

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/10/00812/VOC
<b>FULL APPLICATION DESCRIPTION:</b>	Variation of condition 10 of planning permission 4/10/223 to enable provision of alternative construction site access arrangements
<b>NAME OF APPLICANT:</b>	Crosby Homes Yorkshire Ltd
<b>ADDRESS:</b>	Sheraton House, Sheraton Park, Darlington Road, Nevilles Cross, Durham
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<b>CASE OFFICER:</b>	Peter Herbert, Principal Planner 0191 3018723 <a href="mailto:peter.herbert@durham.gov.uk">peter.herbert@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. Sheraton House is one of two former education college buildings, the other being Neville House, standing centrally within a development site known as Sheraton Park, lying to the south of the Nevilles Cross area of Durham. The site was originally occupied by Durham New College.

2. When planning permission for the conversion of Sheraton House to residential apartments was recently renewed in June 2010, a condition was attached, at the request of the Highway Authority, to restrict construction traffic associated with this property to the use of a central builders' compound. This was to avoid the need for heavy vehicles penetrating a residential site any further than absolutely necessary, thus avoiding road surface damage and impact upon amenity levels. The condition applied only to Sheraton House and not Neville House, the other major building nearby that would also be converted to residential use.

3. The developers now wish to vary the condition that applies to the Sheraton House development to allow fork lift truck access to the estate road network for the delivery of building materials. However, following planning officer negotiations with the applicants, Crosby Homes are willing to extend the construction traffic restrictions to Neville House also, provided that ready mix concrete and JCB vehicles are also allowed access.

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## **PLANNING HISTORY**

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4. Planning permission was granted in November 2002 for the erection of 209 dwellings, change of use of Neville House to provide 62 apartments, conversion of Sheraton House to offices, or offices and leisure, and associated infrastructure works to include a new A167 access.

5. Planning permission was granted in 2005 for the conversion and extension of Neville House to form 67 apartments.

6. Planning permission was granted in 2007 for the conversion and extension of Sheraton House to form a total of 47 apartments, with associated parking and landscaping.

7. This planning permission was renewed in 2010 with the following condition:

*All construction traffic shall service the application site only via the central compound entrance located at the Dalton Crescent/ Clay Lane junction, and by no other route, without the express written consent of the Local Planning Authority*

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## **PLANNING POLICY**

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### **8. NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.

### **9. REGIONAL PLANNING POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, set out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS set 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 following are those policies considered relevant:

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.

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

Policy 4 (The Sequential Approach to Development) seeks a prioritized approach to development of sites based on previously developed land, protection of nature and heritage sites, and relation to existing homes, jobs, services and modes of transport.

Policy 6 (Locational Strategy) seeks to maintain sustainable market towns, service centres and villages whilst preserving their historic fabric and character.

Policy 7 (Connectivity and Accessibility) seeks to reduce the impact of travel demand by promoting public transport, travel plans, cycling and walking, and making the best use of existing resources and infrastructure.

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

Policy 9 (Tyne and Wear City Region) gives a priority to regeneration in the River Wear corridor.

Policy 11 (Rural Areas) supports the development of a vibrant rural economy that makes a positive contribution to regional prosperity whilst protecting the region's environmental assets from inappropriate development, aspiring to economic prosperity and creating Sustainable Communities.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilize previously developed land wherever possible.

Policy 30 (Improving Inclusively and Affordability) seeks to make provision for a range of dwelling type, size and tenure, assessed against the needs of the local community, considering elements of the housing stock currently under-represented.

Policy 38 (Sustainable Construction) requires planning proposals to ensure that the design and layout of new dwellings must minimise energy consumption, and encourage best practice for achieving high energy efficiency.

## **10. LOCAL PLAN POLICY:**

Policy T1 (Traffic Generation – General) of the City of Durham Local Plan 2004 precludes development proposals likely to lead to a level of traffic generation prejudicial to highway safety.

Policy H13 (Residential Areas – Impact upon Character and Amenity) seeks to prevent development or changes of use which would result in significant harm to the character or appearance of residential areas, or the amenities of residents within them.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **11. STATUTORY RESPONSES:**

The County Highway Authority is of the view that the use of a fork lift is unlikely to do any significant damage to the estate road system, but would prefer such a restriction to extend to construction traffic associated with Neville House too. Were that the case, it would not oppose ready mix deliveries and JCB access as overall this would represent a reduction in construction traffic movement within the estate.

### **12. INTERNAL CONSULTEE RESPONSES:**

None

### **13. PUBLIC RESPONSES:**

Two letters of objection have been received from Sheraton Park residents. Concerns expressed include unnecessary use of already heavily trafficked residential roads and consequent highway safety implications; further damage to already poor road surfaces; and disturbance to residents.

A letter on behalf of Dalton Crescent Residents Group states its members to be unconcerned regarding the proposed use of a fork lift truck outside the central compound, particularly if this application is an indication of Crosby Homes' imminent return to the site and the completion of the Sheraton and Neville House conversions.

### **14. APPLICANTS STATEMENT:**

The applicants have applied for a relaxation of a planning condition restricting Sheraton House construction traffic to the central builders' compound as it is their contention that not all of that building can be accessed from the compound in respect of materials deliveries.

The use of a fork lift truck would, it is suggested, allow necessary access without causing significant harm to either residential amenity or road surfaces.

They are also willing to restrict construction vehicle access to Neville House, provided fork lift, ready mix deliveries and JCB access is also permissible.

This, it is argued, would represent an overall reduction in construction traffic as currently any vehicle, including heavy lorries carrying materials, can access Neville House without restriction.

*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=10/00812/VOC>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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15. The planning condition which the applicants seek to vary was imposed in the interests of residential amenity and highway surface damage. Consequently, the acceptability of a variation to this condition rests upon its anticipated impact upon these matters.

16. However, it must be recognised that construction vehicle access restrictions currently relate to the conversion of Sheraton house only and not the Neville House conversion. Accordingly, the benefits albeit worthwhile are nevertheless limited.

17. Following negotiations with the applicants, an agreement has been reached whereby construction vehicle access restrictions will be extended to both properties. This would require all such vehicles to park within, and unload materials from, the central compound, but allow when absolutely necessary access to Neville House via Faraday Court for a fork lift truck, ready mix concrete vehicles and a JCB, as these are essential for the completion of conversion work, and there is no other method of accessing the rear of Neville House.

18. While such an agreement exceeds what was originally applied for, the benefits are substantial in that construction traffic would be limited to both Sheraton and Neville Houses. Accordingly, overall, there would be a significant reduction in heavy commercial vehicles going further into Sheraton Park than the central compound, to the benefit of both residential amenity levels and carriageway wear and tear. Furthermore, in a challenging economic climate, one obstacle is removed from the applicants returning to Sheraton Park to complete this development.

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## **CONCLUSION**

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19. The planning condition for which a variation is being sought was imposed to restrict construction traffic movement within Sheraton Park, in the interests of both residential amenity and highway surface impact. The Neville House conversion has no such restriction.

20. By negotiation the applicants have agreed to such a condition extending to both Sheraton and Neville Houses, provided that ready mix concrete deliveries and occasional JCB movements are added to fork lift deliveries.

21. This has been discussed with the Highway Authority, and from a traffic and carriageway impact standpoint no concerns have been raised. Similarly, as the overall level of construction traffic penetrating Sheraton park beyond the central compound will be reduced, residential amenity levels must benefit.

22. Accordingly, the proposed variation is considered to meet the objectives of Policies H13 and T1 of the Local Plan, and is therefore acceptable.

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## **RECOMMENDATION**

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That the proposed variation of condition 10 of planning permission 4/10/00223 be **APPROVED**, and the conditions now to read:

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

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

2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with Policies Q8 and Q15 of the City of Durham Local Plan 2004.

7. No development shall commence until a scheme for the enhancement of the appearance of the electricity substation to the south east of Sheraton House, and of the bat structure to the east, has been agreed in writing with the Local Planning Authority. The agreed scheme, subject to the approval of NEDL and the granting of a DEFRA license, shall be implemented in full prior to any occupation of the approved apartments.

Reason: In the interests of visual amenity in accordance with Policies Q8 and Q15 of the City of Durham Local Plan 2004.

8. Construction operating hours shall be confined to between 8:00 am and 6:00 pm Monday to Friday, and 9:00 am to 2:00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.

Reason: In the interests of residential amenity in accordance with Policy H13 of the City of Durham Local Plan 2004.

9. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.

Reason: In compliance with the provisions of Regional Spatial Strategy Policies 39.

10. All construction traffic associated with the redevelopment of Sheraton and Neville Houses shall park and unload within the central Sheraton Park compound located between the two properties, and at no time progress further into the estate. However, it will be permissible to access Neville House by fork lift truck, JCB and ready mix concrete vehicles.

Reason: In the interests of residential amenity and highway safety in accordance with the objectives of Policies H13 and T1 of the City of Durham Local Plan 2004.

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11. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed:

HJB/552/PA 51b Site Plan  
HJB/552/PA 52b Ground Floor Plan  
HJB/552/PA 53b First Floor Plan  
HJB/552/PA 54b Second Floor Plan  
HJB/552/PA 55b North Elevation  
HJB/552/PA 56b South Elevation  
HJB/552/PA 57b East Elevation  
HLB/552/PA 58b West Elevation  
HJB/552/PA 59b Cross Sections  
As marked amended and received 2 March 2007

HJB/552/PA 62A Landscape Proposals  
HJB/552/PA 50 Application Boundary  
As received 10 January 2007

Reason: To define the consent and ensure that a satisfactory form of development obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed condition variation would restrict construction traffic not only associated with the conversion of Sheraton House but also Neville House, to the benefit of highway safety, carriageway wear and tear, and residential amenity, so meeting the objectives of Policy H13 and T1 of the Local Plan.
2. The revised condition wording widens its scope and has overall benefits for those living at Sheraton Park.
3. Those opposing the proposed condition variation cite highway safety and residential amenity as grounds for their concern. Yet these are the very matters that will benefit from what is being requested. So having taken this into account, and the absence of concern by the Dalton Crescent Residents Group, this proposal is considered acceptable.

