

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

22nd November 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 Outcome of Secretary of State's Call-In

- a) Proposed demolition of industrial shed containing health and fitness club and associated single storey buildings including those of former Mill in connection with the proposed erection of 99 apartments plus 6 living/workspaces, local heritage facility building, together with outdoor cultural space, resident amenity space and underground parking on land at Meridian Health and Fitness, Walkergate, Durham for Hay and Kilner Solicitors.
(Refs: 4/05/207 and CAC 4/05/210)

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

- a) Appeal by Utopian (ONE) Limited
Site at Unit 3, Walkergate, Durham, DH1 1SQ
- b) Appeal by Mr A Hodgson
Site at Land at Aldin Grange Hall, Bearpark, Durham, DH7 7AR
- c) Appeal by Mr P McGowan
Site at Land to rear of 40 Fieldhouse Lane, Durham, DH1 4LT
- d) Appeal by Mr S Carr
Site at 14 Scardale Way, Belmont, Durham
- e) Appeal by Kepier Homes Llp
Site at Ustinov College/Kepier House, Mayorswell Close, Durham

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

- a) Appeal by Mr A Wylie
Site at South Gables, Ancroft Garth, High Shincliffe, Durham, DH1 2PR
- b) Appeal by Mr D Onions (Agent)
Site at The Newton Grange Hotel, Finchale Road, Newton Hall, Durham
- c) Appeal by Mr J Spottiswood
Site at Ludworth Cottage, East View, Ludworth

1.4 Planning Applications – Determined under Plenary Powers

1.5 Building Control Applications – Determined under Plenary Powers

2. 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	Recommendation
--------------------	----------	----------	----------------

ITEM NO. 1

06/00729/FPA Durham Villages Regeneration	Site of former Council Offices John Street South, Meadowfield, Durham	Demolition of existing buildings, and erection of 3 no. four storey blocks to provide 40 no. two bedroom flats, with road access, servicing and parking for 45 cars	Approve
---	---	---	----------------

ITEM NO. 2

06/00799/OUT Miss P J Campbell	Dove Grove, Browney, Durham, DH7 8HX	Outline planning application for erection of nine dwellinghouses	Approve
--------------------------------------	---	---	----------------

ITEM NO. 3

06/00837/FPA Knightsbridge Developments N.E. Limited	Site at: The Corner of Bent House Lane & Front St. Sherburn Road Durham	Demolition of existing buildings and erection of 16 no. apartments and 4 no. dwellinghouses with associated part covered parking area and bin-store	Approve
---	---	--	----------------

ITEM NO. 4

06/00877/FPA Mr N Dawson	Former Dryburn Hospital Site, Southfield Way, Durham	Erection of 2/3 storey, 84 bed care home with associated parking, road access and amenity space	Approve
-----------------------------	---	--	----------------

ITEM NO. 5

06/00897/FPA Dr M Ibbot	22 Albert Street, Durham, DH1 4RL	Alterations involving creation of sunken patio/planting area to rear of existing dwellinghouse with garden steps. Construction of balcony area above sliding doors at ground floor level and construction of bay window at first floor level.	Approve
----------------------------	---	--	----------------

ITEM NO. 1

06/00729/FPA Durham Villages Regeneration	Site of former Council Offices, John Street South, Meadowfield, Durham Demolition of existing buildings, and erection of 3 no. four storey blocks to provide 40 no. two bedroom flats, with road access, servicing and parking for 45 cars
--	---

SITE AND APPLICATION DESCRIPTION

Now partially dismantled, and latterly the offices of the City Council's Finance Department, this large complex of buildings in Meadowfield was originally constructed as a picture house and office complex for the Co-operative Society. The frontage, an obvious statement of the Co-ops commercial power fronts a very large building of the size needed for a traditional cinema. Subdivided over the years, with a wood stripping business operating from the yard on the side of the building later alterations to incorporate a shop front along the length of the front ground floor were not sympathetic, with large areas of glass, and Cumberland slate panelling.

The buildings were latterly surrounded by an access road, with parking on two tiers to the rear of the building. Fronting the busy A690, traditional Victorian terracing faces and flanks the building's street frontage, with those dwellings to either side, of a larger scale. The terrace opposite benefits from a pavement incorporating an area for parking in addition to the parking for those properties in their rear lane. An elongated bus lay-by fronts the development site. The residential properties flanking the site have vehicular access alongside it leading to their respective back lanes. Those adjacent properties to the south have long rear gardens across the lane, most incorporating garages, in a variety of maintenance regimes. Those residential properties to the north overlook a paddock area. To the rear of the development site is the partially developed Industrial Estate, at a lower level, and still incorporating large undeveloped grassed areas.

The development consists of three residential blocks, a single vehicular access into the proposed parking area, and serving the back lane of the adjacent terrace, and significant open amenity areas, both on the street frontage and to the rear of the site. Parking and access is to the standards required by the County Council as Highway Authority, with all servicing and bin storage means accommodated likewise.

The buildings provide for four storeys of residential apartment accommodation, with the building of directly comparable height to that existing, but shorter in length by around 6 metres.

Architectural devices to visually break up the size of the building, and reflect the slope of the frontage, and give a nominal visual interaction with the streetscene have been added to the design during the course of the planning application.

RELEVANT HISTORY

An earlier scheme for planning permission to erect 40 flats was withdrawn in December 2005 as a result of emerging legislation regarding bats.

POLICIES

Central Government advice in PPG 3 and the draft PPS 3 on new housing emphasises the importance of creating mixed and inclusive communities, partially through the provision of different types of accommodation. The redevelopment of 'brownfield' or previously

developed land to meet housing need is encouraged, as is creating sustainable environments where good transport links and an emphasis on design are important.

Policy H3 of the City Council's Local Plan encourages brownfield residential development, providing it is appropriate in design, location, number of units and character.

Policy Q8 sets out the detailed design criteria required, including references to the required road hierarchy, the need for amenity space, taking into account privacy and amenity for new and existing residents, the need to make the most efficient use of land, and being appropriate in scale, form, density, materials used and character.

Policy R2 sets out the requirements for open/amenity space, and Policy H13 notes that permission will not be granted for new development or uses which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policies T1 and T10 seek to ensure an appropriate level of parking, making sure new development is not approved which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority offer no objection to the scheme subject to minor amendments to the lay-by that can be resolved when the highways are adopted. In raising no objection, Highway Engineers acknowledge local concerns relating to convenience parking and access/egress to the A690 during peak periods, but are not convinced of a problem.

Northumbrian Water Authority request specific technical assurance which can be addressed by way of condition.

The Environment Agency offer standing advice.

English Nature (as was) are satisfied with the Bat Report and Mitigation Strategy.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : The public consultation exercise has been distorted by the length of time the application has been with the Council as minor design changes have been incorporated. The consultation exercise, including direct mailing, site notices and press advertisements exceeds government advice for such. At the end of the required 21 day consultation period only two public objections to the scheme had been received.

With the extended time the application has been lodged with the Council, public objection has developed, the extent of this being distorted by multiple letter writing from a number of addresses/individuals.

