

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

13th December 2006

REPORT OF THE HEAD OF PLANNING SERVICES

1. Reports for Information

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

1.1 Notice of Planning / Enforcement Appeals which have been lodged with the City Council

- a) Appeal by Mr J Coates
Site at Langley Wood, Sleetburn Lane, Langley Moor, Durham, DH7 8LQ
- b) Appeal by J Tilly
Site at 23 Lawson Terrace, Durham, DH1 4EW
- c) Appeal by Mr S C Ryder
Site at land to rear of 15 The Avenue, Coxhoe, Durham
- d) Appeal by Bimbi Restaurants
Site at 1 Larches Road, Durham, DH1 4NL
- e) Appeal by Mr A Bayat
Site at 10 A Church Street, Coxhoe, Durham, DH6 4DD
- f) Appeal by Mr F Maguire
Site at former S G Petch Garage, Front Street, Framwellgate Moor, Durham, DH1 5EJ
- g) Appeal by Mr D Raper
Site at 18 East Street, Hett Village, Durham, DH6 4LP

1.2 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the City Council

- a) Appeal by Mr L Edgar
Site at land adjacent to Red House Farm, Hartside, Durham

1.3 Planning Applications – Determined under Plenary Powers

1.4 Building Control Applications – Determined under Plenary Powers

1.5 Notification of Section 36 Notice of the Building Act 1984

2. Decisions made by the County Council

Application No:	CM4/06/1048
Applicant:	Durham County Council
Location:	County Hall Grounds, Aykley Heads, Durham, DH1 5UL
Proposal:	Resurfacing of existing footpath, provision of lighting and trimming of trees

The above application was considered by the City Council under delegated powers on 15 November 2006 when it was resolved to offer no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application subject to conditions.

Recommendation

That the report be noted.

3. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment.

I set out below a summary together with my Recommendations:

Number & Applicant	Location	Proposal	Recommend
06/00949/RM 06/00950/FPA 06/00951/FPA 06/00952/FPA Sunniside Properties	Dragon Lane Retail Park, Units A, B & C, (Former Site of Mono Containers Limited), Dragon Lane, Dragonville, Durham	Application for revised approval of reserved matters in respect of siting, design and external appearance & landscaping in relation to outline planning permission 4/03/352 Creation of additional 615 sq metres, 1393 sq metres & 744 sq metres mezzanine retail floor space	Approve

Sunniside Properties	Dragon Lane Retail Park, (Former site of Mono Containers Ltd), Dragon Lane, Dragonville, Durham
06/00949/RM	Application for revised approval of reserved matters in respect of siting, design & external appearance & landscaping in relation to outline planning permission 4/03/352
06/00950/FPA	Unit A – Creation of additional 615 square metres mezzanine retail floor space
06/00951/FPA	Unit B – Creation of additional 1393 square metres mezzanine retail floor space
06/00952/FPA	Unit C – Creation of additional 744 square metres mezzanine retail floor space

SITE AND APPLICATION DESCRIPTION

Four applications have been received from the developers of the former Mono Containers site, Dragon Lane, Durham.

The first seeks to amend an earlier discharge of reserved matters relative to an outline planning approval granted in 2003 following a public "call - in" inquiry. The earlier discharge took place in 2004, and subsequent amendments have been dealt with since.

The current reserved matters application seeks to modify the disposition of unit sizes and their detailed appearance within the approved overall retail floor area of 9061 square metres, spread throughout seven units.

Details of a free standing McDonalds fast food drive-through facility located within the north western corner of the overall development site also forms part of this submission, together with amended car park layout and landscaping.

Access points from the highway, and their design, remain as before.

The second application seeks to add 615 square metres of first floor mezzanine retail floor space to Unit A, which lies at the northern extremity of the interconnected row of retail units. This would be operated by Wicks

The third application seeks to add 1393 square metres of first floor mezzanine retail floor space to Unit B, and this would be operated by Dunelm.

Finally, the fourth application seeks to add 744 square metres of first floor mezzanine retail floor space to Unit C, and this would be operated by Comet.

These applications are supported by planning statements, design and access statements, and a transport assessment.

RELEVANT HISTORY

The site until recently formed part of the Mono Containers manufacturing complex. Clearance of buildings has taken place on the site prior to development.

Following a "call - in" public inquiry, which examined this and three other retail warehousing proposals in Dragon Lane, outline planning permission was granted in 2003 for the development of 9061 square metres of non - food bulky goods retailing on this site.

Subsequently access and siting were approved by the City Council in 2004, with design and external appearance and landscaping approved later the same year.

The addition of two fast-food restaurants was approved in 2005. Later that year 280 square metres of additional mezzanine floorspace was approved for Unit D, and 1393 square metres additional mezzanine floorspace approved for Unit C.