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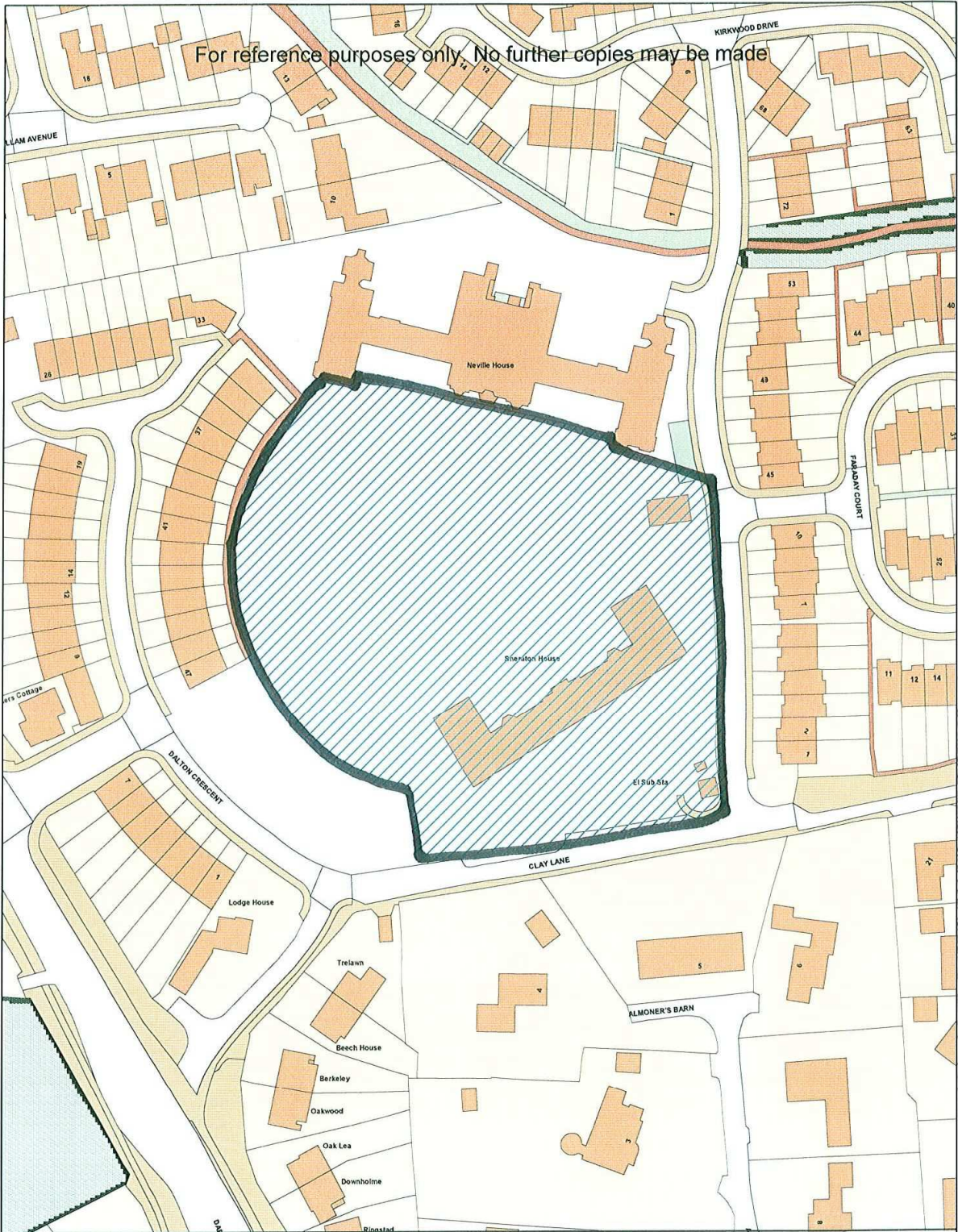
## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
City of Durham Local Plan 2004  
Planning Policy Statements / Guidance, PPS1  
Response from County Highways  
Third party representations







For reference purposes only. No further copies may be made

 <b>Planning Services</b>	4/10/00812/VOC - Sheraton House, Off Darlington Road	
	<b>Comments</b>	
<b>Date</b>	20 January 2011	<b>Scale</b> 1:1250
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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	4/10/00845/FPA
FULL APPLICATION DESCRIPTION:	Erection of 2 no. dwellings with associated parking together with upgrading of access from Front Street
NAME OF APPLICANT:	Mr S Williams
SITE ADDRESS:	Land west of 4 South Terrace, Framwellgate Moor Durham
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Andrew Inch, Senior Planning Officer (0191) 301 8745 <a href="mailto:Andrew.inch@durham.gov.uk">Andrew.inch@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises in part an area of vacant land, partly sown to grass, partly mud and partly hard surfaced, and which is currently used for vehicle parking, siting of storage container and storage of building materials. The site is also made up of an unmade, narrow access in a poor state of repair and which serves a number of existing residential properties from Front Street, as well as including some parking spaces. To the front of the site is the access with a number of new residential dwellings, set on higher ground level, beyond. To the rear are traditional terraced two storey dwellings largely of render and slate with some brick. These properties appear to have pedestrian access onto the application site as well as one having vehicular access. To the east and adjoining the site is an existing terrace of two storey properties, some with attic accommodation, while to the west is an area of gardens with further residential development beyond.

2. Planning permission is sought for the erection of a pair of two storey semi-detached dwellings laid out in an L-shape, with 3 bedrooms in each. The properties would be a mix of render and facing brickwork with grey slate roofing. Three parking spaces would be provided to the front of the dwellings. An integral part of the application is the proposed upgrade of the unmade access road to an adoptable standard including parking bays adjacent to 16 Front Street, and both vehicular and pedestrian access in tarmac with associated drainage. The upgraded access would stop at the western edge of the proposed dwellings.

3. The application is reported to Committee following an objection from Framwellgate Moor Parish Council.

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## **PLANNING HISTORY**

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4. At the Central and East Area Planning Committee of 21 October 2010, it was resolved to refuse planning permission (10/00470) for the erection of two dwellings at this same site on the basis of inadequate levels of privacy for surrounding and prospective occupiers. An appeal against the Council's decision has been lodged and a decision is awaited. That application followed the refusal of planning permission (09/00797) for two dwellings and an apartment in December 2009. The reasons for refusal related to the land being considered to not be previously-developed, unsuitable access and privacy loss for surrounding residents.

5. In addition, and of significance to the application site is a planning permission (06/00849) for the erection of two dwellings immediately to the east of and adjoining the site; 3 and 4 South Terrace. Permission was granted subject to conditions, and specifically that the access road was upgraded prior to the occupation of the development following agreement of an appropriate scheme. Such agreement was reached and involves the construction of part of the road, to form a turning head, on the site subject of this application. The dwellings have been erected and are occupied; however, the road is not upgraded. A s73 application (09/00554) to remove the condition from the original permission was refused in September 2009. In February 2010 and subsequent to the refusal of planning permission to redevelop the site and to remove the condition requiring the access upgrade, a breach of condition was served with a six month period for compliance which has now lapsed without the steps in the notice being complied with. The developer may now be open to prosecution in the under section 179 of the Town and Country Planning Act 1990.

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## **PLANNING POLICY**

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### **6. NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Guidance note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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

### **7. REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Of particular relevance are the following policies:



Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

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

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:  
<http://www.gos.gov.uk/hestore/docs/planning/rss/rss.pdf>*

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## **8. LOCAL PLAN POLICY:**

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.

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

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

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

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.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

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

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

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/index.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **9. STATUTORY RESPONSES:**

The Highway Authority advise that this application is very similar to the previous application which was recently refused planning permission, and one which they had no objection subject to conditions requiring the improvement of the access road to adoptable standards before any work on the construction of the two dwellings. This application is almost identical although the parking is at right angles to the road which is acceptable. Therefore, subject to an appropriate condition to secure the implementation of the access, they have no objection.

There have been no further statutory consultation responses, however, Northumbrian Water Limited did comment on the previous application, and advised that whilst they had no objection to the proposals, a public sewer crosses the site and is shown built over on the application and it would need to be diverted. An appropriate condition was suggested.

### **10. INTERNAL CONSULTEE RESPONSES:**

There have been no internal responses, however, the Area Planning Policy Team have previously advised that the site constitutes previously-developed land in a sustainable location with good access to shops and other key service requirements of Local Plan Policy H2 and PPS3.

### **11. PUBLIC RESPONSES:**

Three representations have been received.

The owners of 7 Victoria Court consider the revised scheme to be acceptable in scale terms and less imposing than the previous scheme, whilst overlooking concerns are now eliminated. Concern is expressed regarding site access, but they note that this issue appears revised, although action to ensure that no obstructions occur is encouraged.

The occupiers of No. 10 South Terrace object to the application, and feel that the proposal would not be an enhancement to the area. They remain concerned fundamentally about the issue of access and the importance of surrounding that it is not restricted to allow the safe passage of emergency vehicles, for example. Concerns are also expressed in terms of the likelihood of the works to the access road being undertaken.

Framwellgate Moor Parish Council objects to the application. They are concerned that previous planning requirements require resolution prior to further development being approved. In particular, efforts to undertake improvements to the whole of the access road should be demonstrated, and in the event that the whole road is not upgraded, they are concerned about increased run-off onto the unmade road. Assurances are sought about the enforcement of planning conditions.

## **12. APPLICANTS STATEMENT:**

These are revised proposals following the Council's refusal to grant planning permission, reference 4/10/00470/FPA, on 28 October 2010 for the erection of two number dwellings with associated parking together with upgrading of access front Front Street at land west of 4 South Terrace, Framwellgate Moor, County Durham.

Prior to this the Council had refused to grant planning permission, reference 4/09/00797/FPA, on 11 December 2009 for the erection of two number, two-storey dwellinghouses and one duplex apartment with associated parking at land west of 4 South Terrace, Framwellgate Moor, County Durham.

However arduous this process may have seemed at times, we acknowledge the views of Council officers, the Committee and nearby residents have helped to inform the design process and have improved the design that you now consider.

In the revised planning application 4/10/00470/FPA, despite a refusal of planning permission, we overcame two significant reasons for the refusal of planning permission 4/09/00797/FPA. Firstly, the LPA agreed that the site constituted previously developed land and that windfall development is permissible. Secondly, that the proposals to upgrade the access from Front Street was acceptable and would provide existing residents with a much improved carriageway of an adoptable standard.

Now this application, building on the previous two, seeks to address concerns about separation distances between the proposed development and Tindale Avenue/Victoria Court. To do so warranted a slightly different approach.