The main concerns of objectors can be classified into three main areas: - the visual impact of the proposed building, the impact of the buildings on privacy and amenity, and the vehicular impact, both in terms of parking and access. The scheme is variously described as an eyesore and a monstrosity, and out of scale with the existing streetscene, some correspondents considering the development to be poorly detailed.

There is concern as to the possible residents of the scheme, and complaints of overlooking and loss of light to those properties facing across the A690, and those whose gardens will be overlooked to the south. Some correspondents refer to different options for the site they were shown before this submission, preferring those.

There are requests for more vehicular circulation and parking on site, at the expense of the amenity areas, and for more space for children to play. There are also issues as to disruption to amenity during any construction process. The letter from the Parish Council mirrors residents concerns. The City of Durham Trust requests the buildings be sub-divided.

The full text of all the above objectors is available for Members inspection in the application file, or on the Council's web-site.

PLANNING CONSIDERATIONS

The planning application proposes erection of three large residential blocks, on a brownfield site, adjacent a busy transport artery. The frontage buildings on site have been designed to be no higher, and significantly shorter than those they replace. With strong but simple references to the traditional built vernacular of the area, the frontage will be a striking, but integrated addition to the streetscene. The massing of the buildings reflects those to be replaced, as a site of visual importance. Through the careful detailing and disposition of materials, with minor revisions during the process to achieve a visual 'interaction' with the street frontage through architectural devices to give the appearance of former entrances onto John Street - evidenced by the detailing around the windows at the ends of the building, emphasised by the adjacent railings, the buildings will provide a contemporary interpretation of a traditional large building.

The relationship of the frontage building to those opposite meets the required separation distances, and is comparable to others in the street. The small block to the rear is separated from the nearest garden by approximately 12 metres and is aligned to overlook the garages.

The block to the rear of the site overlooks on extensive area of amenity open space and planting, designed into the scheme at officer's request at the expense of internal vehicular circulation space. The internal parking areas include the opportunity for planting between the buildings, complimenting a planting/public art space at the site entrance, the upgrading of which will benefit residents of the adjacent existing terrace.

The scheme is therefore a high density, efficient use of a brownfield site, providing a new form of accommodation to the area, with the potential of widening the social mix and providing 'starter' accommodation. Parking provision and access/egress to the site is to the satisfaction of the County Highways Engineers. English Nature are satisfied with the submitted Bat Report and Mitigation Strategy, and the design provides for an area of meaningful open space, unusual on this type of development. Provision has been made for an area for public art on the street frontage.

Subject to the usual standard conditions, officers are able to support the proposed scheme.

RECOMMENDATION

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

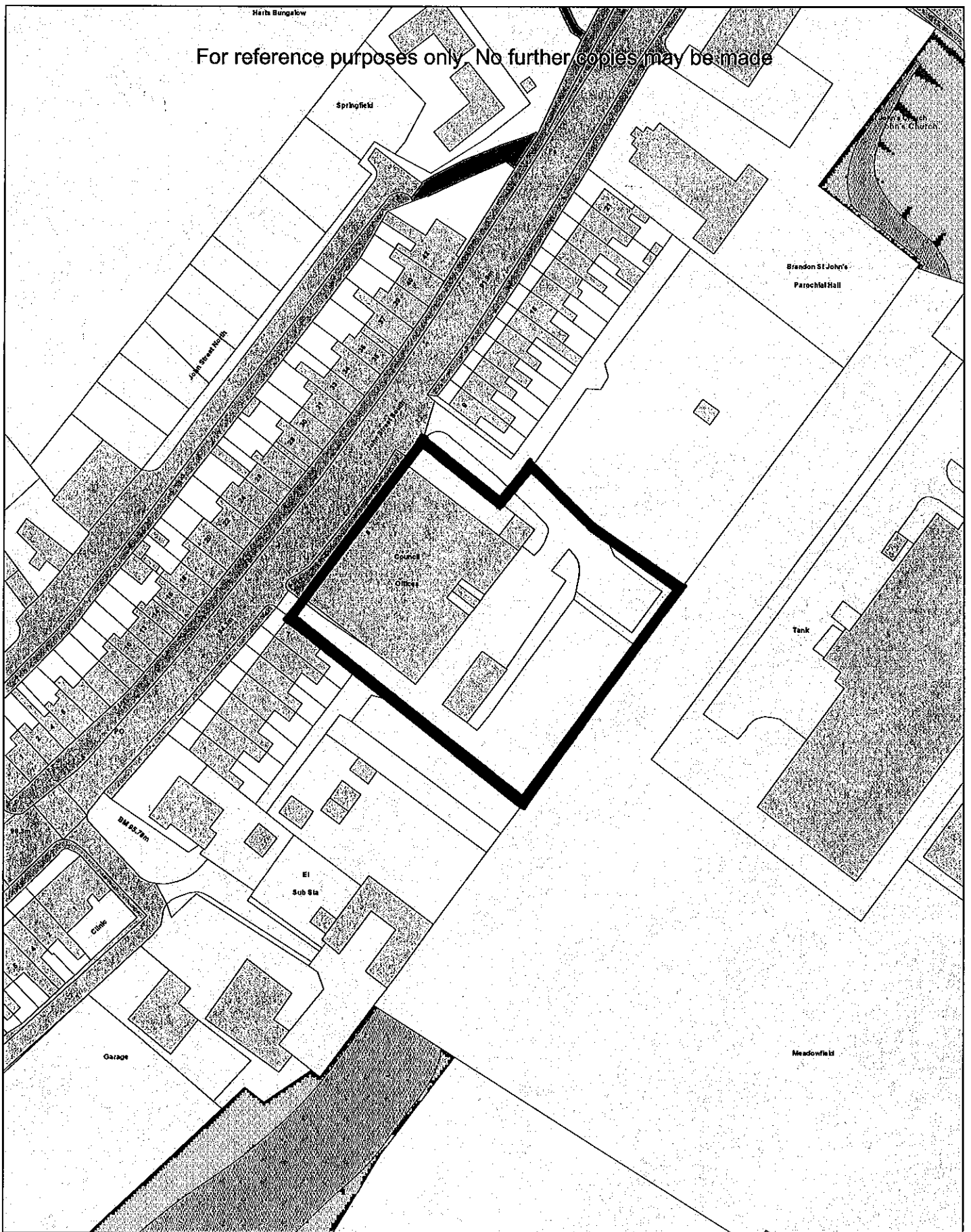
1. T1 Time Limit
2. DT4 External Materials
3. DT8 Enclosure Details
4. DT10 Hardstanding/ Surface Materials
5. DT11 Fenestration Details
6. DT12 Windows in Reveal

7. DT15 Roof Details
8. DT23 Drainage Scheme
9. LA2 Landscape Scheme
10. Before development is commenced accurate sections showing the existing and proposed levels on site must be submitted to and approved in writing by the Local Planning Authority, with all development in full accordance with said approval.
11. No building works by the developers or their contractors shall be carried out outside the hours of 8.00am to 6,30pm Monday to Friday, 9.00am to 5.00pm Saturday, with no works on any Sunday or Bank Holiday. The developer will provide a written named contact available to be forwarded any problems which may occur.
12. No residential unit shall be occupied until the full recommendations of the 'Bat Survey Report', July 2006, prepared by Barrett Environmental Ltd. have been adhered to and implemented.
13. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail, and implementation of an installation of public art to be sited on the area identified on the approved layout plan, 436/3 (generic).

