house will not be visible in the general public domain, the original consent envisaging that the road-fronting properties having a high degree of design commonality, with those to the rear of the site having a greater design freedom – those frontage houses screening those to the rear to a high degree. The application is being assessed on the basis of the submitted plans, however the front of the new dwelling in particular will never be viewed as drawn in bare elevation – the projecting two storey front wing will mask the hip when viewed from North End (the road) and from within the site – the asymmetrical roof will only be visible in full elevation from properties to the rear, in The Grove, where the new dwelling would be viewed through the existing mature trees. It is Officer's opinion that once the whole development is completed, and taking into account the actual viewpoints of the proposed dwelling, the asymmetrical appearance of the house would not be obtrusively apparent, and would help mitigate the effect of the increased height of the dwelling on the occupants of surrounding property. The use of appropriate materials will help assimilate the new dwelling into the mature residential environment, aided in this location eventually by weathering and verdigris from the nearby trees. As the adjacent plots near completion, the scale they set shows the application building to be in reasonable proportion to them. When the frontage of the site is developed they will recede further from the public domain, whilst meeting an identified need for executive housing in Durham City, extending the range of residential stock available in the area. The issues of residential amenity and scale and character requiring assessment against Policies H2, H13 and Q8

have been assessed in detail above, and taking into account the fall-back position of the existent consent and the high degree of weight that must be given to it, and it is considered a sustainable refusal could not be upheld.

5.5 Residential Amenity

5.5.1 The rearranged fenestration on the proposed south elevation is not considered to have materially greater effect on facing properties than that previously approved, but in mitigation of the perceived problems a condition for the provision of hedging on both this, and the western boundary with Fieldhouse Lane, as suggested by the MP, and as required on the previous approval, will be repeated, noting that on previous schemes different residents had suggested both retention and removal of the oversized conifer hedge previously existent on the west boundary.

5.5.2 The effect of the proposals in terms of residential amenity and privacy has been raised in relation to properties in The Grove. Ordnance Survey plans show the two properties affected in The Grove as having gardens extending over 20m from the original main dwellings – noting that large single storey extensions have lessened this dimension. The distance from the new dwelling as built on plot 4 to the rear boundary varies from 7.6m to 10.8m. Therefore, even if the new dwelling is set at a higher level, and could be argued to demand a greater degree of separation, the required separation distances are exceeded. The development is higher density than much of the surrounding area, reflecting the accepted principal of modern development making the most efficient use of land – particularly brownfield land. Policy H13 states ‘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’ – the word significant being critical. Given the separation distances, again it is considered that a sustainable refusal reason could not be constructed on this point. The specific suggestion that the new gable window in the east elevation would have an unreasonable effect on 2 The Grove is not considered a sustainable objection for reasonable refusal.

5.6 Drainage

5.6.1 The standard approach to drainage issues is a consultation with the statutory undertaker – Northumbrian Water, whose requirements for alterations to the sewer related to the overall site, and have been confirmed by the original architect as having been undertaken to that organisation’s requirements as part of the conditions discharged on the wider site. A condition to require the developer of this individual plot to further provide the detail of a specific scheme to show rainwater disposal is proposed attached to any approval. Objectors have provided some historical evidence of flash flooding problems on the roadway to the front of the site only.

5.7 Other Issues

5.7.1 Disabled access to the property has been raised as an issue. The new dwelling will be required to meet access standards both in terms of door widths and ramped access through the Building Regulations.

5.7.2 Officers concur with the sentiment of the objection from the MP which asks the Council to agree that it is unacceptable for developers to modify approved plans and ignore the conditions of their approval. However the enforcement regime in planning is not designed to be punitive or to make examples of developers who have deviated from approvals. The developer agreed to remove significant elements of unauthorised works and to submit a planning application to allow the scheme, with

amendments to be formally considered by the Council and surrounding residents. When internal works continued, the Council served a Stop Notice, and the developer has subsequently respected this, during its course and after it has lapsed. Officers consider their approach to enforcement consistent with advice set out in PPG18, as reasonable and proportionate. The figures upon which the MP has based comparison between the approved and proposed schemes are not recognised.