We have reduced the number of bedrooms compared to proposals in application 4/10/00470/FPA. The number of parking spaces remain consistent at three but are now located to both the front and rear of the proposed dwellings.

The other notable difference is that the west elevation of the proposals becomes a principal elevation of one of the dwellings. They also introduce a gable to the north and south elevations.

We have significantly reduced the number of facing habitable room windows on the north elevation from 10 to four, dramatically reducing the propensity to overlook or affect the privacy of the residents of Victoria Court. Similarly, we have reduced the number of facing habitable room windows on the south elevation from two to nil.

Crucial to the consideration of this application are the separation distances between facing habitable rooms of the proposed dwellings and those of Tindale Avenue and Victoria Court.

Concentrating on the north elevations first, these revised proposals have significantly extended the separation distances between facing habitable room windows to 20.1m. This is slightly less than the required distance of 21m quoted in Policy Q8 but we trust the LPA will agree the measurement is so close to the given standard that the difference can be regarded de-minimus. However, in redesigning the scheme we have achieved a window to blank two-storey gable separation distance of 14.6m exceeding the 13m standard. Secondly, on the south elevation, we have achieved a window to blank two-storey gable separation distance of 13.1m in accordance with the separation standard of 13m. As can be seen from these figures, these proposals now largely accord with Policy Q8.

We consider we have designed a quality development that will sit comfortably and appropriately in its setting. We appreciate that there remains some concern about the development of the land but we are also mindful that some whom have previously objected now consider that there are no remaining material planning objections to these proposals.

Nevertheless, those concerns arising from the Council's public consultation on previous planning applications have informed our design process and we consider that we have fully addressed these concerns and that these proposals now comprehensively accord with the relevant National, Regional and Local Planning Policies and planning policy guidance. We are also thankful to officers for their invaluable advice in bringing about these revised proposals.

We consider that the Committee has an opportunity to bring about a much-needed improvement to this 'wasted land', and in approving this application, to provide an upgrade to the access road for the benefit of the community. We remain firmly convinced that this development will bring benefits not only to the end users but also to the wider residential amenity of the area.

*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=10/00845/FPA>.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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13. As noted at paragraph 4 above, Members will note that this application is a resubmission of a scheme for two dwellings which was refused planning permission at the Central and East Area Planning Committee of 21 October 2010 on the basis that the scheme would provide inadequate separation distances to existing dwellings and therefore the privacy and amenity of both existing and prospective occupiers would be compromised. The principle of redeveloping this previously-developed site for housing has been accepted and needs not be revisited in this report. The main issues are therefore whether the revised layout and design of the two dwellings is acceptable in terms of its impact upon the amenity of existing and prospective occupiers and upon the character of the area, and whether there would be detriment to highway safety having regard to the revised layout and the objections received.

### **Residential Amenity**

14. This scheme is a direct response to address the reason for refusal of the previous application. The layout of the site has been revised to form an L-shaped development, and where the rear south facing elevation would be some 13m from properties in Tindale Avenue

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and where there would be no habitable room windows at either ground or first floors. This distance would accord with the required separations standards set out at Policy Q8 of the Local Plan. Windows would serve en-suites, bathrooms and a landing, all of which could be obscurely glazed. Main habitable room windows are positioned in the north, east and west facing elevations of the dwellings, with 21m provided towards dwellings in Victoria Court, again according with required distances set out at Policy Q8. It is considered that the privacy and amenity of the occupiers of surrounding existing dwellings would be safeguarded by the proposed development in its revised form.

15. In terms of the amenity of prospective occupiers, it is considered that the layout provides sufficient amenity space for both dwellings, while the orientation of windows and oblique angles across the parking court are such that the privacy and amenity of prospective occupiers will not be compromised. It is therefore considered that having regard to the reason for refusing the earlier application, that the scheme subject of this report has successfully addressed the issue of privacy loss, and now accords with the requirements of Policy Q8 of the Local Plan.

### **Visual Amenity**

16. In visual terms, although the properties would be detached from the rest of the terrace, the L-shaped layout responds well to the sites constraints whilst offering an effective stop to the end of the terrace, particularly in its amended form, having a principle elevation facing east towards the entrance to the street. The blank gable facing onto the street at the western end of the development is enhanced through the use of a mock window featuring recessed brickwork together with artstone heads and cills. An objector to the previous scheme has commented on the enhanced appearance of the scheme and welcomes the revised design. In terms of materials the use of red facing brickwork and render to elevations together with grey roof slate is considered entirely appropriate in character to its surroundings. In scale terms, the scheme sits comfortably with those dwellings immediately surrounding the site. The proposed dwellings have a ridgeline of some 8.5m, which is around 0.6m lower than the adjacent 4 South Terrace, and similar to those properties in Victoria Court opposite, taking account of the levels change. The proposed dwellings would, it is considered, enhance this vacant and visually unappealing site, and would accord generally with the aims of Policy Q8 and the need for high quality design.

### **Highway Safety**

17. Turning now to site access. The unacceptable nature of the access, in terms of its condition, narrowness, and propensity to become congested at its eastern end have been raised previously, both by objectors and consistently by the Highway Authority when considering applications for development on this street over the last five years.. The access is on inspection in a very poor state of repair, having large areas of potholes and broken surface, whilst there are no footpaths or streetlights and its narrowness is such that the section toward the eastern end can become congested as a combination of vehicles moving in opposite directions together with parked vehicles creating a bottleneck neck. To address the condition of the access and in order to resolve a breach of planning control in respect of a condition requiring the upgrade of the access prior to the occupation of the adjacent dwellings at 3 and 4 South Terrace, this application includes details of the means by which the access would be upgraded.



18. The Highway Authority has consistently stated in the strongest terms that the existing access is unsuitable to serve further residential development. This application, like the previous submission identifies a detailed scheme to upgrade the access which includes the provision of a tarmac surface from the junction with Front Street as far as the western edge of the application site. This would incorporate pedestrian footways, lighting, drainage and parking spaces at both the Front Street junction and three spaces to the front of the proposed dwellings as well as a turning head positioned between the western gable of 4 South Terrace and the first proposed dwelling. The Highway Authority have considered in detail the proposed scheme and consider that it would be of an appropriate standard to serve the development, provided that the road works are completed prior to any works commencing on the proposed dwellings and that the final wearing course should be delayed until after all building works are completed. The proposed road upgrade would therefore have a number of benefits including providing existing residents with a much improved carriageway of an adoptable standard and it would address a breach in planning control.

19. There are some areas of land which could, with their owners consent, be added to the area of surfaced highway. This includes in particular, the area further to the west of the proposed road improvement, and while this would be beneficial to neighbouring properties and provide a more complete improvement of the area, it would be outwith the red-edged application site, and could not be imposed on the developer as part of this scheme. In requiring highway improvements, the works must be proportionate to the development proposed, and in this case, it is considered that the access upgrade and its extent is proportionate to the two dwellings proposed and the two already constructed, and as such, it is considered that the scheme accords with Policies T1 and T10 of the Local Plan. A condition requiring the implementation of the submitted access upgrade prior to development commencing in order to resolve the earlier breach in planning control and serve the site by an appropriate means of access would be required. The final wearing course would be required in advance of occupation. Residents' concerns about parking levels and the access being narrowed are considered to not be of such weight that they would outweigh the Highway Authority's conclusion on this issue. Similarly, concerns expressed by an objector in relation to obstruction of the access during construction would be a civil matter as the road is not a highway, while following its adoption any obstruction would become a police matter.

### **Other matters**

20. Issues of drainage have also been raised, in terms of the development being shown to build over a sewer as well as increased surface water run-off from the new access road. Subject to the sewer being diverted with Northumbrian Water Limited's permission, this would not be a reason to resist the proposals in its own right since the matter could be adequately controlled in the event that permission was granted. Turning to surface water run-off, it is considered that in providing a scheme of an adoptable standard which would incorporate drainage to cater for surface water run-off at its western extremity, there should be no reason why increased surface water run-off would occur.

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## **CONCLUSION**

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21. In conclusion, it is considered that, having previously accepted that the site constitutes previously-developed land and its development for residential purposes would be acceptable in principle having regard to Policy H2 of the Local Plan, and that the detailed access upgrade is proportionate to the development proposed. The proposal would also

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have the affect of addressing the breach of planning control in respect of the adjacent site as well as some benefit to existing occupiers, in that this latest revised scheme now provides required separation standards to surrounding existing occupiers, as well as prospective occupiers. Accordingly, it is considered that the latest proposals now present an acceptable solution to developing the site, and approval is therefore recommended, subject to appropriate conditions, including restrictions upon the erection of extensions or insertion of windows to the southern elevation of the dwellings which could potentially harm the amenity of occupiers in Tindale Avenue.

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## **RECOMMENDATION**

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

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

Reason: Required to be imposed pursuant to section 92 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: Drawing No.s 203B, 204B, 205B and 206B received 22 December 2010.

Reason: In the interests of visual amenity in accordance with Policies H13 and Q8 of the City of Durham Local Plan 2004.

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

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy H13 and Q8 of the City of Durham Local Plan 2004.

4. No construction work for the two dwellings hereby approved shall commence until the access upgrade scheme as shown on drawing no.s 201 A, 202 A, 207, 208, and 209 has been implemented in full with the exception of the final wearing course, which shall be implemented fully prior to the occupation of the first dwelling.

Reason: In order that the development is served by an access of an adoptable standard and in the interests of both vehicular and pedestrian safety in accordance with Policy T1 of the City of Durham Local Plan 2004.

5. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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6. Development shall not commence until a detailed scheme for the diversion of a public sewer shown as being built over has been submitted to and agreed in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details.

Reason: In order to ensure a public sewer is not built over and in the interests of the proper drainage of the area in accordance with Policy U8a of the City of Durham Local Plan 2004.

7. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.

Reason: To ensure that proper means are provided for the disposal of foul sewage and surface water from the development in accordance with Policy U8a of the City of Durham Local Plan 2004.

8. Within one month of the commencement of the development, a detailed landscaping scheme shall be 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, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of visual amenity in accordance with Policies H13 and Q8 of the City of Durham Local Plan 2004.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B and C of Part 1 of Schedule 2 of the said Order shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the Local Planning Authority.