BACKGROUND PAPERS

City of Durham Local Plan 2004
Statutory Consultation Responses
Public Consultation Responses
Submitted Forms, Plans, and Supporting Technical Information
Amended and Revised Plans
File Notes and Correspondence
Planning Policy Guidance Note 3 (Housing)

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. App No 4/06/00729/FPA

Site of former Council Offices, John Street South,
Meadowfield, Durham

Comments

Date

07 November 2006

Scale

1:1250

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 City Council Licence No. 100022202 2005.

ITEM NO. 2

06/00799/OUT Miss P J Campbell	Dove Grove, Browney, Durham, DH7 8HX Outline planning application for erection of nine dwellinghouses
---	--

SITE AND APPLICATION DESCRIPTION

The application site consists of a triangular piece of land that currently accommodates a dwelling and associated land adjacent to existing housing in the settlement of Browney. Mature trees that are of amenity value in the locality lie to the south west of the site.

To the north and east of the site the land falls in the form of an embankment and then opens onto grassland. This land is currently not in an active use and is allocated for employment uses. The application site is also allocated for employment uses and the allocation boundary follows the south and east boundary of the application site. To the west and south of the site are residential properties. Dwellings are a mixture of detached and terraced properties.

The planning application proposes to demolish the existing dwelling on site and erect 9 dwellings with off street car parking. The current submission is in outline only and a sketch scheme has been submitted showing two terraced rows of five and four dwellings. Vehicular access in to the site is from an adopted highway into the south-east corner of the site.

RELEVANT HISTORY

Planning permission referenced 99/00377 was granted for outline planning consent in September 1999 for a detached dwelling on the site.

In 2002 a reserved matters application referenced 02/00564 was granted for a dwelling on the site. This permission has been implemented and the dwelling is erected on site.

In 2005 planning permission 05/0113 was granted consent for an extension to the accommodate a dependant relative.

POLICIES

NATIONAL POLICIES

PPS1 Delivering Sustainable Development

PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

PPG3 Housing

This PPG includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision. Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development.

PPG4 Industrial and Commercial Development and Small Firms

This PPG takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality.

The advice covers mixed uses, conservation and heritage, re-use of urban land and other matters.

Local Plan Policies

Policy EMP 8 allocates land for industrial uses. The areas should be kept for industrial uses so that the local authority's economic strategy is not undermined.

Policy H3 allows new housing development comprising of previously developed land within the settlement boundaries provided that it is in appropriate scale, design and location to the character of the settlement and does not result in the development of areas that possess important visual, functional or environmental attributes which contribute to the settlement's character.

Policy H13 states that planning permission will not be granted for new development that will have an adverse effect on the character or appearance of the residential area or the amenities of residents within them.

Policy E14 considers the impact development will have on existing trees and hedgerows.

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

Policy T10 seeks to limit the amount of vehicle parking off the public highway to promote sustainable transport choices and reduce the land-take of development.

Policy Q8 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 requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority raises no objection to the application and notes that a road suitable for adoption and adequate parking is provided with any reserved matters application.

Northumbrian Water raise no objection subject to conditions on foul and surface water drainage.

Environment Agency: Response awaited.

INTERNAL RESPONSES : Design and Conservation - Two poplar trees within the site are of amenity value and are worthy of protection. A sycamore tree is just outside the site and is

also of amenity value. These trees have an impact on the site layout as the tree roots need to be protected and the trees will cause some shade cast.

PUBLIC RESPONSES : None

PLANNING CONSIDERATIONS

One of the main issues relates to the principle of development. The site is allocated for employment uses in the City of Durham Local Plan 2004, and the relevant policy EMP8 seeks to protect this land for employment uses. The planning history is of relevance to this allocation. Planning permission 99/00377 granted outline consent for a dwelling on the site. A reserved matters application was then granted consent in 2002 and this dwelling has been erected on site. The application site included the garden area and access and was the same land area as the current application. As such the application site currently consists of one planning unit which is a residential dwelling with associated access, parking and garden. As such the current land use would not allow the possibility of employment uses being introduced onto the site.

The application site also physically relates well in its location and land form to the residential properties in Browney. The site lies immediately adjacent to the existing housing to the west, south and south-east. In addition the residential properties to the south-east and north-west of the site and the application site itself all have an embankment to the east with the land allocated for employment uses being beyond this site. The embankment therefore acts as a natural physical break between the residential and employment uses on the land.

The proposed residential land use of the site is therefore considered acceptable in principle.

Policy H3 allows new residential development that is on previously developed land. The application site consists of an existing dwelling and its residential curtilage. Previously developed land is considered in PPG3 to include gardens. As such this application is considered to be on previously developed land and in accordance with this element of PPG3 and Policy H3. This policy also requires development that is of an appropriate scale, design and location to be in keeping with the character and context of the area. This current application is an outline application with all matters reserved. A sketch layout has been submitted with the application which demonstrates that two terraced rows of 4 and 5 dwellings could go onto the site. The scheme is indicative only but demonstrates a relatively dense development which makes the best use of land. Terraced properties on this land are considered to be in keeping in this locality which is partly characterised by terraced properties.

Policy Q8 also requires any development to be of an appropriate scale, form and density and respect the residential amenity of any neighbouring residents. These details would be addressed on the reserved matters application and the relationship between the windows in Browney House and the application site would need careful consideration.

A further issue is that there are mature trees in and adjacent to the sites which are of amenity value in the locality. Within the site there are two mature poplar trees and adjacent to the site is a mature sycamore. The trees are considered to be worthy of Tree Preservation Order protection. Any development on the site must ensure the tree roots are protected and consider the impact of shade cast on any development. An amended sketch plan has been submitted by the agent showing built development outside the root protection area. Conditions are attached to the recommendation for approval requiring report by an arboriculturist to be submitted with any reserved matters application.

Vehicular access into the site is at the south-east end. The County Highway Engineer has raised no objections. When a reserved matters application is submitted a road to adoptable standards would need to be submitted as part of the application.

In conclusion, although this site is designated as an employment site in the Local Plan, its future use for employment has largely been compromised by the granting of planning permission for a dwelling on the site in 1999, which has been built. Given the relationship of the site also to the existing residential development it is considered that this proposal would not seriously prejudice the implementation of the Local Plan and can be considered as an acceptable departure.