- 5.7.3 Issues relating to highways and protected species have not been affected by this specific proposal, and the concerns raised relating to trees relate to the wider site – and have been dealt with through separate formal application under the TPO regulations. The Policy implications of T1, T10 and E14 are considered acceptable, and consistent with the previous approval. A condition to prescribe working hours is suggested to clarify times at which building operations may proceed on site, in the interests of residential amenity. Further conditions are proposed to remove ‘permitted development rights’, to prevent further development of the site, however small scale, without further Council control, given the contention of the proposals to date.

6.0 CONCLUSION

- 6.1 The application has been considered in its effect on the privacy and amenity of the existing surrounding residents and found compliant with the required separation distances, taking into account the site levels apparent on site. The more subjective area of scale and character has been assessed both in relation to the specific scheme proposed, and with acknowledgement of the fallback position resulting from the existing approval.
- 6.2 Issues of drainage, public safety, disabled access and parking have all be discussed and found acceptable or capable of being addressed by condition.
- 6.3 The views of an extensive campaign of public opposition to the proposal, both in terms of specific concerns relevant to the scheme, and a desire to set a precedent have been summarized, and given due weight in reaching a conclusion. It is however Officer’s opinion that the proposed house in its modified form will be acceptable, the application is recommended accordingly.

7.0 RECOMMENDATION

- 7.1 **That the application be APPROVED subject to the following conditions;**
- 7.1.1 The development hereby approved shall be carried out in strict accordance with the following approved plans: Site Layout Plan 2c, Ground Floor Plan 3, First Floor Plan 4, Attic Plan 5, Elevations 6, Elevations 7, As-built Survey 01 – all date stamped 12 May 2011.
- 7.1.2 Notwithstanding any details of materials submitted with the application, before any further operational development work is undertaken on plot 4 Bishopgate a specification of the external walling, rainwater goods and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.
- 7.1.3 The glass to be used in the first floor west boundary elevation shall be obscurely glazed to Pilkinton minimum privacy level 3, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the obscure glass shall remain in

place.

- 7.1.4 Notwithstanding the provisions of Part 1, Classes A, D, E, and Part 2, Class A the Town and Country Planning (General Permitted Development) Order 2008 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, extensions, sheds, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling.
- 7.1.5 Notwithstanding any details submitted with the application within one month of further operational development work being undertaken on Plot 4 Bishopgate, details of all the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment must include provision of fencing and hedging on the western boundary of the site with Fieldhouse Lane, with details of its specification, maintenance, timetable and replacement if any element of it should fail within five years of it being planted/erected. The boundary treatments shall be implemented and maintained in full accordance with the approved details.
- 7.1.6 Notwithstanding the details shown on the approved plans, prior to any further operational development work being undertaken on plot 4 Bishopgate precise details of all new fenestration, glazing, reveals, heads and cills shall be submitted to, and approved in writing by the Local Planning Authority, with the scheme subsequently implemented in full accord with said approval.
- 7.1.7 No building operations shall be carried out on plot 4 Bishopgate before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays, not at any time on Sundays, Bank Holidays and Public Holidays.
- 7.1.8 Before any further operational development work is undertaken on plot 4 Bishopgate a scheme for the provision of surface water drainage works must be submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and any timetable agreed.

8.0 REASONS FOR THE DECISION

- 8.1 The proposals have been considered against Policies H2, H13, Q8, T1, T10, E14, 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.
- 8.2 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.
- 8.3 In particular the development was considered acceptable having regard to consideration of issues of Residential amenity, scale and character, and the development of Brownfield land.
- 8.4 Objections received were fully considered and balanced but did not lead to a decision weighted towards a refusal, the report assessing those objections pertinent to the specific proposals, giving appropriate weight to criticism of previously approved schemes, and separating wider issues relating to process and performance.

9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans, and amended plans.

Design and Access Statement

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004


Planning Policy Statements / Guidance, PPS1 & PPS3

Public Consultation Responses

Response from MP

For reference purposes only. No further copies may be made.



 Durham County Council	Planning Services		4/11/00235/FPA	
	Plot 4 Bishopgate, Former Rookstone Nursing Home, 48 North End, Durham DH1 4LW			
Comments				
Date	07 July 2011	Scale	1:1250	
<small>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.</small>				