Reason: In the interests of the ensuring adequate levels of privacy and amenity for the occupiers of properties in Tindale Avenue in accordance with Policy Q8 of the City of Durham Local Plan 2004.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor windows to the southern elevation of the two dwellings hereby approved shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local Planning Authority. The agreed glazing shall be installed and retained thereafter in accordance with the agreed scheme.

Reason: In the interests of the ensuring adequate levels of privacy and amenity for the occupiers of properties in Tindale Avenue in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed scheme would involve the redevelopment of previously-developed land to provide two dwellings of appropriate scale, massing and materials to the character of the area, and without compromising the amenity of surrounding or prospective occupiers. The improved site access of an adoptable standard would benefit both existing and prospective occupiers and would seek to address an existing breach of planning control in respect of an adjacent development. The proposals are therefore considered to comply with of Policies H2, H13, T1, T10 and Q8 of 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), Policies 4, 7 and 24 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to issues of privacy loss and the safeguarding of amenity levels for the residents of Tindale Avenue to the south and Victoria Court to the north.
3. It is considered that objections received in this case are not determining, being of insufficient weight to outweigh the schemes general accordance with the aims of national, regional and local planning policies, together with the use of appropriate conditions to safeguard residential amenity and generally.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans

Amended Plans

Planning, Design and Access Statement

Planning Policy Statements / Guidance, PPS1, PPS3 and PPG13

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

City of Durham Local Plan 2004

Response from Highway Authority

Public Consultation Responses

Response from Framwellgate Moor Parish Council







 <p><b>Durham County Council Planning Services</b></p> <p><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></p>	4/10/00845/FPA - Land West Of 4 South Terrace		
	<b>Comments</b>		
<b>Date</b>	20 January 2011	<b>Scale</b>	1:625

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/10/00891/FPA and 4/10/00892/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing library building and erection of 2 no. two and a half storey student accommodation blocks (66 rooms) to rear of existing university accommodation with associated works to existing buildings
<b>NAME OF APPLICANT:</b>	St. John's College, Durham University
<b>ADDRESS:</b>	Land To Rear Of 4, 5, 6 And 7 South Bailey, Durham
<b>ELECTORAL DIVISION:</b>	Elvet
<b>CASE OFFICER:</b>	Andrew Inch, Senior Planning Officer (0191) 301 8745 <a href="mailto:Andrew.inch@durham.gov.uk">Andrew.inch@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site relates to St John's College, a college of Durham University occupying a number of seventeenth, eighteenth and nineteenth century converted houses, together with some twentieth century infill development located on South Bailey. The buildings are utilised as student accommodation and related facilities, administrative functions as well as lecture rooms and resource centres. A crèche operates within 7 South Bailey.
2. The majority of the buildings within the application site and surrounding it are Listed Buildings, including in particular, the Grade I Castle Wall which runs perpendicular to South Bailey along the eastern site boundary. Other notable buildings include the Grade II\* garden wall separating the former burgage plots which run at right angles to the frontage buildings along South Bailey. In heritage terms, in addition to the many Listed Buildings, the site is within the Durham (City Centre) Conservation Area, as well as within the setting of the Castle and Cathedral World Heritage Site, the designated boundary running along South Bailey. Although the site is not immediately publicly visible, the existing buildings are visible to some extent through the heavily treed banks of the River Wear below the site when looking west across the river, whilst the roofscape is particularly visible above the tree cover, and often with the Cathedral's main tower in the background. The site is therefore of the utmost sensitivity in heritage and landscape terms.

3. The applications subject of this report are the culmination of extensive pre-application discussions between Council Officers and English Heritage, and comprise applications both for planning permission and listed building consent. Principally, the applications seek to demolish the existing twentieth century library building, a single storey brick building positioned at right angles to the main frontage buildings, but attached to them and grade II listed as a result. The library would be replaced by a two and a half story building providing accommodation for students of St John's College. This accommodation block would extend beyond the existing building towards the grade I listed Castle wall and would indeed both over-sail and incorporate it into the eastern end of the building. A second accommodation block is proposed to the south positioned to the rear of Grade II listed 6A South Bailey, and would be linked by a single storey lightweight structure featuring the use of glazing and cor-ten steel cladding. In all, the two accommodation blocks would provide 66 en-suite rooms over three levels, providing some 1663sqm new floorspace. The buildings would have a relatively contemporary design and would be constructed of facing brickwork beneath a zinc covered pitched roof. The garden wall to the rear of 6 South Bailey and which separates the two proposed accommodation blocks would have a new opening created in it to provide a pedestrian link between the buildings.

4. The applications are part of an ongoing strategy by St John's College to consolidate their student accommodation on the Bailey and rationalise accommodation at disparate locations across the City in order to reinforce the traditional collegiate ethos of the college and the sense of community that this creates for students and staff.

5. The application is supported by a wide range of information which includes: Planning Statement, Design and Access Statement, extensive Heritage Statement, Visual Impact Assessment, Archaeological Evaluation, Bat Survey and Arboricultural Implications Assessment.

6. The applications are reported to Committee as the level of floorspace proposed is such that the scheme constitutes Major development.

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## **PLANNING HISTORY**

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7. In September 1995, planning permission and listed building consent (95/00449 and 95/00450) were granted for the erection of a detached single storey building for use as a lecture theatre. The building was positioned to the rear of 6A South Bailey, on the site of the proposed southern accommodation block.

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## **PLANNING POLICY**

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### **8. NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 5: Planning for the Historic Environment sets out planning policies on the conservation of the historic environment.



Planning Policy Statement 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

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

## **9. REGIONAL POLICY:**

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

Policy 1 (North East Renaissance) seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.

Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.

Policy 9 (Tyne and Wear City Region) ensuring a scale and quality of development to reflect Durham City's unique character.

Policy 25 (Urban and Rural Centres) seeks to ensure amongst other things that the design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.

Policy 32 (Historic Environment) recognises the opportunities for heritage led regeneration to be used in a constructive way to help bring about social and economic regeneration, and to encourage its potential for business, education and tourism.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

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## **10. LOCAL PLAN POLICY:**

Policy E3 (The World Heritage Site – Protection) seeks to ensure that the site and its setting will be protected by restricting development to safeguard local and long distance views and by application of policies relating to conservation areas, listed buildings and archaeology.

Policy E6 (Durham (City Centre) Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials, which are sympathetic to the traditional character of the conservation area.



Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals that would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. 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.

Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. As far as possible, unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified.

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

Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.

Policy E24 (Ancient Monuments and Archaeological Remains) sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ. Where preservation in situ is not justified, the Council will ensure that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose that such remains exist whose extent and importance is not known, that pre-application evaluation or archaeological assessment will be required. The Council will require, as a condition of planning permission that prior to development an appropriate programme of archaeological investigation, recording and publication is made, in cases where the preservation in situ of archaeological remains is not justified. In the event of archaeological remains being discovered once development has commenced, the Council will seek to ensure that adequate opportunity is made available to investigate and record such discovery.

Policy H16 (Residential Institutions and Student Halls of Residence) states that the Council will be permissive of such developments provided that: they are well related to existing facilities and services; satisfactory amenity space for residents is provided; they do not detract from the character or the appearance of the surroundings; and, that the amenity of surrounding residents is not adversely affected.

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.

Policy C3 (University of Durham) states that the Council will support development proposals by the University of Durham which, amongst other things, strengthen its academic and research presence in the City of Durham and assist in the provision of adequate student accommodation facilities.

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.

Policy Q5 (Landscaping) states that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

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

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/index.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **11. STATUTORY RESPONSES:**

English Heritage have been involved extensively in pre-application discussions, and have advised that the layout, scale and form of the buildings would work well and the submitted Visual Impact Assessment confirms that the impact upon the landscape of the peninsula would be acceptable, and they recommend that the applications are approved subject to conditions.

Natural England, although noting that the surveys undertaken were rather late in the season and that the surrounding habitat was of a quality that could support a maternity roost, the building to be demolished did not reveal any signs of such a roost, being well-sealed, and concluded there is no evidence of a roost. As such, they have raised no objection to the proposals subject to the imposition of a condition regarding mitigation measures outlined in the Bat Survey.

The Highway Authority has advised that the application has no direct impact upon the highway one completed, as the buildings are all to the rear of existing college buildings. Whilst a larger number of rooms could lead to increased activity, the unique location and restrictions on vehicular access to the peninsular mean there would be no increase in vehicular access to the site. The construction phase will, however, present some problems due to the limited site access and restricted vehicular access. No objection is raised.

Northumbrian Water Limited has raised no objection to the proposed development.

In accordance with Circular 08/2009, consultation with the National Amenity Societies has been undertaken, however, no responses have been received.

## **12. INTERNAL CONSULTEE RESPONSES:**

The Design and Conservation Section advise that this substantial and significant proposal is probably the largest development scheme on the Durham peninsular for a number of years and has been the subject of significant discussions and negotiation. However, it is considered that the scheme as proposed is appropriately scaled and that the impact on views of acknowledged importance is limited and acceptable.

The Ecology Section note that the daylight building survey was carried out in late winter (prior to the bat survey season) and the bat emergence survey work was done in September (late in the bat survey season) which is far from ideal, however the building appears to be well sealed and that no field signs were found. They consider that the mitigation proposed should ensure that the risk to bats is minimized and they have no objection, subject to the mitigation being conditioned as part of any planning consent.

The Archaeology Section has advised that the development will affect buried archaeological remains as well as the standing castle wall and potentially the rear of 7 South Bailey. The final design of the foundation is critical to how archeological remains will be dealt with, however, it is understood that a 3m trench foundation will be used as opposed to piling, for example, and on this basis, conditions are proposed with regard to the submission of a written scheme of investigation, implementation of its recommendations and submission of analysis and recording after completion.

The Landscape Section has no objection to the proposals, subject to the adequate protection of retained trees during construction.

## **13. PUBLIC RESPONSES:**

There has been one letter of representation.

The City of Durham Trust acknowledges a full and exemplary planning application for what is a highly sensitive site. They consider the positioning, scale, massing, and proposed materials for the two residential blocks constitute an acceptable proposal. They do, however, consider the fenestration should be more traditional, while the associated box-like dormers and projections are a jarring feature. Finally, they suggest that staggering of the western end of both blocks would provide greater acknowledgement of 6 South Bailey, which would form the third built side of the resultant courtyard.