RECOMMENDATION

- A. That the local Planning Authority be **MINDED TO APPROVE** the application subject to the following conditions and the matter be referred to the Secretary of State for Communities and Local Government under the Town and Country Planning (Development Plans and Consultations) (Departure) Directions 1999.
1. TL2 Time Limit
 2. DT1 Outline Details
 3. LA4 Retention of Existing Trees
 4. DT23 Drainage Scheme
 5. Prior to the commencement of the development or demolition, full details of the demolition works shall be provided in a statement to the Local Planning Authority, and approved in writing. This statement shall include methodology;- removal of materials; any remediation works (either temporary or permanent); and if applicable, the phasing of demolition, operations and development. The demolition and development shall thereafter be carried out strictly in accordance that statement unless otherwise agreed in writing with the Local Planning Authority.
- B. That authorisation be given to save a Tree Preservation Order on the mature trees on and adjacent to the site worthy of protection.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans

Planning Policy Guidance: -

- PPS1: Delivering Sustainable Development
- PPG3: Housing
- PPG4: Industrial and Commercial Development and Small Firms
- Regional Planning Guidance for the North East

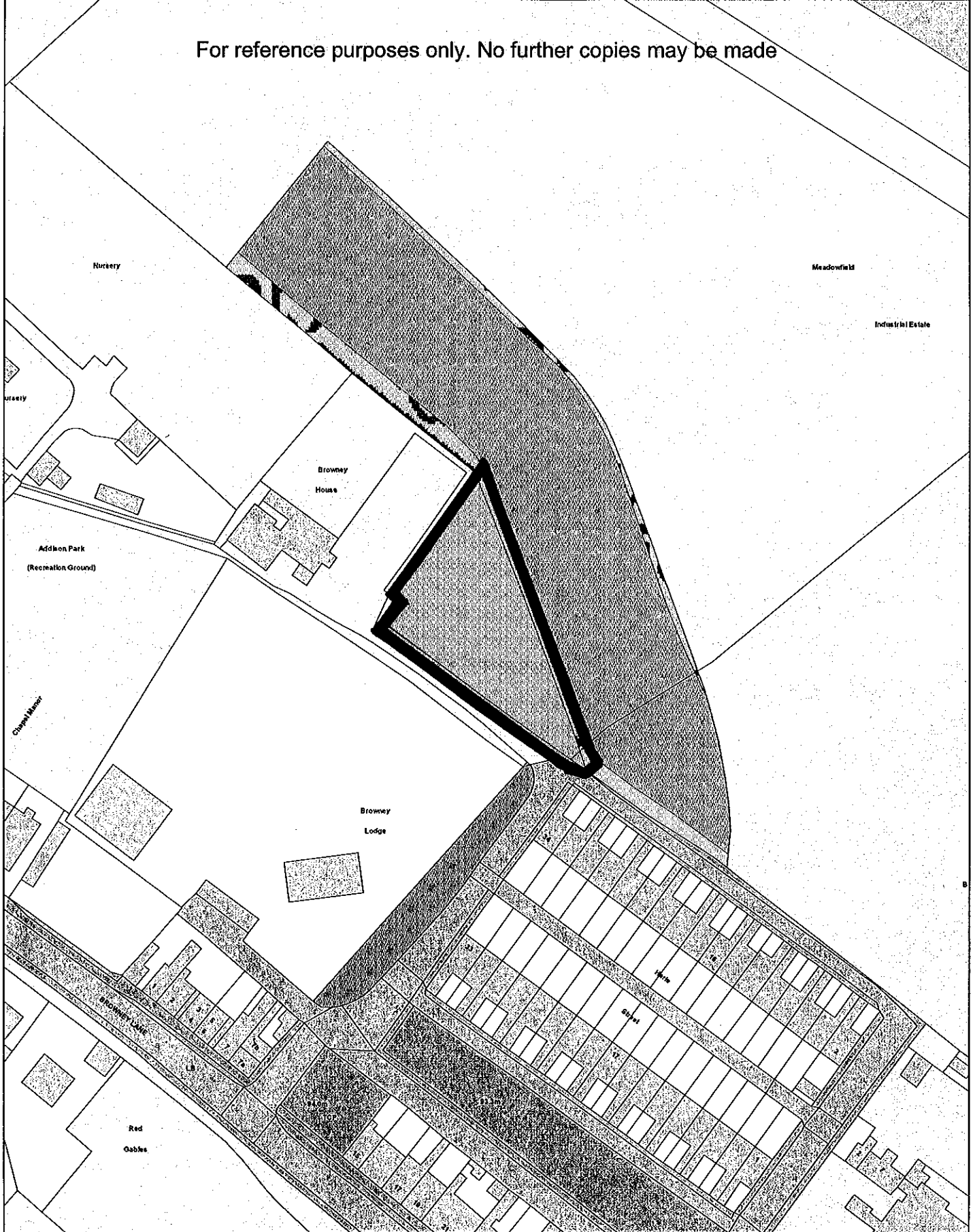
County Durham Structure Plan 1999

City of Durham Local Plan 2004

Statutory Responses

Public Consultation Responses

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. App No 4/06/00799/OUT

Dove Grove, Browney, Durham

Comments

Date

07 November 2006

Scale

1:1250

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 City Council Licence No. 100022202 2005.

ITEM NO. 3

06/00837/FPA Knightsbridge Developments N.E. Limited	Site at the corner of Bent House Lane, & Front Street, Sherburn Road, Durham Demolition of existing buildings and erection of 16 no. apartments and 4 no. dwellinghouses with associated part covered parking area and bin-store
---	---

SITE AND APPLICATION DESCRIPTION

This proposal comprises the replacement of a commercial garage standing on land at the corner of Sherburn Road and Bent House Lane, Durham, by a residential development with associated parking.

Sixteen apartments and four houses would be accommodated within three, two and a half, and two storey buildings arranged in terraced form along the northern and eastern boundaries of the site. Covered parking, a refuse store building, and a covered vehicular site entrance would run along the western boundary, with a wall completing the central courtyard enclosure along the southern boundary.

Twenty five car parking spaces would be provided on site. Twelve of these would be enclosed using a lift stacking system, the remainder would be located centrally within the open courtyard, five of which being provided for visitors.

The architecture is traditional with an agricultural style to the north and east elevations. Massing would be modulated by variations in rooflines, fenestration, and door openings, together with the use of rear 'off shoots'. Materials would vary between brick and render, slate and pantile. The covered parking would also be pitched roofed, with that style continued across the Bent House Lane vehicular entrance and refuse store.

While not forming part of the redeveloped site, but being included within the application proposals, a field to the east will be planted with trees and shrubs to form screening and 'soften' the transition between 'town' and 'country'. This land would be separated from the planting by a metre high grass mound to form a physical barrier but allow views eastwards from the proposed properties.

RELEVANT HISTORY

Originally occupied by a light engineering works, in recent years the application site has been used for various car repair and sales businesses.

Outline planning permission was granted in 2004 for the site's development for residential purposes.

POLICIES

PPG3 Housing includes the Government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision.

Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential

environments, highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development.

City of Durham Local Plan 2004, Policy H2 permits new housing on previously developed ('brownfield') land within the City's settlement boundaries.

Policy Q8 sets out design criteria aimed at achieving high quality residential development.

Policy Q6 requires new development located on the outer edge of settlements to include peripheral structural landscaping to minimise adverse visual impact.

Policy E1 seeks to protect the Green Belt from inappropriate development, and to preserve its openness.

Policy R2 requires a minimum amount of private and communal open space to be associated with new residential development. Where it is not possible to provide this on-site, a commuted sum towards the creation or enhancement of recreational facilities within the vicinity is appropriate.

Policy T10 seeks an adequate level of off-street parking, but of an amount compatible with the encouragement of sustainable transport choices.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority accepts the access arrangements off Bent House Lane to be safe, and the parking provision to be appropriate for a development of this kind.

Northumbrian Water Authority offers no objections to this proposal subject to the usual safeguards.

