

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02320/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing public house and erection of retail and office building with associated parking and landscaping
NAME OF APPLICANT:	J A Property Limited
ADDRESS:	The Cooperage Durham Road Bowburn
ELECTORAL DIVISION:	Coxhoe Tim Burnham
CASE OFFICER:	Senior Planning Officer Tel: 03000 263963 email: tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The Cooperage is a premises located on the A177 Durham Road within Bowburn Conservation Area. The pub is currently closed with the building boarded up. To the east of the building and yard areas sits a parking area which has vehicular access from the residential street to the north and Crow Trees Lane to the south. The building has been constructed of red brick and has been altered over time. The site is prominent through facing onto the main road and sits centrally within Bowburn. A bus stop sits on Crow Trees Lane to the south east of the site.
2. The planning application proposes to demolish the building and build a new building in its place. The new building would be of two storey height, constructed of brick walls. Visible parts of the roof would be pitched and slated, with a single ply membrane covering a flat roofed section towards the centre of the building. A flat roofed entrance area would be provided to the south east elevation. The building would host retail and associated store space at ground floor level and two offices at first floor level. A car park providing 21 parking spaces would be provided within the site immediately to the north east of the building.
3. The design of the replacement building has been amended significantly from that originally proposed.
4. The application is being reported to the committee at the request of Cllr Plews on Highways grounds and due to the site being within a Conservation Area.

PLANNING HISTORY

5. There is no recent relevant planning history at the site.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

9. NPPF Part 1 - Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

10. NPPF Part 4 - Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

11. NPPF Part 7 - Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

12. NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

13. NPPF Part 11 - Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

LOCAL PLAN POLICY:

15. 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

16. 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.

17. Policy EMP14: Office Development Elsewhere This Policy relates to proposed office development outside of any identified local centre. It states that Office development in the location proposed would be acceptable provided that there would be no significant adverse impact upon the amenity of neighbouring occupiers, provided that the site is accessible by a choice of means of transport having particular regard to the needs of public transport, pedestrians and cyclists and provided the site is served by roads capable of handling any traffic that would be generated.

18. Policy H13 (Residential Areas – Impact upon Character and appearance) 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.

19. Policy C9 - Loss of an existing community facility - This policy states that planning permission will not be granted for a proposal which would result on the loss of an existing community facility unless it can be demonstrated that the facility is no longer financially viable, or there is no significant demand within the locality or where an equivalent alternative facility is available to satisfy the needs of the local community nearby.

20. 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

21. 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

22. Policy S6: This policy relates to Village shops. It states that within Bowburn shops of less than 1000m² will be permitted provided that it will not adversely affect the vitality or viability of any other local centre of village, provided impacts upon amenity or road safety are satisfactory and provided that it would be situated close or well related to shops and other facilities within the village

23. Policies Q1 and Q2 - General Principles Designing for People and Accessibility - states that the layout and design of all new development should take into account the requirements of all users

24. Policy U8A - Disposal of Foul and Surface Water - requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

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/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan

25. The emerging County Durham Plan was submitted in April 2014 and the main body has been examined in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies contained in the Submission Draft are considered relevant to the determination of the application.

26. Policy 1 Sustainable Development - This Policy requires that all development is sustainable.

27. Policy 26 Retail Hierarchy and Development in Local Centres. Within this Policy, Bowburn is identified as a local centre. The Policy states that new retail provision within these centres should be local in nature and not perform a wider retail function or become a retail destination in its own right. Any proposal should be consistent in scale with the size and function of the centre, Safeguard the retail character and function of existing centres and not detract from their vitality and viability and be convenient and accessible in order to meet day to day needs of residents and contribute to social inclusion and sustainable development.

28. Policy 44 Historic Environment: Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.

29. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted. Those that offer significant improvements to heritage assets most at risk through neglect, decay or other threats will be given additional weight.

Development will not be permitted that would entail the loss, in whole or in part, of a heritage asset (designated or non-designated) unless it can be demonstrated that the proposed development will be implemented after the loss has occurred.

Designated Heritage Assets

30. Development which would lead to substantial harm to or total loss of significance of, a designated heritage asset will not be permitted unless it can be demonstrated that the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply:

- a. The nature of the heritage asset prevents all reasonable uses of the site;
- b. No viable use of the heritage asset itself can be found in the medium term that will enable its conservation;
- c. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. The harm or loss is outweighed by the benefit of bringing the site back into use.

Development that would lead to less than substantial harm to a designated heritage asset will only be permitted where that harm is outweighed by the public benefits of the proposal. When considering the balance of considerations great weight will be given to the conservation of the asset.