## **14. APPLICANTS STATEMENT:**

The proposal involves the construction of two residential blocks at the rear of the existing buildings in South Bailey in order to improve the College accommodation for its students and, out of term, its conference business. The site is in a very sustainable location within the historic core of Durham close to retail, leisure, and university facilities, and public transport links. The design is sympathetic in style and subservient to the surrounding historic buildings. As a result it has overcome the constraints which were identified during design development and the pre-application discussions with officers of the Council and English

Heritage. The proposal will not adversely affect the adjacent World Heritage Site or the Durham (City Centre) Conservation Area, as views are only possible from the east and south and the visual impact of the proposed buildings is deemed to be negligible. Also, the impact on the adjacent listed buildings is considered to be minimal.

*The above represents a summary of the comments received on these applications. The full written text is available for inspection on the application files which can be viewed at:*

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00891/FPA> and  
<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00892/LB>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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15. The main issues relate to the principle of the development and the justification for the proposals having regard to the role of St John's College and indeed Durham University in the City balanced against the loss of designated heritage asset significance. In addition, consideration will be given to the wider impact of the proposals upon heritage and landscape assets both within the application site and its surroundings, in terms of loss of significance, archaeology, impacts on important and historic views, and the effect on the setting of the Castle and Cathedral World Heritage Site (WHS), and whether there would be detriment to issues of highway safety, ecology, trees and whether the proposed use would be compatible with those surrounding the site. Each issue must be considered in the context of, and having regard to Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the listed buildings subject of and affected by the proposals, in terms of their settings, and the features of special architectural or historic interest which they possess, and whether the character and appearance of the Durham (City Centre) Conservation Area would be preserved or enhanced, respectively.

### **Principle and Justification**

16. Policy C3 of the City of Durham Local plan is supportive of development proposals by Durham University, of which St John's College (the College) is a part, where it would assist in the provision of adequate student accommodation. The proposed accommodation blocks form part of a wider accommodation strategy (Building for the Future – Update on Estates Strategy November 2010) by the College to rationalise existing student accommodation in disparate locations across the City in order to concentrate their accommodation provision on the Bailey and seek to reinforce the collegiate system which is such a historic and traditional feature of Durham University and where students both live and learn within the College. This assists in the promotion of a sense of community among both staff and students of the College. The justification for the proposals is considered acceptable having regard to the culture of the College and the way in which it operates. The development would directly lead to the loss of a building which, by virtue of its attachment to the rear of 4 South Bailey is Grade II listed.

17. Policy HE9 of PPS5 advises that total loss of designated heritage asset significance should be refused unless it can be demonstrated that there are substantial public benefits that outweigh the loss. As outlined above, the proposed accommodation blocks are a critical part of delivering the College's important aspirations of reinforcing its collegiate ethos by concentrating its accommodation offer on a single site on the Bailey. This long-held and traditional collegiate system is a significant part of the culture of Durham University and its continued attraction as a destination for students is critical in order to both maintain and further strengthen the University's academic and research presence in the City. It is therefore considered that the additional student accommodation facilitated through the loss

of the existing library building will provide continued substantial public benefits to the City and the critical and central role that the University and the College play in the City. Taking account of English Heritage advice, the loss of significance through demolition is therefore acceptable in principle having regard to Policy HE9 of PPS5 and the statutory requirements set out at section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **Impact on Heritage and Landscape Assets**

18. As outlined above, the proposals would involve the demolition of a twentieth century library building, however, they would also impact directly other listed buildings on the site, together with effects on the setting of the World Heritage Site and Conservation Area. The accommodation block would be positioned parallel with the historic burgage plot lines and at right angles to the frontage buildings along South Bailey. Achieving subservience and a development form which cascades down from the frontage buildings towards the river is a critical feature of the design of the accommodation blocks. At around 10m in height both blocks would be slightly lower than the eaves level of the frontage building of which they would form an extension, while each block includes an element of reduced width and height at the eastern end (adjacent to the castle wall), which is a reflection of the hierarchy of the proposed blocks as secondary, subservient elements within the wider development pattern. The City of Durham Trust has suggested a recess to both accommodation blocks at their western ends to provide a greater appreciation of 6 South Bailey, the third side of the courtyard which would be created. The proposed accommodation blocks are, it is considered, positioned in such a way that there will be uninterrupted views of the rear elevations of both 5 and 6 South Bailey, although, the presence of substantial vegetation in and around the garden wall positioned centrally in the courtyard will ultimately restrict the ability to appreciate all three sides of the courtyard in any event. Amending the scheme in this way would therefore be unjustified.

19. The eastern end of the northern block would over-sail the grade I castle wall and incorporate it into the ground floor room. The application details how the wall would be retained, with glazing chased into an existing concrete coping, together with minimal fixings. The works are considered to successfully integrate old and new without causing harm to the heritage significance of the grade I heritage asset, and this would accord with Policies HE7 and HE9 of PPS5 as well as Policy E23 of the Local Plan. Further impacts on designated heritage assets relate to the creation of a new opening within the grade II\* garden wall which will assist in the creation of linked courtyard spaces between the proposed accommodation blocks, and while there will be some loss of significance to facilitate this, it is considered that the creation of attractive courtyard spaces and sensitive repairs to either side of the new opening ensure that significant harm would not arise.

20. Whilst the development can, it is considered, be successfully assimilated into its immediate environs without causing significant or unmitigated adverse effects upon designated heritage assets as described above, it is also of considerable importance to ensure that the development is subservient and reflective of historical development patterns on the Bailey, and central to this has been the aim of ensuring that the proposed buildings would not become unduly prominent on the skyline above or through the wooded riverbanks or affect important historical views of the peninsula, and in particular ensure that no harm would arise to the setting of the Castle and Cathedral World Heritage Site. A Visual Impact Assessment (VIA) has been undertaken which seeks to demonstrate the impact of the proposals on important views. The key viewpoints identified through the Heritage Statement and from discussions with Council Officers include: Kingsgate Bridge; footpaths through St Oswald's Churchyard; and, Mount Joy.

21. The key issue is not whether the proposed buildings can be seen but whether their appearance is acceptable or not. From the evidence presented in the VIA and from Officers own assessment of the site in numerous site visits at various times of the year it is apparent that the proposed buildings are likely to be seen from some viewpoints even during the summer with full leaf coverage. The VIA has been developed to demonstrate possibly the most exposed time of year to view the site and it can clearly be seen in views from Kingsgate Bridge and St Oswald's churchyard.

22. The photomontages demonstrate clearly that within the vista of the City presented from Mount Joy the proposed development would be barely visible and in any event would be seen in the context of larger and more prominent buildings on the peninsular, notably the Cathedral, the pale stone buildings set around the College and the brick built rear elevation of College buildings on South Bailey. In this context the proposal is acceptable.

23. Turning to the views from Kingsgate Bridge, views towards the site are predominantly of the trees in the escarpment above the west bank of the river. The photomontages demonstrate that the ridge line of the proposed buildings would appear above the trees behind the chimneys of Cruddas Hall. In this context it is a recessive dark grey element with two punctuating chimney/vent features and is positioned in a gap between two larger tree canopies. Without the proposal the view includes a lower ridge line of a three storey building further south along the Bailey which is slightly lower than the proposed northern accommodation block. The effect of the proposal is to increase the height of the built mass when viewed from Kingsgate Bridge, however, this is an extremely subtle increase given the distance, scale and perspective and also taking into account the presence in a similar manner of building roofs closer to the bridge which lie on the Bailey. In the views presented it is therefore considered that although the proposed buildings would be visible in the landscape, their presence would be a minor element in the wider landscape and would be an acceptable alteration to the skyline.

24. The night view illustrates the subtle pinpoints of light which enliven the darkness of the peninsular with the College buildings providing a peppering of light sources across the peninsular which provides depth to the foreground of the floodlit Cathedral. The proposed development would add to this very slightly, but the minimal use of glazing in the gable ends and lift shafts ensures that light spill from the development is carefully controlled and is successfully achieved.

25. The final two viewpoints considered are from points at St Oswald's churchyard and the adjacent footpath network. The photomontage from the footpath show that the gable of the southern block is visible through the leafless trees of winter, however the gables present an elevation similar in colour and form to existing structures and are positioned directly in front of a similar coloured gable of other Bailey buildings, while from the churchyard itself, although visible through the trees, the appearance of the buildings is moderated by the dense branch coverage and the existing buildings.

26. It is considered therefore, noting in particular English Heritage advice, that the subservient scale, design and positioning of the proposed buildings are such that they would appear as either minor elements in a richly textured landscape that is unnoticeable in wider vistas, or as an addition to a complex and multi-layered view which is seen in the context of a wide range of buildings and which would be well blended well into the landscape. The proposals would not therefore cause adverse affects upon the wider setting of the World

Heritage Site, and would preserve the character and appearance of this part of the Durham (City Centre) Conservation Area and thus the scheme would accord with Policies HE7 and HE9 of PPS5 and Policies E3, E6, E22 and E23 of the Local Plan whilst having regard to both sections 16 and 72 of the Act.

## **Archaeology**

27. The application is accompanied by a pre-development Archaeological Evaluation Report which details the findings of four excavated trenches, all of which contained archaeological remains. These included a series of post medieval and medieval soil layers, remains of outbuildings and features and elements of the Castle Wall, for example. Development of the two accommodation blocks in and around the area of the trenches has shown clearly the presence of important archeological remains, and it is clear that the scheme will have a direct impact upon them. It is the foundation design which is likely to determine the extent to which the archeological remains will be affected. Although the final foundation design has not yet been produced, engineers advising the applicants have advised that a 3m trench foundation is favoured as opposed to piling, for example, where recording of archaeological deposits is not possible, and can cause damage to any obstructions which may be of archaeological importance.

28. It is on this basis alone, that the Council's Archeology Section does not object to the scheme, and therefore recommend a number of conditions to ensure appropriate mitigation measures to record and protect affected heritage asserts. Specifically, these include conditions relative to a written scheme of investigation to be informed by the final foundation design, a condition suggested in its own right, together with conditions to secure the implementation of the mitigation strategy set out in the aforementioned scheme of investigation, together with a final condition to secure the submission of analysis and results of recording to the Historic Environment Record following completion of the development. This approach accords with Policy HE12 of PPS5 and Policy E24 of the Local Plan.