The Environment Agency raises no objections to the proposal, but states that Flood Risk Standing Advice applies.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : One neighbour letter has been received from the resident of the Courtyard, Benthouse Lane, some distance to the south of the site. Concerns have been expressed regarding the density of development proposed, the amount of land within the application site left undeveloped, inadequate car parking provision, lack of acknowledgement of the national cycle route that borders the site, and the refuse store access arrangements onto Bent House Lane.

The City of Durham Trust comments upon the application but does not object.

PLANNING CONSIDERATIONS

This site is of considerable prominence and visual importance, lying as it does on one of the City's eastern entrances. Consequently its redevelopment is most welcome, and use for residential purposes absolutely appropriate, as confirmed by the presence of an outline planning consent which has established the acceptability of the principle of that land use. The objectives of Local Plan Policy H2 are therefore met.

Following extensive negotiations with my officers a scheme has emerged that adopts an architectural style that successfully achieves both urban and rural styles, so reflecting the transitional nature of the site, lying as it does on the very edge of the City's built-up area. This achieves the objectives of Local Plan Policy Q8.

Land immediately to the east of the development site, but included within the planning application lies within the North Durham Green Belt. Accordingly it is being used for screen planting rather than being built up, which is entirely appropriate and consistent with the objectives of Local Plan Policies Q6 and E1.

Access and parking are deemed to be acceptable by the County Highway Authority (Local Plan Policy T10), whilst a shortfall in on-site open space provision can be addressed by a commuted sum planning condition (Local Plan Policy R2).

Therefore it is my overall conclusion that this is a most worthwhile proposal that will significantly enhance the Sherburn Road entrance to the City, and complement the considerable regeneration investment that has already been committed to both residential and commercial properties in the Sherburn Road and Dragon Lane area.

In reaching this decision I have taken into account the lone objection to the scheme, but find no merit to the case presented. The density is wholly appropriate, in my view, to this location, and in line with Government Guidance. The site to the east remains undeveloped, although planted for screening purposes due to its Green Belt status, while the parking provision is as agreed with the County Highway Authority, upon whose judgment I must place due weight. The national footpath route is in no way compromised by this proposal, while the simple expediency of adding a second door to the refuse store to be accessed from within the site addresses that particular concern.

Accordingly, and subject to appropriate conditions, I offer this application my full support.

RECOMMENDATION

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

1. T1 Time Limit [Full Approval] 2004
2. DT4 External Materials
3. DT5 Materials Sample
4. DT8 Enclosure (Details to be Agreed)
5. DT10 Hardstanding/Surface Materials
6. DT12 Windows in Reveal
7. DT16 Dry Pointed Verges
8. PD1 Removal of PD (Garages)
9. PD2 Removal of PD (Outbuildings)
10. PD3 Removal of PD (Fences, Gates & Walls)
11. PD4 Removal of PD (Extensions)
12. LA2 Landscape Scheme
13. CL01 Contaminated Land Risk Assessment
14. CL02 Approved Method Statement
15. CL03 Addendum Method Statement

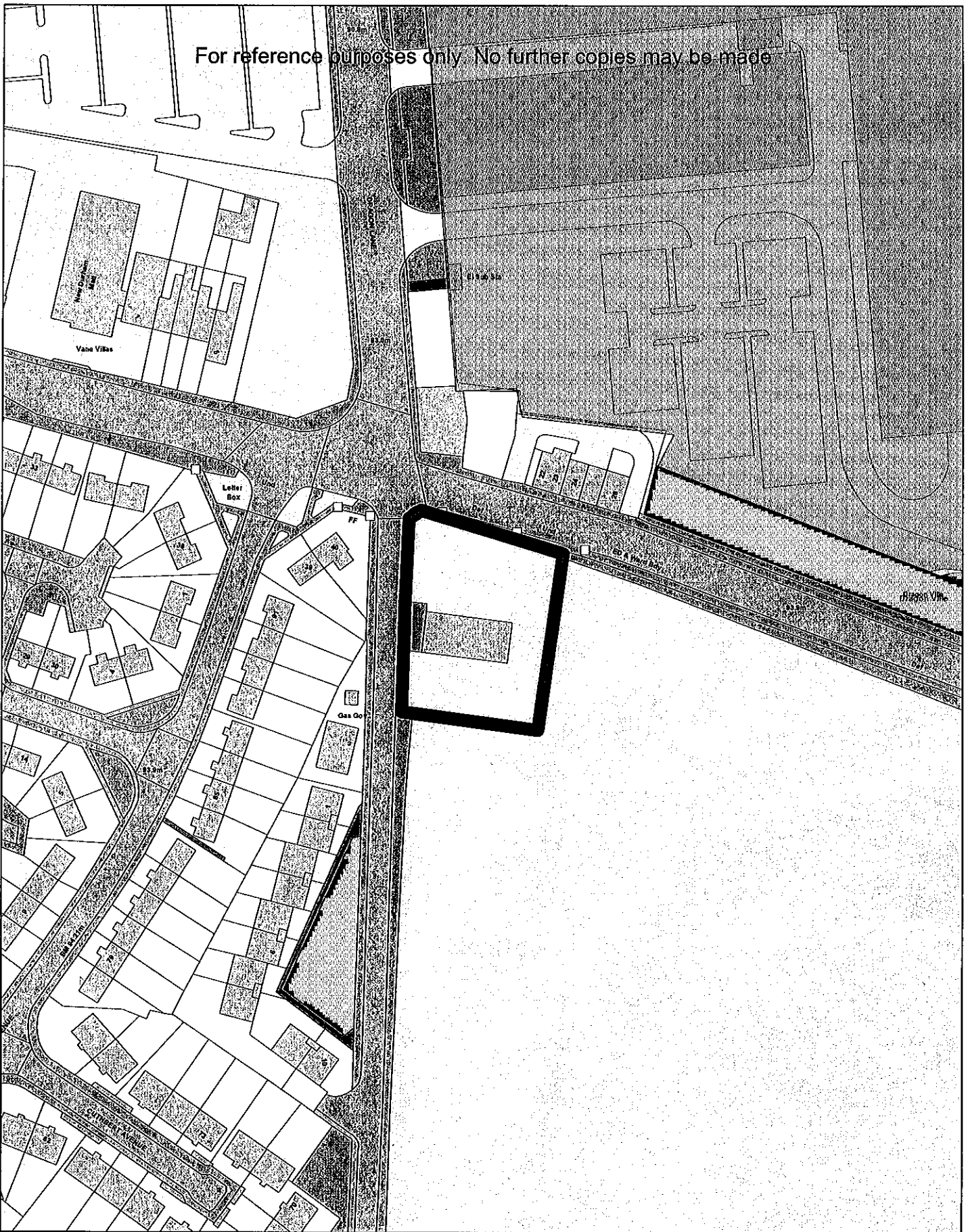
16. CL04 Remediation Report

17. CL06 Oil Interceptor

BACKGROUND PAPERS

Submitted Planning Application Forms and Drawings
Illustrative 3D images, and Design and Access Statements
Planning Policy Guidance Note 3 - Housing
City of Durham Local Plan 2004
Statutory and Public Consultation Responses

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



City of
Durham

Planning Services

Application No. App No 4/06/00837/FPA

Site at the corner of Bent House Lane & Front
Street, Sherburn Road, Durham

Comments

Date

07 November 2006

Scale

1:1250

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 City Council Licence No. 100022202 2005.