Non-designated Heritage Assets

The effect of development proposals on the significance of non-designated heritage assets will be taken into account in determining applications. In assessing proposals that affect non-designated heritage assets, either directly or indirectly, regard will be given to the significance of the heritage asset and the scale of any harm or loss

The above represents a summary of those policies considered most relevant in the Emerging Development Plan the full text, criteria, and justifications of each may be accessed at <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psd/p?pointId=2637658#document-2637658>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Northumbrian Water: No objections
32. Highways Development Management: No objections – bus stop requires relocating to aid highways visibility.

INTERNAL CONSULTEE RESPONSES:

33. Drainage and Coastal Protection: No objections - Drainage Scheme required.
34. Archaeology: consider that it has not been fully justified that the building cannot be retained and re-used.
35. Environmental Health: No objections, conditions suggested in relation to noise and dust disturbance etc.

36. Ecology: No objection.

37. Design and Conservation: Do not consider that strong enough case has been made for demolition of building or that the replacement building is of suitable quality.

38. Planning Policy: No objections in principle.

39. Street Scene: No objections.

PUBLIC RESPONSES:

40. A letter of support has been received for the development. It is suggested that the existing building is steadily decaying with pub use unviable in the current economic and social climate. It is suggested that a new building would be a more relevant and beneficial addition to the community. Bishop Auckland Cycling Club have written to express their appreciation for the provision of cycle parking

41. Bowburn and Parkhill Community Partnership and Cassop cum Quarrington Parish Council have suggested that the revised building design would be more sympathetic to the Conservation Area. The Parish Council do however have some concerns over parking, access and deliveries to the store. A letter of concern has been received from a nearby occupier relating to potential disturbance during any periods of demolition or construction.

APPLICANTS STATEMENT:

42. The Cooperage public house, formerly the Wheatsheaf, is an unlisted building, part of the Bowburn Conservation Area; but the car park area to the rear is not part of the Conservation Area. The application proposes to demolish the existing building and provide a small mixed use development, with retail space at ground floor level and office space above. The car park area to the rear will serve the new development.

43. The proposed development site is encompassed by an intensively populated residential area which would welcome a comprehensive retail facility. There is obviously a demand within this locality for such a facility as the existing provision is limited, with many travelling to Spennymoor or Durham for basic daily goods.

44. The retail development alone would require at least 15no. employees and in line with the National Planning Policy Framework (NPPF), the proposal seeks to promote a competitive and vibrant environment, in a location where the service could clearly be sustained; the pre-application enquiry response considered the development site to represent a sustainable location. In addition, the change of use from A4 (Drinking Establishments) to A1 (Retail) and B1 (Offices) would be recognised as Permitted Development under the General Permitted Development Order.

45. The Cooperage is currently vacant and has not had a long-term occupier for some time. Whilst the loss of the public house is regrettable, it has been evidenced that there is not the local demand to sustain such a facility.

46. It is acknowledged that the retention/adaptation of the existing building is the Local Authorities preferred first choice for redeveloping the site and the design process has explored this route extensively. For reasons detailed in other application documents, it was concluded that it would be both more architecturally and economically viable to demolish the existing building and provide a new development.

47. The Bowburn Conservation Area principally encompasses the terraced housing of the former mining village and as described in the Appraisal 2008, 'the terraced rows, typical of mining villages, are now the principle remaining historic feature' and their special character

'arises from the architectural rhythm of the street pattern', the 'uniformity of materials and architectural detail.' The Cooperage building is described in the Local Authorities Design And Conservation Advice (Sept. 2014) as 'retaining its intrinsic character' and as being 'a focal point on an important corner of the Conservation Area; its scale and character blend in well with the adjoining terraced housing which forms the historic core of the heritage asset.'

48. Indeed the Cooperage is a focal point, but it is believed that it is simply the scale and siting of the building that makes it a focal point. Unlike the housing, The Cooperage building does not demonstrate the character that arises from architectural rhythm or pattern and it 'blends in well with the adjoining terraced housing' simply because of its material palette.

49. Whilst it is appreciated that the history of the site is significant, and for that reason the building is considered to be a locally important, non-designated heritage asset, the 'character' of The Cooperage does not extend beyond the physicality of the buildings bricks and mortar. The Cooperage has been extensively altered and unsympathetically extended; the building has been neglected and is falling into disrepair. Its windows and doors are recent additions and there is nothing to its interior of any great merit. Indeed, in its current state of repair, any improvement to the site would have a positive impact on the character and appearance of the Conservation Area and street scene. Since the building has been in the Clients ownership, despite their best efforts, it has been subject to a number of vandal and arson attacks.