## **Design and Materials**

29. The proposed accommodation blocks demonstrate an undoubtedly contemporary design approach, but strive, be it through materials or detailing to have significant regard to the character of surrounding buildings. Indeed, though the shape of the building is undoubtedly horizontal in nature, the design does seek to introduce features to provide greater verticality which is more typical of the application site and surrounding buildings. In particular this verticality is picked up by the entrance element and the lift shafts. Such elements, combined with dormers and ridge-mounted ventilators, seek to ensure the relative mass of the buildings are effectively broken. In addition, the ventilators reflect the simple design of the prominent chimneys on many of the existing College buildings.

30. The principal materials for the proposed blocks are brickwork for the external walls and zinc for the roofs. In order to provide a clear contrast and to reflect its different function, it is proposed that the external walls of the narrow link element between the south block and No. 6 South Bailey will be in Cor-ten steel, which will weather to a colour that will be sympathetic to the palette of the adjacent historic buildings. It is proposed that the external finish of all doors, windows, gutters and downpipes would be dark grey powder coated aluminium. The proposed detailing is simple with a modest flourish on the two lift shafts.

31. It is clear that the buildings have been designed in such a way that their appearance, scale and massing responds well to the building to which they will adjoin and the important historic views discussed above, for example, however, much of the success of the architecture proposed is dependent upon careful detailing of the fenestration and eaves for example, as well as careful choice of brickwork, mortar colour and bonding. It is considered that the design, scale, massing materials proposed in principle are acceptable having regard to the sites context and wider impact, however, a number of conditions will be required to control the precise detailing of the buildings in order to ensure they respond appropriately to the sensitivity of their surroundings, in particular, to control the appearance and reveal to windows to ensure their appearance is appropriate, as highlighted by the City of Durham Trust in their response. The design and materials therefore, as noted in English Heritage's response, are considered to be acceptable and appropriate to the site's context and in accordance with Policies E3, E6, E22 and E23 of the Local Plan.

## **Ecology**

32. The application is accompanied by a bat survey. Surveys were undertaken at sub-optimal times, either very early or very late in the season. However, while the surveys acknowledge that surrounding habitat was of a quality that could support a maternity roost, the building to be demolished did not reveal any signs of such a roost being present since it is well-sealed with the exception of a ridge tile and boxed eaves, and concluded there was no evidence of a roost being present. In the absence of a roost being identified at the site, it is considered that derogation tests as set out in the Habitats Regulations need not be applied in this case. Natural England, and the Ecology Section concur with the conclusions reached in the bat survey and therefore do not object subject to the imposition of a condition regarding mitigation measures outlined in the bat survey which include amongst other things, avoidance of demolition during maternity and hibernation seasons and provision of mitigation in advance to include bat friendly features to the new buildings.

33. The latter can be readily achieved since it would be the applicant's intention to erect the southern block prior to the demolition of the existing library, thereby providing both habitat creation opportunities to existing buildings and trees and to the southern accommodation block prior to demolition. It is considered that the proposal would therefore be unlikely to have a significant adverse affect on species especially protected in law as evidenced by the supporting bat survey, and as such the scheme accords with the principles set out in PPS9 and Policy E16 of the Local Plan.

## **Trees**

34. The proposals will result in the direct loss of two trees a hedgerow and a group of yew trees. The latter were planted as a memorial to a former college student and will therefore be replanted with sensitivity, while the two trees to be removed are both identified as being of low quality. There will be some development with the Root Protection areas (RPAs) of retained trees, however, this will be to a limited extent, and where it does occur, there will be tree friendly no dig working methods together with ground protection measures. The Council's Landscape Section has considered the proposals in detail and raises no objection to the proposals subject to the provision of protective fencing for retained trees during construction as shown on the drawings accompanying the submitted Arboricultural Implications Assessments. In summary, therefore, the scheme does not come at the expense of important trees, while those retained trees will be treated with sensitivity, and as such the scheme accords with Policy E14 of the Local Plan.



## **Highway Safety**

35. As the Highway Authority note, the proposed buildings would have limited impact on the highway network given the unique locational characteristics of the site and the vehicular restrictions which result. Accordingly, they have raised no objection to the scheme, and as such, there is no conflict with Policy T1. While there may be some construction-related vehicular movements which could cause disruption to this part of South Bailey, such impacts are inevitably short-term and are rarely, if ever, afforded such weight that they would outweigh an otherwise acceptable proposal. The applicants are fully aware of the logistical difficulties which carrying out this development will pose, and have chosen a form of development and construction which assists in minimizing such difficulties.

## **Compatibility with surrounding uses**

36. Within the application site and the ownership of the applicants is an independently operated crèche within 7 South Bailey. The southern elevation of the southern accommodation block would be positioned a little over 1m from the outdoor play space for the crèche with a large number of bedrooms overlooking it. This raises important use compatibility issues which have been raised with the applicants during pre-application discussions and during the assessment of the application. The applicants agree that the privacy and sensitivity of habitable accommodation overlooking an area where young children would play at such proximity is inappropriate and would therefore accept a condition which precludes the use of 7 South Bailey as a crèche upon first occupation of the southern accommodation block. This is considered to be an appropriate solution to a problem within the applicants control and would address the identified use compatibility conflicts.

37. Surrounding uses are otherwise very much university-oriented, and it is considered that the additional accommodation blocks pose no wider threat to the amenity of any surrounding occupiers, in accordance with Policy H16 of the Local Plan.

## **Sustainability**

38. Policy 38 of the RSS requires that new developments of over 1000sqm of new floorspace should secure at least 10% of their energy supply from decentralized and renewable or low-carbon technologies, unless, having regard to the type of development involved and its design, this is not feasible or viable. In this case, such is the sensitivity of the site in terms of heritage assets both above and below ground and having regard to the design and architectural integrity of the proposed buildings, it is considered that achieving the targets set out at Policy 38 through renewable technologies such as solar panels or photovoltaic tiles, is not feasible and would not be desirable in this location. However, it is considered that the development should demonstrate a commitment to sustainability and reduced energy consumption and a condition is proposed which seeks to resolve the competing aims of sustainability and conservation of heritage assets.

## Percentage of Art

39. Policy Q15 of the Local Plan, together with the accompanying Supplementary Planning Document, encourage the provision of artistic elements in the design and layout of development, and that this ought to equate to around 1% of the construction costs. Two artistic elements are included within the scheme, namely a sundial to the south elevation of the northern block and a clock on the opposite face of the southern block. The inclusion of such elements within the scheme are considered to satisfy the aims of the delivery of art within schemes in accordance with Policy Q15, however, noting the building's limited public accessibility, the full 1% construction cost is considered to not be required in this case. A condition requiring full details of the time-pieces is proposed.

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## CONCLUSION

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40. In conclusion, the proposed accommodation blocks would provide additional and consolidated accommodation for St John's College, whilst demonstrating a level of sensitivity in the scale, design, layout and massing of the buildings which is entirely commensurate with the highly sensitive built environment both of the application site and that which immediately surrounds the site, including, for example the Castle and Cathedral World Heritage Site, the setting of which would be preserved, as evidenced though the submitted Visual Impact Assessment. Therefore, subject to the imposition of conditions to secure appropriate detailing to windows, for example, approval of both applications is recommended. However, since the application for Listed Building Consent relates to works directly affecting Grade I and II\* Listed Buildings and the demolition of a Grade II Listed Building, and in accordance with Section 12 of the Planning (Listed Building and Conservation Areas) Act 1990, it is necessary for the application to be referred to the Government Office for the North East for their consideration. Consequently, Members can only be minded to approve the application for listed building consent.

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## RECOMMENDATION

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1. That the application for **planning permission** (4/10/00891) be **APPROVED** subject to the conditions set out in Appendix A to this report.
2. That Members be **MINDED TO APPROVE** the application for **listed building consent** (4/10/00892) subject to the conditions set out in Appendix B to this report.

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## REASONS FOR THE RECOMMENDATION

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1. The proposed development will bring about the consolidation of student accommodation at St John's College on South Bailey in a form of development which seeks to carefully respect the significant site constraints in terms of heritage assets comprising Grade I, II\* and II Listed Buildings both in and around the site, the adjacent World Heritage Site and Durham (City Centre) Conservation Area and without causing undue significance loss to such heritage assets, interests of flora and fauna or highway safety. The proposals are considered to accord with Policies E3, E6, E14, E15, E16, E22, E23, E24, H16, T1, C3, and Q5 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of State's Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory

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Purchase Act 2004), and Policies 8, 9 and 32 of the North East of England Plan - Regional Spatial Strategy to 2021.

2. In particular the development was considered acceptable having regard to the Local Planning Authority's duties in respect of Listed Buildings and Conservation Areas, in particular Section 16 and the special desirability of preserving the listed structure and its special architectural and historical interests, and in terms of Section 72, and the desirability of preserving and enhancing the character and appearance of the Durham (City Centre) Conservation Area, whether the setting of the World Heritage Site would be affected together with issues of, archaeology, ecology and compatibility with surrounding lands uses.
3. There have been no third party objections to the application. Correspondence from the City of Durham Trust suggesting amendments to the scheme have been given full consideration, and where appropriate conditions used to ensure the architectural detailing necessary is secured.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans

Amended Plans

Planning Statement; Design and Access Statement; Heritage Statement; Bat survey; Archaeological Evaluation Report; Visual Impact Assessment; Arboricultural Implications Assessment; and, Arboricultural Tree Constraints Assessment

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Statements / Guidance: PPS1, PPS5 and PPS9

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

City of Durham Local Plan 2004

EU Habitats Directive and the Conservation (Natural Habitats, &c.) Regulations 2010)

Responses from English Heritage, The Highway Authority, Natural England and Northumbrian Water Limited

Responses from the Council's Design and Conservation Section, Archaeology Section, Landscape Section and Ecology Section

Response from the City of Durham Trust



## APPENDIX A – CONDITIONS 4/10/00891 – PLANNING APPLICATION

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: Drawing No.s 710/22, 710/23, 710/24, 710/25, 710/26, 710/28, 710/31 and 710/32 received 2 December 2010 and 710/21 and 710/27 received 15 December 2010 and 710/35 received 19 January 2011.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

3. Notwithstanding the information contained in the submitted application, no development shall commence until full details of the foundation design have been submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of ensuring minimal ground disturbance in this area of high archaeological importance, in accordance with Policy E24 of the City of Durham Local Plan 2004.