ITEM NO. 4

06/00877/FPA Mr N Dawson	Former Dryburn Hospital Site Southfield Way Durham Erection of 2/3 storey, 84 bed care home with associated parking, road access and amenity space
---	---

SITE AND APPLICATION DESCRIPTION

The applicant wishes to erect an 84 bed care home on land to the south of the University of Durham Hospital. The site was previously used by the former Durham Dryburn Hospital, but has been cleared and sold to the applicant by the Health Authority.

Immediately to the north west of the application site is further vacant land with the University Hospital beyond. To the north east are recently, completed student accommodation and a children's day nursery. To the south west runs Southfield Way, while to the south east are private residential properties, both recently completed and still under construction.

The care home is of contemporary design and predominantly two storey in height. However, by taking advantage of the site's contours, a lower ground floor will be introduced within part of the building's footprint.

The care home's layout will comprise essentially of two wings meeting at right angles. Amenity space, boundary landscaping, and a car park with delivery vehicle turning space will occupy the unbuilt upon site area. Vehicular access will be taken off Old Dryburn Way which is the recently constructed service road that serves existing adjacent properties and is linked to Southfield Way by roundabouts to the north west.

To lessen the buildings bulk, a number of modulating devices have been employed as part of the architecture. These include the breaking up of long runs of horizontal eaves lines with rising wall elements, variations in wall and roof materials and in roof pitches, and subtle changes in wall planes.

The application is supported by both two and three dimensional drawings, and a design and access statement.

The home will be the place of residence for people who require constant care and will be staffed 24 hours per day and 7 days per week.

RELEVANT HISTORY

Full planning permission was granted in 2004 for this site's development as a hotel and restaurant.

POLICIES

PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPG 13 has the objective to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

City of Durham Local Plan 2004 Policy C1 addresses the redevelopment of the former Dryburn Hospital. As it relates specifically to the application site, this policy permits development for offices, hospital and health related facilities, medical staff and college student residential accommodation, or a combination of these land uses.

Policy Q1 requires the layout and design of new development to take fully into account the safety and access needs of likely users, particularly the elderly and disabled.

Policy Q2 embodies the principles of sustainability in terms of requiring new development to be accessible by a variety of means of transport, particularly buses, with adequate parking.

Policy Q8 sets out criteria for high quality residential development to be achieved.

Policy U8A requires it to be demonstrated that adequate foul and surface water drainage can be achieved.

Policy Q5 seeks high quality landscaping where new development is likely to have an impact upon the visual amenity of an area.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority accepts the access, parking arrangements, and on-site turning area as being safe, and accordingly offers no objections to this application.

Northumbrian Water offers no objections subject to satisfactory mains connections.

The Environment Agency offers no objections subject to satisfactory mains connections and the incorporation of trapped gullies within parking areas and hardstandings.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : The City of Durham Trust broadly welcomes the proposal although has reservations regarding some detail elements of the design.

The residents of 16 Old Dryburn Way, the house standing closest to the application site immediately to the south west, have expressed concern about the position and scale of the care home, considering it likely to visually dominate the immediate area and their home. Reference is made to rain water currently running off the site, higher relative to their property; the fact that a window in the gable of their home faces the proposed care home, which will also be seen from their main front elevational windows; and to the statement of the applicant's agents that many homes closest to the application site are 'buy to let' and thus less sensitive to these proposals, a contention strongly disputed by the writers. Concern is also expressed about the boundary references on the submitted plans, it being suggested they are inaccurate.

PLANNING CONSIDERATIONS

The establishment of a care home in this location meets the objectives of Local Plan Policy C1, and its close proximity to both the University Hospital and a wide choice of modes of transport renders this proposal satisfactorily sustainable as required by Policy Q2.

The design has been modulated and refined through a series of discussions between members of the City Council's Heritage and Design team and the scheme architect, and I am now satisfied that an appropriately scaled and attractive building has resulted, thus satisfying the objectives of Policy Q8. Similarly, accessibility, parking, and landscaping, subject to the further submission of details, are acceptable, and Policy Q1 and Q5 compliant, whilst any

approval would be subject to a planning condition requiring full drainage details to meet the objectives of Policy U8A.

My overall conclusion therefore is that this application complies with the Development Plan objectives for the site.

I have taken into account the City of Durham Trust's general support for the proposals, and do not share its design reservations. I have also considered carefully the misgivings of the development's nearest residential neighbours.

Bearing in mind the extant planning permission on the application site for a hotel and restaurant, I consider this later proposal to be of a more benign nature in terms of impact upon residential amenity, and its scale little different to that of the hotel. Accordingly, I consider it to be unlikely that demonstrable harm will result.

The neighbouring house window facing the proposed development, some 15 metres distant, is obscure glazed, therefore privacy will not be compromised. Other house windows are at right angles to the care home, so impact will be minimal. I accept that the care home will be large relative to neighbouring domestic properties, but this was also the case in respect of the approved hotel, and such a mixed use development has always been an aspiration for this site, as advocated by Local Plan Policy C1.

Drainage concerns can be adequately dealt with by planning condition, and the applicant has rechecked the boundaries at my request and found them to be accurately reflected on the submitted drawings. Finally, I entirely accept the objectors' point that residents, be they owner occupiers or tenants, should receive equal consideration in terms of impact upon amenity by new development, and this has entirely been the case in my deliberations.

On balance, therefore, I fully support this application.