50. The application is the result of extensive collaboration with the Local Authority, incorporating wherever possible the advice received. It is believed that the proposal demonstrates a 'high quality replacement building'; one that is contemporary, but that 'fits in with the grain and distinctive character of the Conservation Area.' (L.A. D&C Sept. 2014) The principle elements of the Durham Road (West) elevation of The Cooperage, those that are regarded as intrinsic to its character, are retained in this proposal.

51. In line with the NPPF, the proposal is a clear example of a new development that will make a positive contribution to its locality and the surrounding area. The loss of the existing building 'is outweighed by the benefit of bringing the site back into use'; particularly with a service that reflects the local community's needs.

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://plan-1:8080/IDOXSoftware/IG_search?sort=5&dir=asc&FormParameter1=DM%2F14%2F02320%2FFPA&app_id=1002

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon Conservation Area, highways issues, ecology and other issues.

Principle of development

53. Policy S6 of the Local Plan relates to Village shops. It states that within Bowburn shops of less than 1000m² will be permitted provided that they will not adversely affect the vitality or viability of any other local centre or village, provided impacts upon amenity or road safety are satisfactory and provided that it would be situated close or well related to shops and other facilities within the village.

54. Policy EMP14 relates to proposed office development outside of any identified local centre. It states that Office development in these locations would be acceptable provided that there would be no significant adverse impact upon the amenity of neighbouring occupiers, provided that the site is accessible by a choice of means of transport having particular regard to the needs of public transport, pedestrians and cyclists and provided the site is served by roads capable of handling any traffic that would be generated.

55. Policy C9 relates to the loss of community facilities. This policy states that planning permission will not be granted for a proposal which would result in the loss of an existing community facility unless it can be demonstrated that the facility is no longer financially viable, or where there is no significant demand within the locality or where an equivalent alternative facility is available to satisfy the needs of the local community nearby.

56. Officers note that Policy S6 which relates to Village shops pays particular attention to Bowburn which it states lacks any identifiable village centre. The Local Plan anticipated improvement of retailing facilities in Bowburn throughout the plan period with a retailing site identified at Bowburn South Industrial Estate. Officers have not felt able to give any special consideration to whether or not the provision of retail here would harm that site coming forward. This is because a retail outlet of similar floor space could be implemented within the existing cooperage building under permitted development rights. Further, the scheme currently before members is realistic and deliverable and would provide a focus from a retail point of view in this part of Bowburn.

57. The application is considered acceptable in relation to Policy C9 on the counts that The Cooperage is on balance of probabilities not financially viable and because The Oak Tree Pub on Prince Charles Avenue provides an equivalent alternative facility.

58. The impact on amenity of the proposed retail and office space is considered acceptable. Despite sitting in a partly residential area, it is likely that comings and goings or hours of operations arising from the proposed use would be unlikely to be significantly different to those experienced from a well-functioning pub business. The site is in an accessible and sustainable location and is served by public transport. Cycle parking would be provided. The application is considered acceptable and in accordance with Policies S6 and EMP14.

59. Due to the points mentioned above, the principle of the proposed uses is considered in accordance with Policy H13 which requires that development should not have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

60. The application would meet one of the core aims of the NPPF which is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Impact upon Conservation Area

61. The Development site is located within, albeit on the edge of Bowburn Conservation Area. National and Local Planning Policy requires that any development within a Conservation Area serves to preserve or enhance its character or appearance. This is a requirement of S72 of the Planning (Listed Buildings and Conservation) Areas Act 1990 and Policy E22 of the City of Durham Local Plan.

62. Officers acknowledge that the pub building if in its open and functioning form would make a positive contribution to the significance of the Conservation Area. The NPPF states that the loss of a building which makes a positive contribution to the significance of the

conservation area should be assessed as having 'substantial harm' or 'less than substantial harm'.

63. Planning Officers consider on this occasion that the loss the building would result in less than substantial harm. This is because the building has been extensively altered over time and because its physical appearance and design is not exceptional, uncommon or rare. It is fitted with unsympathetic upvc windows to the upper front elevation and is not fully cohesive. The building is not afforded listed protection, and Officers understand it is not of a level of significance, importance or uniqueness to be afforded such protection. Officers also consider that primarily the character of the Conservation Area is comprised of the rhythmic nature of rows of former colliery houses as they fall downwards from south east to north west, rather than any significant contribution from the Cooperage building which sits on a limb to the southern end of the Conservation Area.

64. Notwithstanding this, Officers do recognise that the building does draw affection locally, is of significant age and has a degree of social history associated with it. Officers also note concern from the Design and Conservation section regarding justification for demolition and concern that the proposed design could be improved.

