

Contact: Mark O'Sullivan
Direct Tel: 03000261056
email: planning@durham.gov.uk
Your ref:
Our ref: DM/19/00767/FPA



PlanArch Design Ltd
Mr John Lavender
Kingsway Court
54 Kingsway
Bishop Auckland
DL14 7JF

14th June 2019

Dear Sir/Madam

Town and Country Planning Act 1990

Proposed 4no. ground floor shop units (2no. A1 and 2no. A5) with external shop front alterations, and 5no. first floor apartments
At 22 Eldon Terrace Ferryhill DL17 0AW
For Mr Mousa Mohamad

The above application received on 14 March 2019 was considered by the Council and it has been agreed that permission should be granted. I therefore enclose the appropriate approval certificate. If an application under the Building Regulations was also submitted, development must not commence until Building Regulations Approval has been received from the Building Control Division.

Should the Building Control Division require any alterations to the approved plan(s), in order to issue a Building Regulations Approval, you are required to resubmit a copy of the amended plan(s) to me for approval before commencing work.

I would also draw your attention to the conditions of the permission and particularly if there are matters requiring approval before development commences. This must be done by way of a formal application for the approval of details reserved by a condition. Forms can be downloaded from the Council's website (www.durham.gov.uk) or submitted electronically via iApply or the Planning Portal. **Please note that failure to comply with conditions could lead to the Council considering the taking of enforcement action.**

I would also be grateful if you would complete and return the Notification of Commencement of Development form at the appropriate time.

If the Council posted a site notice publicising this application and it is still on display, please could you kindly remove it.

Yours faithfully

A handwritten signature in black ink, appearing to read "S Timmiss".

S Timmiss
Head of Development and Housing

Regeneration and Local Services
Durham County Council, Planning Development (South West)
Room 4/86-102, County Hall, Durham, DH1 5UL Main Telephone: 03000 262 830

www.durham.gov.uk

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14 June 2019

Dear Sir/Madam

Providing your Views

Durham County Council wants to provide an effective and responsive Planning Development Management Service and we can only do this with the help of our customers.

You recently made a planning application to the Council and we would like to know what you thought about the quality of the service provided.

We would be grateful therefore if you could take a little time to complete our survey. There is a link to this below and it should take no more than a few minutes to do. The survey is anonymous and will only be used to monitor and review the service we provide.

https://www.surveymonkey.com/s/DCC_Planning_Service

If you have any problems accessing the survey link or would like a copy in paper format, please contact us direct on: **03000 262830** or via email: ***planning@durham.gov.uk***

If you are a regular user of the service and have recently completed the survey it is also appreciated that you may not wish to repeat the process.

Thank you for your help and co-operation.

Yours faithfully

A handwritten signature in cursive script that reads 'Stephen Reed'.

Stephen Reed
Head of Development Management

APPROVAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: **DM/19/00767/FPA**

Applicant

Mr Mousa Mohamad
28 Teesway
Neasham
Darlington
DL2 1QU

Agent

PlanArch Design Ltd
Mr John Lavender
Kingsway Court
54 Kingsway
Bishop Auckland
DL14 7JF

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: 4no. ground floor shop units (2no. A1 and 2no. A5) with external shop front alterations, and 5no. first floor apartments
At: 22 Eldon Terrace
Ferryhill
DL17 0AW
Date of Application: 14 March 2019

PART 2 – PARTICULARS OF DECISION

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

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 listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy H18, H21, D1, D2, D3 and S9 of the SBLP

3. Details of a forecourt protection scheme to the public footway on the front Chilton Lane elevation of the site shall be submitted to and be approved in writing by the Local Planning Authority and implemented as per the approved details prior to the first occupation of any first floor apartment hereby approved, or the opening of any ground floor shop unit,

Reason: In the interest of public and highway safety in accordance with saved policies D2 and D3 of the Sedgefield Borough Local Plan.

- 4. Prior to the commencement of the development hereby approved, details of proposed roller shutters and external housing shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented thereafter.**

Reason: In the interests of good design in accordance with saved policy D1 of the Sedgefield Borough Local Plan.

- 5. The 2no. class A5 uses hereby approved shall not be open to customers outside of the hours of 1130 and 2330 on any day of the week.**

Reason: In the interests of neighbouring amenities in accordance with saved policy D1 of the Sedgefield Borough Local Plan.