RECOMMENDATION

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

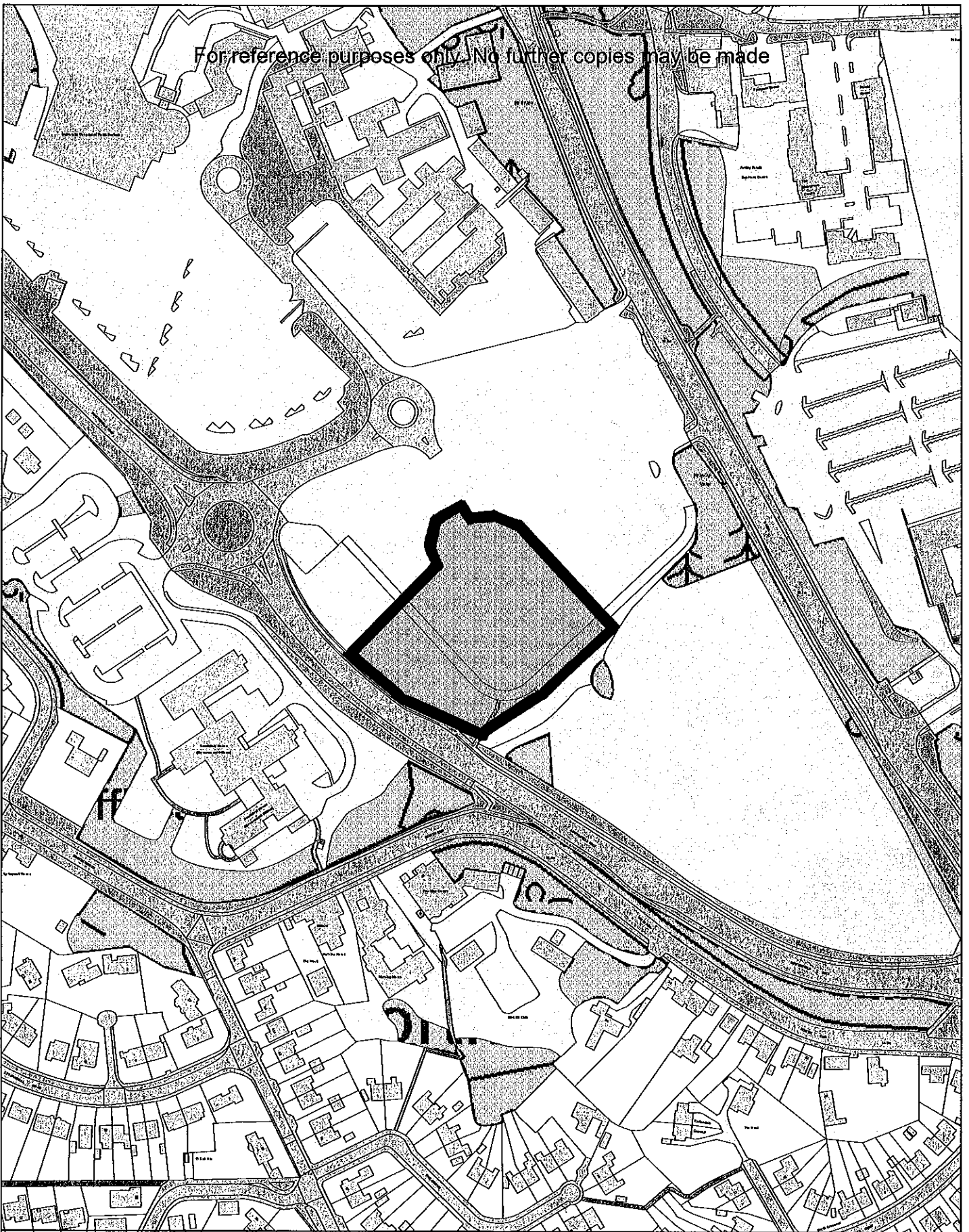
1. TL1 Time Limit
2. DT4 External Materials
3. DT5 Materials Sample
4. DT8 Enclosure Details
5. DT10 Hardstanding/Surface Materials
6. DT23 Drainage Scheme
7. DT28 Flues, Vents & Extracts
8. LA2 Landscape Scheme
9. LA4 Retention of Existing Trees
10. LA5 Protection of Trees during Construction
11. FD5 Refuse Provision
12. CL01 Contaminated Land Risk Assessment

13. CL02 Approved Method Statement
14. CL03 Addendum Method Statement
15. CL04 Remediation Report
16. CL06 Oil Interceptor
17. Notwithstanding the information shown on the submitted drawings, full details of all proposed balconies, to the scale of 1:20, shall to submitted to, and agreed in writing by, the Local Planning Authority prior to development commencing, and thereafter said balconies shall be constructed in full accordance with that agreement.

BACKGROUND PAPERS

Submitted Planning Application Forms, Plans and Drawings
City of Durham Local Plan 2004
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. App No 4/06/00877/FPA

Former Dryburn Hospital Site, Southfield Way,
Durham

Comments

Date

08 November 2006

Scale

1:2500

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 City Council Licence No. 100022202 2005.

ITEM NO. 5

4/06/00897/FPA Dr M Ibbot	22 Albert Street, Durham, DH1 4RL Alterations involving creation of sunken patio/planting area to rear of existing dwelling house with garden steps. Construction of balcony area above sliding doors at ground floor level and construction of bay window at first floor level
--	--

SITE AND APPLICATION DESCRIPTION

The property to which this application relates is a three-storey terraced dwelling located in close proximity of the city centre and therefore within the Durham (City Centre) Conservation Area. The dwelling and its adjoining neighbours are traditionally constructed of stone and slate roofs and have long gardens sloping down to a highway at the rear.

Planning permission is sought to create a sunken patio area extending out from the existing basement level of the dwelling, which then steps gradually up to the existing garden level. The proposals also involve the provision of a 1.1m extension to the existing kitchen above which a balcony to the existing ground floor 'french' doors will be provided with stepped access to the existing garden level and finally the insertion of a traditional bay window at first floor level.

RELEVANT HISTORY

Planning permission has been sought on two previous occasions this year to provide a basement extension to the dwelling. Both applications were withdrawn prior to their determination.

POLICIES

The following national planning policy is considered relevant:

Planning Policy Guidance 14: Development on Unstable Land, explains briefly the effects of land instability on development and land use and the responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process.

The following policies from the City of Durham Local Plan 2004 are judged most pertinent in the consideration of this application:

Policies E6 and E22 seek to preserve and enhance the character and appearance of the Durham (City Centre) Conservation Area by requiring development proposals to be sensitive in terms of siting, scale, materials and design.

Policy Q9 (Alterations and extensions to residential dwellings) states that proposals 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.

REPRESENTATIONS

STATUTORY RESPONSES : No statutory responses have been received.

INTERNAL RESPONSES : The Council's Heritage and Design Section has commented on the application and raises no objection to the proposals subject to appropriate conditions.

PUBLIC RESPONSES : Two letters of objection were received from the occupiers of the adjoining dwellings in response to the initial consultation. The occupiers of No. 21 Albert Street have raised material planning issues in so far as they are concerned about the structural stability of the ground and the various boundary treatments between the properties. In addition, they are concerned about working hours in order to prevent undue noise and disturbance during construction.

The occupiers of No. 23 Albert Street expressed concerned about the structural stability of the ground and seek assurances through planning conditions to prevent instability occurring. Noise and disturbance in relation to the construction work is a further concern raised, together with implications for drainage. The primary concern expressed relates to the loss of privacy from the proposed balcony by virtue of its proximity to their property.

Following the submission of amended plans, a further consultation exercise has been undertaken and at the time of writing one further response has been received.

The occupiers of 23 Albert Street consider that the amended plans meet most of their earlier concerns although remain concerned about the ground conditions and the potential impact of the development, arising from construction, on their property. In this respect the occupiers require the Party Wall Act to be applied. A condition preventing anti-social working hours is requested.

PLANNING CONSIDERATIONS

The main issues to consider are whether the proposals would either preserve or enhance the character and appearance of the Durham (City Centre) Conservation Area and the implications for the amenities of neighbouring occupiers.

The proposed bay window at first floor level, while not being a traditional feature of the host dwelling itself, it would represent a sympathetic addition to the dwelling, and subject to the use of timber, is considered to preserve the character and appearance of the conservation area in accordance with policies E6 and E22.

As existing, the dwelling has a basement level with stepped access up to the garden level. The application seeks to extend the kitchen by 1.1m and excavate the ground to the basement floor level by 5m and stepping up for a further 3m to the main existing garden level. The proposed excavation does not involve works within 1m of the shared boundaries and the sunken patio sides ground will be retained using stonework. In terms of preserving the character and appearance of the conservation area, it is considered that given the use of appropriate materials and the sunken and discreet nature of the proposals are such that they would preserve the character and appearance of the conservation area in accordance with policies E6 and E22.