4. No development shall take place unless in accordance with the mitigation detailed within the protected species report '*A Bat Survey of the Library Building, St John's College, Durham University and Phase 1 Habitat assessment of the grounds at number 7 South Bailey, E3 ecology, version R04*', including, but not restricted to adherence to timing and spatial restrictions (avoidance of demolition during maternity and hibernation seasons); provision of mitigation in advance of development commencing (bat boxes to trees and existing buildings as shown on drawing no. 710/35); provision of bat friendly features in new buildings and adherence to precautionary working methods.

Reason: In the interests of safeguarding species especially protected in law, in accordance with Policy E16 of the City of Durham Local Plan 2004.

5. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI), including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The aforementioned WSI cannot be agreed by the Local Planning Authority until the foundation design (condition 3) has been submitted to and agreed in writing by the Local Planning Authority. The WSI shall include details of the following:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance – this is to include small scale excavations in advance of construction at east end of accommodation block to the

rear of No. 7 South Bailey and in the region of the supporting column on the SE corner of the building to the rear on No.4; as well as monitoring of all foundation trenches and service runs.

- II. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts, including methodologies for a level 2 EH-style building record survey prior to any render being removed to the rear of No. 6/7, prior to the access opening inserted onto the listed garden wall between No.'s 5 and 6; and recording works of all parts of the Castle wall which will be affected by the approved development.
- III. Post-fieldwork methodologies for assessment and analyses.
- IV. Report content and arrangements for dissemination, and publication proposals.
- V. Archive preparation and deposition with recognised repositories.
- VI. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- VII. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- VIII. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

6. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of each phase of development hereby approved by this permission.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

7. Notwithstanding the information submitted with the application, a sample panel wall shall be erected for agreement with the Local Planning Authority prior to development commencing and it shall include all of the following: brick type; mortar colour; bonding; jointing; window heads and cills; window sample including reveal; and, plinth course. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

8. The roof of the buildings hereby approved shall be finished in pre-weathered graphite grey zinc.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

9. Notwithstanding the information shown the submitted drawings, full details of the link building between the southern accommodation block and 6A South Bailey shall be provided to and agreed in writing with the Local Planning Authority. Such details shall be provided at scale 1:20 or larger and shall include details of the junction between existing and proposed buildings and the framing and fixing of the cor-ten steel cladding. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

10. Notwithstanding the details shown on the submitted drawings, prior to the commencement of each accommodation block, full details of the time pieces shall be submitted to and agreed in writing by the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

11. Notwithstanding the details submitted with the application no floodlights or external lighting shall be erected without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

12. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, ridgeline, chimneys, ventilation, parapets, dormer windows, rooflights and rainwater goods shall be submitted at a scale of 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

13. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, door and window heads and cills shall be submitted to at scale 1:20 or larger 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 visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

14. Within one month of the commencement of the development, a detailed landscaping scheme shall be 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. Such scheme as agreed shall be implemented fully prior to the first occupation of the northern accommodation block.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E15, E22, E23, H16 and Q5 of the City of Durham Local Plan 2004.

15. Notwithstanding the information contained in the application, works in relation to trees shall be carried in strict accordance with the following details:

a) The tree surgery works hereby approved as part of the development shall be carried out in accordance with the appropriate British Standard (BS 3998: Recommendations for Tree Work).

b) No construction work shall take place unless all of the trees and hedges to be retained within the site have been protected by fencing as shown on drawing no TPP-A, and shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1). No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the fenced areas for tree protection.

c) Ground levels within the fenced areas for tree protection shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) No underground service trenches or service runs shall be laid out without the prior written approval of the Local Planning Authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'.

Reason: In the interests of the visual amenity of the area and to comply with Policies E14, E15 and Q5 of the City of Durham Local Plan 2004.

16. Notwithstanding the information shown the submitted drawings, full details at scale 1:20 or larger of the alterations to the garden wall including repairs shall be submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

17. Notwithstanding the information shown on the submitted drawings, full details of the treatment of the castle wall where it meets the northern accommodation block shall be submitted to at scale 1:20 or and agreed in writing by the Local Planning Authority and shall include internal and external treatments, final finishes and repairs. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

18. Notwithstanding the information shown on the submitted drawings, full details of the external staircase alongside the northern accommodation block to include materials, railings and associated walling shall be submitted to and agreed in writing by the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

19. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved details.

Reason: In order to meet the conflicting aspirations of Policy 38 of the RSS and Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

20. Prior to the first occupation of the southern accommodation block, the use of 7 South Bailey as a crèche, day nursery or related use shall cease and shall not re-commence.

Reason: In order to avoid unreasonable overlooking and privacy loss to users of the crèche facility in accordance with Policy H16 of the City of Durham Local Plan 2004.

21. Notwithstanding the provisions of Classes A and B of Part 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no satellite dishes or antenna shall be placed or erected on the accommodation blocks hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies E3, E6, E22 and E23 of the City of Durham Local Plan 2004.



## **APPENDIX B – CONDITIONS 4/10/00892 – LISTED BUILDING CONSENT**

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Drawing No.s 710/22, 710/23, 710/24, 710/25, 710/26, 710/28, 710/31 and 710/32 received 2 December 2010 and 710/21 and 710/27 received 15 December 2010.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

3. Notwithstanding the information contained in the submitted application, no development shall commence until full details of the foundation design have been submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of ensuring minimal ground disturbance in this area of high archaeological importance, in accordance with Policy E24 of the City of Durham Local Plan 2004.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI), including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The aforementioned WSI cannot be agreed by the Local Planning Authority until the foundation design (condition 3) has been submitted to and agreed in writing by the Local Planning Authority. The WSI shall include details of the following:

- I. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance – this is to include small scale excavations in advance of construction at east end of accommodation block to the rear of No. 7 South Bailey and in the region of the supporting column on the SE corner of the building to the rear on No.4; as well as monitoring of all foundation trenches and service runs.
- II. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts, including methodologies for a level 2 EH-style building record survey prior to any render being removed to the rear of No. 6/7, prior to the access opening inserted onto the listed garden wall between No.'s 5 and 6; and recording works of all parts of the Castle wall which will be affected by the approved development.
- III. Post-fieldwork methodologies for assessment and analyses.

- IV. Report content and arrangements for dissemination, and publication proposals.
- V. Archive preparation and deposition with recognised repositories.
- VI. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- VII. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- VIII. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

- 5. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of each phase of development hereby approved by this permission.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

- 6. Notwithstanding the information submitted with the application, a sample panel wall shall be erected for agreement for with the Local Planning Authority prior to development commencing and it shall include all of the following: brick type; mortar colour; bonding; jointing; window heads and cills; window sample including reveal; and, plinth course. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

- 7. Notwithstanding the information shown the submitted drawings, full details of the link building between the southern accommodation block and 6A South Bailey shall be provided to and agreed in writing with the Local Planning Authority. Such details shall be provided at scale 1:20 or larger and shall include details of the junction between existing and proposed buildings and the framing and fixing of the cor-ten steel cladding. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

8. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, ridgeline, chimneys, ventilation, parapets, dormer windows, rooflights and rainwater goods shall be submitted at a scale of 1:20 or larger and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

9. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, door and window heads and cills shall be submitted to at scale 1:20 or larger 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 visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

10. Notwithstanding the information shown the submitted drawings, full details at scale 1:20 or larger of the alterations to the garden wall including repairs shall be submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

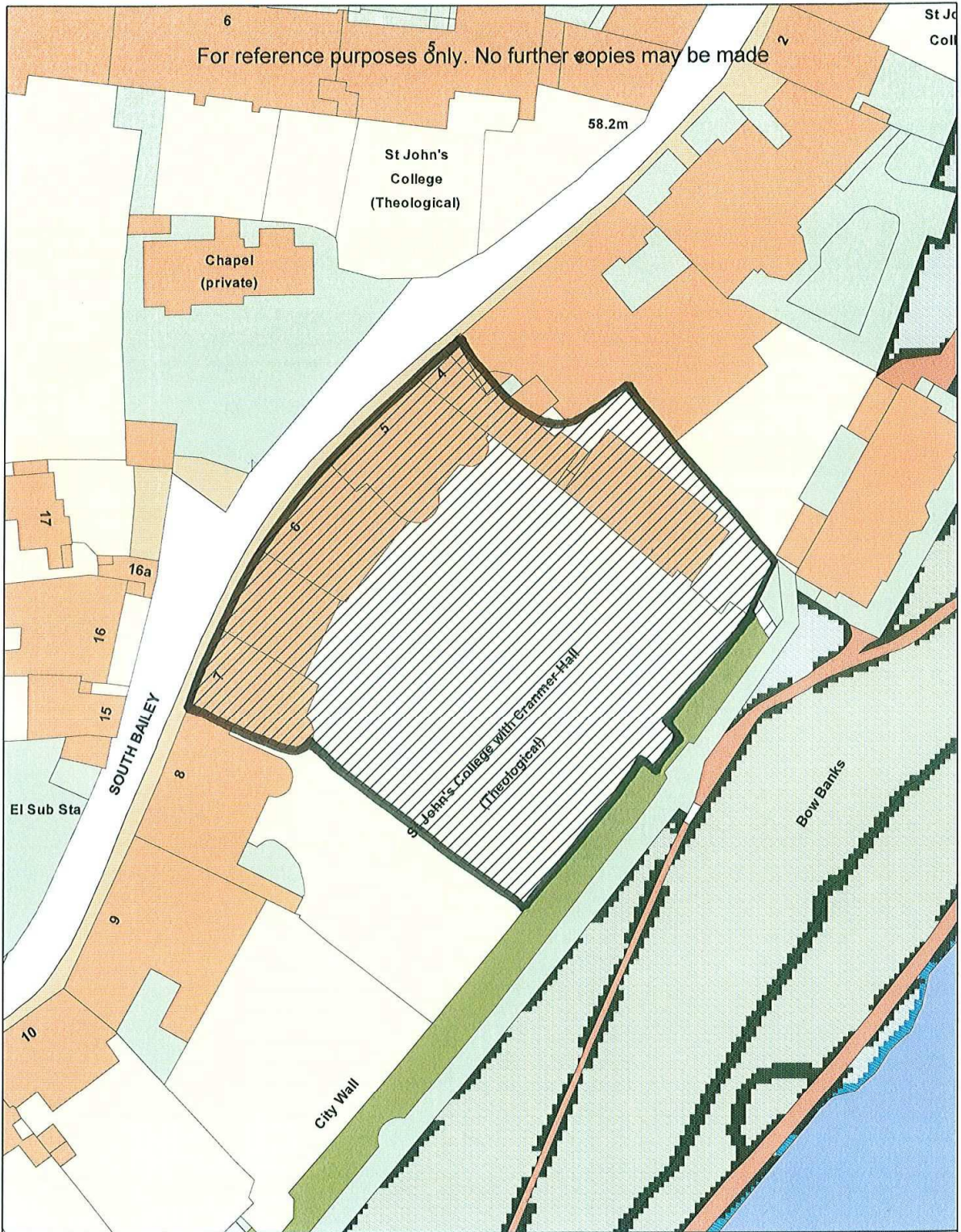
11. Notwithstanding the information shown on the submitted drawings, full details of the treatment of the castle wall where it meets the northern accommodation block shall be submitted to at scale 1:20 or larger and agreed in writing by the Local Planning Authority and shall include internal and external treatments, final finishes and repairs. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

12. Notwithstanding the information shown on the submitted drawings, full details of the external staircase alongside the northern accommodation block to include materials, railings and associated walling shall be submitted to and agreed in writing by the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.