- 6. Prior to the commencement of the development hereby approved, details of the fume extraction system, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current EMAQ/DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to and approved in writing by the Local planning authority. The approved scheme shall be installed prior to the first use of the unit to which details relate and shall be operated at all times when cooking is being carried out on the premises.**

Reason: In the interests of neighbouring amenities in accordance with saved policy D1 of the Sedgefield Borough Local Plan.

- 7. Prior to the commencement of the development hereby approved, a detailed noise impact assessment shall be provided, compliant with the methodology stated in BS 4142: 2014. The aim of the assessment shall be to demonstrate the impact of noise from the proposed commercial operations on the existing and proposed residential development surrounding the site. Should the assessment demonstrate that the rating level of proposed commercial operations/ fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be submitted and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.**

Reason: In the interests of neighbouring amenities in accordance with saved policy D1 of the Sedgefield Borough Local Plan.

- 8. Prior to the commencement of the development hereby approved, a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of ceilings between the approved commercial and residential uses shall be sufficient to prevent excessive egress of noise. It shall be the aim of any scheme to achieve a Noise rating value or NR20 (Annex B BS 8233:2014). The approved scheme shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.**

Reason: In the interests of neighbouring amenities in accordance with saved policy D1 of the Sedgefield Borough Local Plan.

- 9. Prior to the commencement of the development hereby approved, an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site shall be submitted to and approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road and rail traffic noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and**

approved in writing by the Local Planning Authority. 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)

30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)

45 dB LAmax in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of neighbouring amenities in accordance with saved policy D1 of the Sedgefield Borough Local Plan.

10. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policy D1 of the Sedgefield Borough Local Plan.

11. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policy D1 of the Sedgefield Borough Local Plan.

12. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Preliminary Ecological Appraisal, All About Trees, May 2019'

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.

PART 3 – APPROVED PLANS

| Plan | Drawing No. | Date Received |
|--|-------------|---------------|
| PROPOSED GROUND FLOOR PLAN | P279_05B | 29/05/19 |
| PROPOSED FIRST FLOOR PLAN | P279_06B | 13/06/19 |
| PROPOSED REAR ELEVATION AND ISOMETRICS | P279_08C | 13/06/19 |
| LOCATION PLAN | | 08/03/19 |
| PROPOSED FRONT AND SIDE ELEVATIONS | P279_07A | 08/03/19 |


STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended time period which accounts for delays experienced obtaining necessary ecological works and subsequent officer approval. All pre-commencement conditions have been agreed in writing by the applicant/agent.

SIGNATURE

Signed:

Date: 14 June 2019



S Timmiss
Head of Development and Housing

INFORMATIVES

INFORMATIVE

The applicant is reminded that these works relate only to the works proposed and not to the display of any new signage/advertisement which may require separate advertisement consent. The applicant is advised to contact the planning section for further advice regarding this matter.

INFORMATIVE

The 2no. approved A5 units will require extractor ducts which will overhang the public highway. Such works will require a Section 177 License, Highways Act 1980. The applicant must contact Andrew Blankley (DCC Neighbourhood Services Section) on 03000 268103 in this regard.

INFORMATIVE

Submitted plans detail the two A5 uses to be served by WC facilities opening directly onto a food storage/preparation room. Food safety legislation requires a "lobby" be provided between these uses. As such the applicant is advised to consult the local authority's food safety team fully prior to agreeing plans/carrying out works, ensuring any internal alterations to the agreed layout are made as necessary.

IMPORTANT NOTICE

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

NOTES TO APPLICANT

Further Information

This certificate is issued under the Town and Country Planning Acts and Orders and does not constitute a permission, approval or consent for any other purpose. Applications must therefore be made for any other permission, approval or consent (including Building Regulations approval or the approval of the Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development. Further approval of this local planning authority must be obtained for any subsequent alterations to the approved plans.

Appeals to the Secretary of State

* If the applicant is aggrieved by the decision of the Council to refuse permission, they may appeal under Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. In the case of 'Householder' or some forms of minor commercial development, the appeal must be made within 12 weeks of the date of this notice. If an enforcement notice relates to the site, there may be a shorter period for making the appeal. Please contact us for further advice.

Purchase Notice

* If the local planning authority or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

* In these circumstances, the owner may serve a purchase notice on the Council. This will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

* In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application.

* These circumstances are set out in Part IV and related provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Public Rights Of Way

This planning permission does not convey any rights to stop up, divert, obstruct or otherwise effect public rights of way, and appropriate orders must be sought for these purposes before any development starts.

The Definitive Map of Public Rights of Way can be viewed at www.durham.gov.uk.