POLICIES

Planning Policy Statement 6 (PPS 6) defines the Government's key objectives in respect of the promotion of town centres' vitality and viability. The focus upon the development and enhancement of existing centres is stressed, encouraging a wide range of services with good accessibility for all.

City of Durham Local Plan 2004 Policy Q7 requires a high standard of design for new industrial and business development, and that it is appropriate to its location.

Policy T1 rejects development proposals that would generate a level of traffic prejudicial to highway safety.

Policy Q5 requires a high standard of landscaping within the layout and design of new development.

Policy Q6 requires new development on exposed sites to incorporate effective peripheral structural landscaping.

Policy S8 defines the parts of Dragonville Industrial Estate where the sale of bulky goods from retail warehousing can take place.

Policy EMP8a places the site within a General Industrial Estate where land use classes B1, B2 and B8 (Business, General Industry & Warehousing are permitted.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority has examined the proposals and the accompanying Transport Assessment and considers these latest proposals to be unlikely to impact adversely upon highway safety. Under the terms of the outline planning consent off site highway improvements must be paid for by developers prior to development commencing, and be completed prior to occupation.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : None.

PLANNING CONSIDERATIONS

The extant outline planning permission relating to this site has established the principle of its use for non-food bulky goods retailing.

In granting this consent the Secretary of State took into account the site's Local Plan designation as an industrial estate, and this is now recognised in the emerging Local Development Framework chapter "City Centre and Retailing" which revises the site's designation to land suitable for retail warehousing. Accordingly non-conformity with Local Plan Policy EMP 8 is no longer an issue.

I have assessed the reserved matters submission, and am satisfied that the siting, design and external appearance of the revised scheme meets the objectives of Policy Q7. Similarly, and subject to the receipt of full details of species, numbers, and maintenance, the submitted landscaping proposals are acceptable. This meets the objectives of Policies Q5 and Q6.

The proposed restaurant building is of a highly contemporary design, complementary to that of the retail units. Vehicle and pedestrian circulation arrangements are deemed to be satisfactory and safe by the County Highway Authority, whilst access arrangements for customers and service vehicles from Sherburn Road and Damson Way remain as previously approved.

I accordingly consider this application to be supportable, subject to appropriate conditions.

Turning to the three mezzanine proposals, these have resulted from the specific requirements of the three operators, Wickes, Dunelm, and Comet who are the nominated operators of units A, B and C. They would supersede earlier mezzanine planning permissions, in the same manner that the reserved matter proposals would supersede the earlier siting, design and external appearance and landscaping approvals.

The acceptability of the additional retail floorspace created is dependant upon the retail impact on shopping centres in the area, and the traffic impact upon the local highway network.

In regard to these matters I have sought the specialist advice of Dr John England of consultants England and Lyle, and of the County Highway Authority.

Dr England has concluded that there is more than enough spending capacity within the local economy to accommodate the additional turnover created by the additional floorspace proposed, and therefore trade would not be diverted from other retail centres, to the detriment of their vitality and viability.

The submitted Transport Assessment has been carefully analysed by the Highway Authority which has concluded that the additional traffic likely to be generated by the proposed mezzanine floorspace can be safely accommodated within the identified capacity of the local road network. Thus the objectives of Policy T1 are met.

I am therefore able to support the three mezzanine applications subject to appropriate conditions, particularly in respect of the type of bulky goods that can be sold from this location.

In summary, it is my conclusion that no demonstrable harm will result from the approval of the four planning applications under consideration, and that they reflect the Secretary of State's 2003 inquiry decision, and relevant national and local planning policy.

RECOMMENDATIONS

That the four applications be **APPROVED** subject to the following conditions:

a. 4/06/00949/RM

1. T1 Time Limit Full Approval 2004
2. DT4 External Materials
3. DT8 Enclosure Details to be Agreed
4. DT10 Hardstanding Surface Materials

- 5 LA2 Landscaping Scheme Full Reserved Matter
- 6 RU8 Control of Open Storage
- 7 FD5 Refuse Provision Fume Extraction Combine
- 8 CL06 Oil Interceptor
- 9. Details of any external lighting, including that of lighting columns, lanterns and the intensity of light levels proposed, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The lighting shall thereafter be implemented in accordance with the approved scheme.

b. 4/06/00950/FPA

- 1. T1 Time Limit Full Approval 2004
- 2. The retail floorspace hereby approved shall be used for the sale of DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products and garden centre products and for no other purpose except ancillary purposes.

c. 4/06/00951/FPA

- 1. T1 Time Limit Full Approval 2004
- 2. The retail floorspace hereby approved shall be used for the sale of DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products and garden centre products and for no other purpose except ancillary purposes.
- 3. The floorspace hereby approved shall not be subdivided or subsequently altered to create further units than less than 750 square metres gross floorspace; and no further internal floorspace shall be created.