 <p><b>Durham County Council Planning Services</b></p>	4/10/00891/FPA And 4/10/00892/LB - Land to rear of 4, 5, 6 and 7 South Bailey		
	<b>Comments</b>		
<b>Date</b>	20 January 2011	<b>Scale</b>	1:625

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	4/10/00898/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey pitched roof extension to front of existing dwelling (revised and resubmitted)
NAME OF APPLICANT:	Mr J Collinson
ADDRESS:	3 Smith Close, Sherburn Village, Durham, DH6 1RG
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Colin Harding, Planning Officer 0191 301 8712 <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The site relates to a compact detached property at the head of a cul-de-sac within a modern estate. The property is north facing and set slightly forward of its immediate neighbour no.2 Smith Close. Across the road is the east facing no.4 Smith Close which hosts a conservatory to its rear elevation. The property has a large front curtilage which at the time of the site visited provided parking for a caravan and a boat.
2. It is proposed to erect a two storey front extension measuring 5.5m in projection and 4.2m in width. The extension would provide a garage, downstairs toilet and hallway at ground floor level and additional bedroom space and en-suite at first floor. The front door of the property would be relocated to the side elevation of the front extension.
3. The application is being reported to committee as a result of an objection from Sherburn Parish Council.

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## PLANNING HISTORY

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4. 4/97/00694/FPA - Erection of detached garage – Refused 03 March 1998
  5. 4/10/00227/FPA - Erection of two storey pitched roof extension to front of existing dwelling - Refused 26 May 2010
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## **PLANNING POLICY**

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### **6. NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

### **7. REGIONAL POLICY:**

Policy 8 of the RSS seeks to promote a high quality of design in all developments.

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### **8. LOCAL PLAN POLICY:**

Policy Q9 (Alterations and Extensions to Residential Property) states that states that proposals for residential extensions should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

Policy T1 (Traffic – General) states that planning permission will not be granted for development which would be detrimental to highway safety.

Policy T10 (Parking) states that parking provided as part of a development should be limited in amount so as to promote sustainable transport choices.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (<http://www.cartoplus.co.uk/durham/index.htm>)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **9. STATUTORY RESPONSES:**

The County Highway Authority has raised no objections and advised there would be sufficient parking for 2 no. vehicles. The proposed garage would be sub-standard in length and could not accommodate a family sized car.

### **10. INTERNAL CONSULTEE RESPONSES:**

None

### **11. PUBLIC RESPONSES:**

Sherburn Parish Council – The Parish Council have considered this revised application and are of the opinion that there is not a great difference to the original application and that the current proposals are still too large and totally out of scale with the dwellings on this estate, especially those in the cul-de-sac.

One letter of objection has been received from the occupier of no.4 Smith Close, who whilst acknowledging that the plans have been revised, states that nothing has changed the effect this would have to the rear of no.4, as identified in the previous application.

*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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=LCSZ0GBN02000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LCSZ0GBN02000)*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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12. In accordance with Policies Q9, T1 and T10 of the City of Durham Local Plan 2004, the main planning issues are considered to be the scale and design of the proposed extension, its impact upon the residential amenity of nearby occupiers and its impact upon highway safety.

13. This application forms the resubmission of a previously refused application. The previous scheme comprised a front extension that measured 7.9m in projection and was refused as a result of its scale, design and impact upon residential amenity currently enjoyed by the occupier of no.4 Smith Close, in particular the conservatory to the rear of this dwelling. The application currently under consideration has been submitted as a result of further negotiation and discussion between officers and the applicant.

### **Issue of Scale and Design**

14. Policy Q9 of the City of Durham Local Plan 2004 states that residential extensions should remain sympathetic and subordinate to the main dwelling in terms of scale and design.

15. The property to which this application relates is a compact detached property at the head of a cul-de-sac which benefits from a substantial curtilage to the front of the property. The applicant is seeking a means of extending the property in order to provide his family with additional living space and bedrooms. With the size of the rear garden being limited, the applicant has applied to construct a two storey front extension to the property.

16. Two storey front extensions can often be harmful to the appearance of residential dwellings as they can dominate the front elevation and appear out of scale with the host property. Indeed, the previously proposed two storey front extension, at a projection of 7.9m was considered to do precisely this and was refused planning permission as a result.

17. The revised scheme has reduced the projection of the extension to 5.5m and it is considered that although this remains a sizeable extension, it is more appropriate in scale to the host dwelling. No.3 Smith Close and benefits from the fact that it is located at the head of the cul-de-sac and as a result is not viewed "front on" and only from the side. This means that the two storey front extension would rarely, if ever viewed as such, with the side elevation of the extension effectively presenting a front elevation to the cul-de-sac as a whole.

18. The proposal also benefits from a much reduced roofline, with the ridge being set down significantly from the ridgeline of the main house. This provides the extension with a degree of sub-ordinance, reducing its overall scale and thus impact, as required by Policy Q9 of the City of Durham Local Plan 2004.



19. The comments of the Parish Council are noted and it is acknowledged that the proposal does form a large extension to a relatively compact property, however as has been outlined, the location of the property means that the accommodation of such an extension is considered to be possible, whereas it would likely be inappropriate in many other locations. It is further considered that a large range of house types and sizes exist within the larger estate within which the property sits and that this dwelling, as a result of these works would not appear unreasonably incongruous.

### **Impact upon Residential Amenity**

20. Policy Q9 of the City of Durham Local Plan 2004 states that extensions to residential properties should respect the privacy and residential amenity of neighbouring properties.

21. It is considered that the properties that would potentially be most affected by this development are those neighbouring the site. These are identified as nos.2 and 4 Smith Close, 24 Railway Close and "Cotswold".

22. Due to the positioning of the properties, it is not considered that no.2 Smith Close would suffer an unreasonable loss of residential amenity as a result of this scheme. It is noted that the dining room and bedroom windows in the side elevation of the proposed extension would look towards the rear elevation of no.24 Railway Close at a distance of 13m, however the window proposed would be of a high level specification located at least 1.7m above floor level rendering it difficult to gain direct views across to no.24. No objections have been received from this property.

23. The impact that the extension would have upon no.4 Smith Close needs to be carefully considered as the original application was refused partially as a result of its impact upon the daylight and outlook that there would be upon the conservatory that is located on the rear elevation of no.4. With regards to this, it is now considered that as the extension has been reduced in projection by 2.4m and also incorporates a lower roofline and hipped roof design that the impact upon no.4 is much reduced. The extension has also been intentionally designed with no windows in the end elevation in order to eliminate any potential issues of privacy.

24. The occupier of no.4 has objected to the application, indicating that the revised plans have done nothing to address the concerns over light and outlook or indeed parking that were previously raised.

25. The revised design is considered to result in a form of development which would not unreasonably impact the level of outlook or light available to the occupier of no.4 Smith Close now that the extension has been reduced in height and is situated a substantial distance further from no.4 than was previously the case. Certainly, the extension would remain visible from the conservatory and garden of no.4 but the level of harm as a result is not considered to be justification for the refusal of the application. The application is considered to be in accordance with Policy Q9 of the City of Durham Local Plan 2004.

### **Impact upon Highway Safety**

26. The application site currently benefits from a large front curtilage, indeed this is why the applicant wishes to extend the property in this direction. Currently the applicant stores a boat and caravan at the property as well as his vehicle. The garage element of this proposal, at 4m in depth would be unsuitable for the storage of a family car but would be suitable for

the storage of the applicant's boat. Sufficient driveway would remain for the storage of 2 no. cars and the caravan would be stored offsite. The comments of the occupier of no.4 Smith Close with regards to parking issues are noted, however there is no indication that the parking arrangements within Smith Close would become unsafe as a result of this application. The County Highway Authority raises no concerns with regards to this issue. It is considered appropriate however to attach a condition preventing the conversion of the garage to residential accommodation in order to ensure that the garage remains available for storage purposes. The application is thus considered to be in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

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## **CONCLUSION**

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27. It is considered that this proposal represents a form of extension that is both sympathetic and subordinate to the main dwelling and would not result in the loss of an unreasonable level of residential amenity in accordance with Policy Q9 of the City of Durham Local Plan 2004, nor have an unsatisfactory impact upon highway safety in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

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## **RECOMMENDATION**

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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 approved plans labelled "Plans and Elevations as proposed" received 30<sup>th</sup> November 2010.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy Q9 of the City of Durham Local Plan 2004.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy Q9 of the City of Durham Local Plan 2004.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order the garages hereby approved shall be used for storage only and shall not be converted into habitable accommodation.

Reason: In order to ensure that sufficient parking provision remains available at the site in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed two storey front extension is considered acceptable having regard to Policies Q9, T1 and T10 of the City of Durham Local Plan 2004.
2. In particular the development was considered acceptable having regard to consideration of issues of scale, design, impact upon residential amenity and highway safety.
3. The stated grounds of objection concerning the scale and design of the extension as well as its impact upon residential amenity and highway safety are acknowledged and have been considered, however the extension is considered to be acceptable in these regards.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans  
City of Durham Local Plan 2004  
Planning Policy Statements / Guidance, PPS1, PPS5  
Responses from County Highways  
Public Consultation Responses



For reference purposes only. No further copies may be made  
84.1m



**Planning Services**

4/10/00898/FPA - 3 Smith Close, Sherburn

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**Comments**

**Date**

20 January 2011

**Scale**

1:469