Concerns have been expressed by adjoining occupiers of property in respect of the excavations leading to potential instability of the land and resultant structural damage to their properties. In accordance with national policy in PPG14, the responsibility of determining whether land is suitable for a particular purpose rests primarily with the developer, and moreover, the responsibility and subsequent liability for safe development of a site rests with the developer and is in any case in the developer's own interests to determine whether land is unstable or potentially unstable. Therefore, the existence of primary legislation, both civilly and through the control of development under The Building Act 1984 and The Building Regulations 2000 (as amended) is such that it is considered that limited weight can be attached to such concerns. It would therefore be inappropriate to control the development in this respect using planning conditions as they would fail the tests set out in Government Circular 11/95: The Use of Conditions in Planning Permissions.

Above the modest extension to the existing kitchen is a small balcony area serving the existing outward opening french doors. Concerns were expressed by the occupiers of No. 23 Albert Street as regards overlooking and resultant loss of privacy from the balcony area; however, the plans have been amended subsequently to set the balustrade in from the side of the extension such that it does not extend nearer to that property than the existing steps serving the French doors. A stepped access will be provided to the existing garden level from the balcony. It is considered that given the stagger in the building line with No. 21 and the existing steps, that the proposal will not significantly adversely affect the amenity of the surrounding occupiers in accordance with policy Q9. The materials associated with the balcony, including the balustrade can be controlled and as such this element of the scheme would preserve the character and appearance of the conservation area in accordance with policies E6 and E22.

Further concerns expressed by neighbouring occupiers relate to drainage, and hours and methods of working in implementing the proposed development. In terms of drainage, the occupiers of No. 23 are concerned about the implications of excavation works upon their main drain. Again, this would be a matter for consideration under the Building Act 1984, and since the development does not entail new connections to drainage or sewage systems, it would be unreasonable to require the submission of such details by a planning condition. Turning to the issue of hours and methods of working, while it is recognised that the specific site of the proposed works is inaccessible by heavy machinery, it would be inappropriate to require by condition that any specific working method was adopted. Similarly, it is considered unnecessary to restrict the hours of working for an alteration to a residential property. Noise and disturbance from construction related activities at unsociable hours can be pursued through separate legislation.

In summary, it is considered that the proposals represent a form of development which preserves the character and appearance of the Durham (City Centre) Conservation Area and without significant adverse implications for surrounding occupiers.

RECOMMENDATIONS

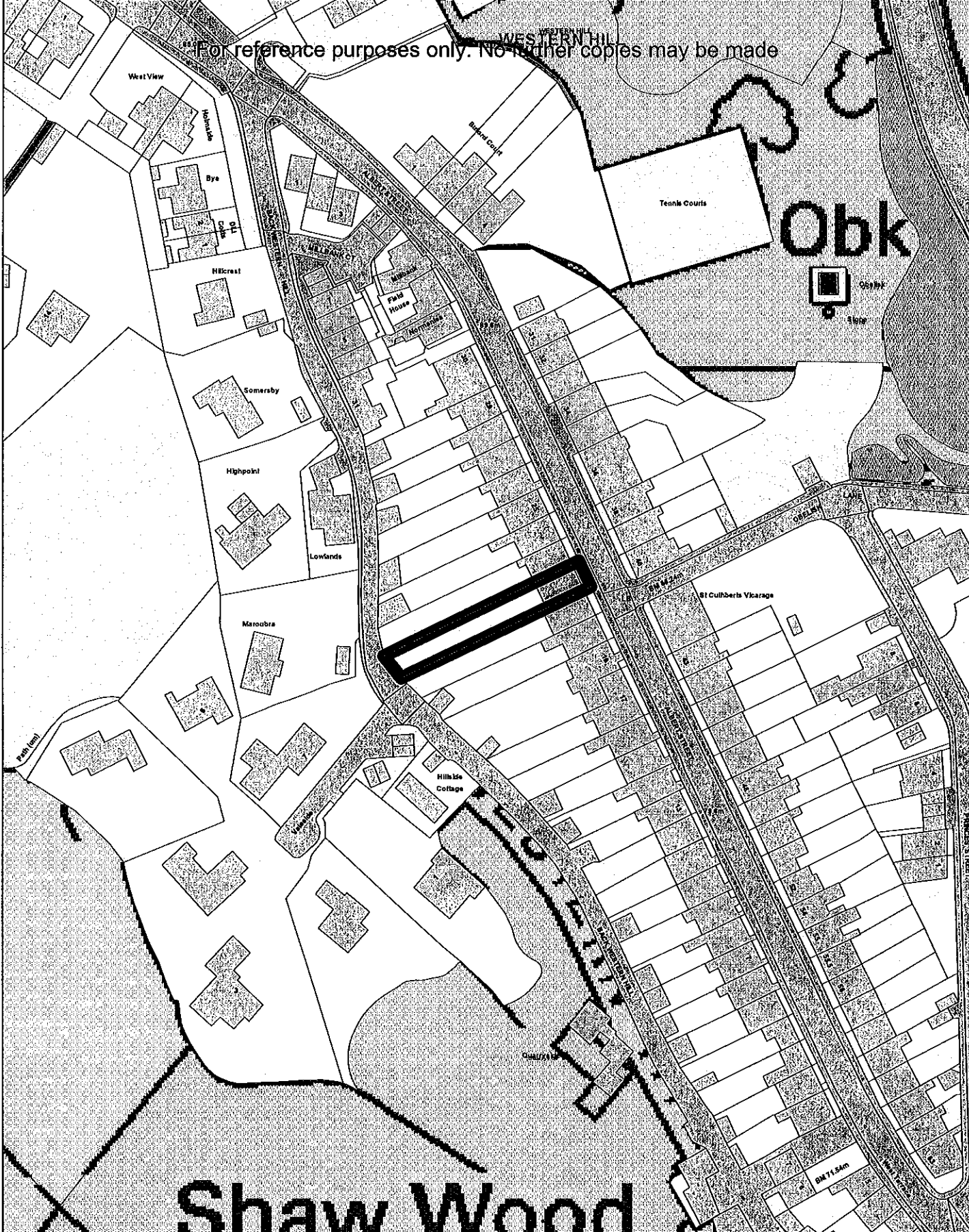
That the application be **APPROVED** subject to the following conditions:

1. T1 Time Limit Full Approval 2004
2. DT4 External Materials
3. DT11 Fenestration Details
4. Notwithstanding the information shown the approved plans, the materials, finish and design of the balcony rail should be submitted to and approved by the Local Planning Authority in writing before development is commenced and thereafter implemented and retained in accordance with the agreed details.

BACKGROUND PAPERS

Submitted Planning Application Forms and Amended Plans
City of Durham Local Plan 2004
Responses from Heritage and Design Section
Public Consultation Responses
Various File Notes and Correspondence
Planning Policy Guidance (PPG) Note 14 - Development on Unstable Land
Building Act 1984
Building Regulations 2000
Government Circular 11/95 (Use of Conditions)

For reference purposes only. No further copies may be made



Planning Services

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 City Council Licence No. 100022202 2005.

Application No. App No 4/06/00897/FPA
22 Albert Street, Durham

Comments

Date 07 November 2006 **Scale** 1:1250