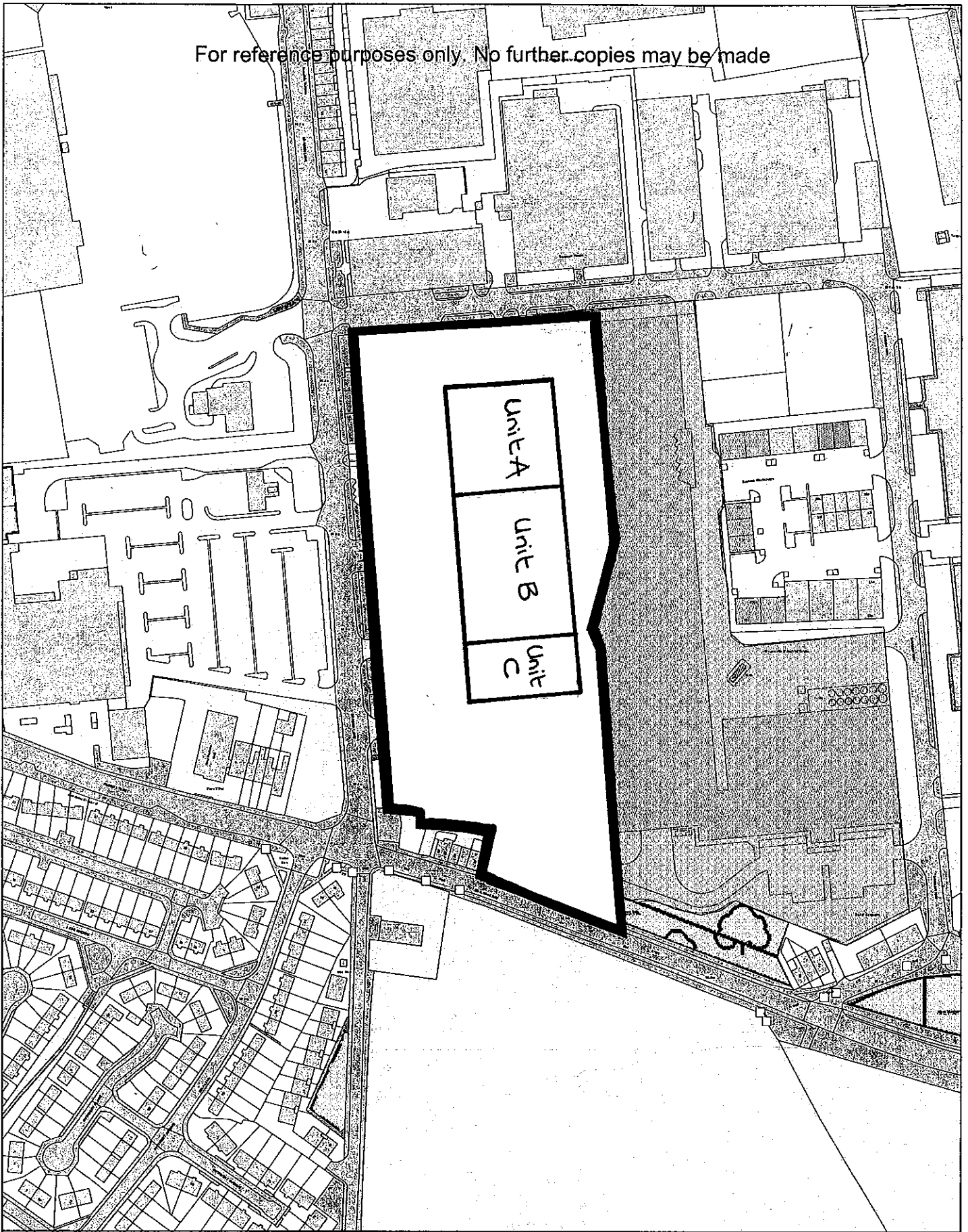
d. 4/06/00952/FPA

- 1 T1 Time Limit Full Approval 2004
- 2. The retail floorspace hereby approved shall be used for the sale of DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products and garden centre products and for no other purpose except ancillary purposes.

BACKGROUND PAPERS

Submitted Planning Application Forms, Plans and Supporting Documents
 Design and Access and Transport Assessment Statements
 Secretary of State's Decision Letter relative to 2003 'Call-In' Inquiry
 PPS 6, Policy Statement 6 - Planning for Town Centres, City of Durham Local Plan 2004
 Development Plan Document 'Planning for the City Centre and Retailing' of the Emerging
 Local Development Framework
 Statutory Consultation Responses, and Retail advice from England and Lyle.

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/06/00949RM & 4/06/00950, 951, & 952/FPA
Dragon Lane Retail Park, Dragon Lane

Comments

Date

29 November 2006

Scale

1:2500

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