65. The NPPF states that where a development proposal will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

66. Officers do attribute significant weight to the public benefits that this development could draw. The site has lain empty for a significant period of time and considering the line of failed tenancies that the applicant suggests, financial viability appeared limited.

67. The development proposed would bring the site back into functional use, and create what would likely be a well-used retail outlet for local residents in a location where there is currently limited provision. Modern and desirable office space in what Officers consider a very sustainable location close to the local population and transport links within Bowburn would also be provided. Importantly, the development would also be likely to create a significant number of new jobs, primarily within the retail space but also in association with the Offices above. The applicant's agent has suggested that the retail unit alone would require 15 employees.

68. These factors are considered to be of significant public benefit which would outweigh the less than significant harm that would occur to the Conservation Area. The applicant is confident that the proposed replacement building can be delivered, and a condition is included to ensure that the existing building is not demolished before contracts have been signed for its replacement. Following lengthy negotiation between Officers and the applicant's agent, the replacement building proposed is now considered of an appropriate standard of design to preserve the character and appearance of the Conservation Area. Officer negotiation has resulted in substantial amendments and improvements to the originally proposed scheme.

69. Officers do acknowledge that the preference for this type of building would be some form of conversion with extension and this was originally explored in detail through pre application discussions between Officers and the applicant's agent. However, it became difficult to realise a development that would suit all parties – for example a good level of parking provision was required and the desire to create a focal point on the corner was difficult to achieve with the existing building. When many former pubs are converted all that is involved is a change to a singular retail use making such conversions much more straightforward. This scheme proposes retail as well as office space, and Officers did not want to see the Office space lost. As such a replacement building was discussed and that is

the route as to how this point was arrived at. In accordance with NPPF paragraph 128, the applicants agent has sought to identify the significance of the heritage asset and Officers are satisfied that the level of detail provided is acceptable in relation to this particular case.

70. The design of the building proposed is a significant improvement upon that originally proposed. The building takes on a relatively traditional form echoing the proportions and rooflines of terraced properties within the Conservation Area to the north with a set down incorporated to follow the slope. The visible parts of the roof would be pitched while materials, although the final details would be agreed through condition would be facing brick to match the locality with slate roof.

71. Despite taking on a relatively traditional appearance, modern elements have been introduced in the form of a flat roofed entrance lobby, modern chimney style features and a window of vertical proportion running through from the ground to first floor on the south west elevation. Detail and interest would also be added to the building through cills and heads, recessed 'fake' window openings and brick coursing running at a mid-height across the building.

72. The application is therefore considered to be in accordance with Part 12 of the NPPF in that the less than substantial level of harm from removal of the building would be outweighed by wider public benefit and in accordance with Policy E22 of the City of Durham Local Plan because the character and appearance of the Conservation Area would be preserved.

Highways

73. Highways Development management have raised no objections to the development. They are satisfied that an adequate level of car parking of 21 spaces is proposed within the development. They do however require that the bus stop on Crow Trees lane to the south of the site be relocated slightly as its current position would interfere with access and egress from the car park. It is anticipated that the bus stop would only need to be moved a minimal distance and could remain close to its existing position in relation to the application site. Although this would unlikely need planning permission in itself it is detailed via condition and would have to be arranged through the public transport section.

74. The development would also accord with Part 4 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Ecology

75. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England

76. A bat risk assessment has been carried out on the property. No evidence of bats was found at the building. A mitigation statement has been included within the report relating to careful demolition of the premises. The Senior Ecology officer has offered no objection subject to adherence to the mitigation measures detailed.

Other issues

77. Details are required relating to drainage at the site and a condition is included to that effect. Despite there being limited scope for landscaping as the site would be well developed, Officers consider the site would benefit from a modest landscaping scheme to soften its appearance in this prominent location. Details of materials of hard surfacing can also be reserved via condition. Informatives have been advised from Environmental Health relating to safe demolition of the existing building and appropriate working hours. Officers note concern from an adjoining occupier in relation to disturbance from demolition and construction, although unfortunately some element of disturbance would be inevitable with any demolition/construction process and significant weight cannot be afforded to these concerns.

CONCLUSION

78. Officers consider that the development proposed represents a good opportunity to bring the site back into use and provide valuable jobs, retail and office space in a sustainable location within Bowburn. These matters have been given significant weight by Officers in the decision making process.

79. The development of the site is acceptable in principle relating to the aims of the NPPF and City of Durham Local Plan policies relating to office and retail development.

80. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Conservation Areas should be preserved or enhanced. This requirement is reflected in Policy E22 of the City of Durham Local Plan. Officers consider that the removal of the existing building for replacement with that proposed would meet this test in preserving the Conservation Area. The proposal would also meet the criteria for the loss of buildings within a Conservation Area as detailed in Part 12 of the NPPF in that the level of harm would be acceptable and outweighed by wider public benefit.

81. The development is also considered to be acceptable in terms of highways issues, Ecology and other issues.

82. The development is considered acceptable in accordance with NPPF Parts 1, 4, 7, 10, 11, 12 and City of Durham Local Plan Policies E16, E22, EMP14, H13, C9, T1, T10, S6, Q1, Q and U8A, consequently approval is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

Bat Survey and Risk Assessment, The Cooperage by Veronica Howard received 14th August 2014.

Drawing 03 REV I

Drawing 04 REV I received 20th January 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with local development plan policies E16, E22, EMP14, H13, C9, T1, T10, S6, Q1, Q2, U8A and parts 1, 4, 7, 10, 11 and 12 of the NPPF.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

4. Prior to the commencement of the development details of all gutters, downpipes and other external pipework shall be submitted to and approved in writing by the Local planning authority. The gutters/downpipes shall be provided in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E22 of the City of Durham Local Plan.

5. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E22 of the City of Durham Local Plan.

6. Notwithstanding the details submitted within the application no development shall commence until details of a scheme for surface water drainage has been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the bringing into use of the development.

Reason: To ensure appropriate drainage of the site and to use an opportunity offered by new development to reduce the causes and impacts of flooding in accordance with Part 10 of the National Planning Policy Framework.

7. The bus stop to the south east of the site on Crow Trees Lane shall be relocated in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Neither the retail unit, nor the offices shall be brought into use until the bus stop relocation has been completed.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

8. No development shall take place unless in accordance with the mitigation recommendations detailed within Section 4 the Bat Survey and Risk Assessment; The Cooperage by Veronica Howard received 14th August 2014.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

11. The retail premises shall not be open to customers outside the hours of 06:00 to 23:00 on any day of the week.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

12. The existing building shall not be demolished until a contract for the construction of the retail and office building hereby approved has been entered into.

Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The recommendation has been made within the target timescale of an extension of time agreement made between Officers and the applicant.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant

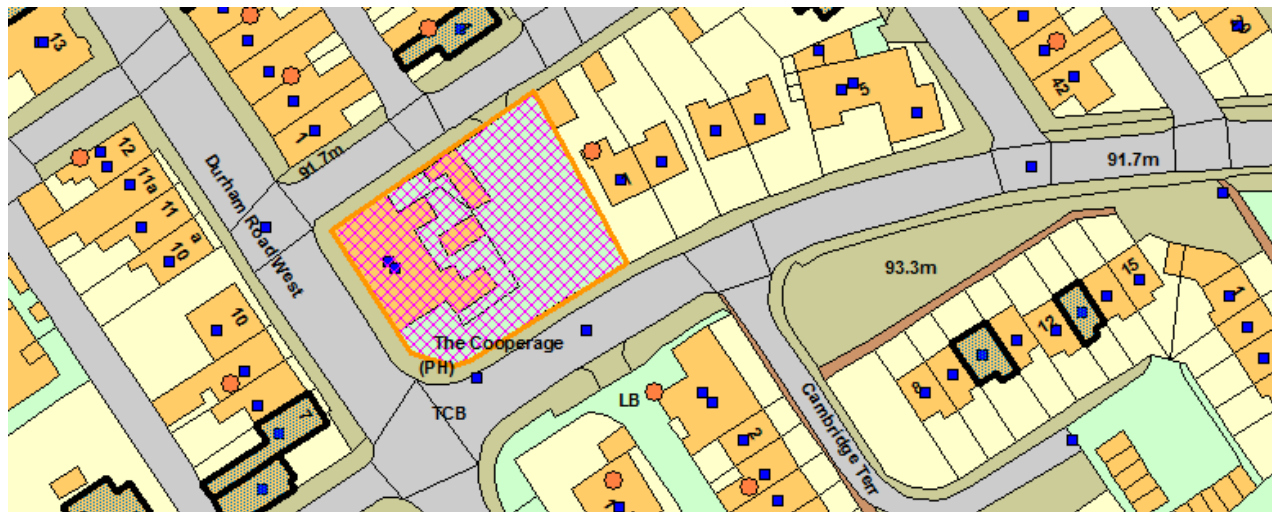
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan

The County Durham Plan (Submission Draft)

Statutory, internal and public consultation responses



Planning Services

Demolition of existing public house and erection of retail and office building with associated parking, works and landscaping

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 Licence No. 100022202 2005

10th February 2015