

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

15TH February 2007

REPORT OF THE DIRECTOR OF LEGAL & ADMINISTRATION SERVICES

1. Report for Information

Section 106 Agreements

Members are asked to note that a report in relation to monies received from developers as part of planning conditions has been placed in the Members' Room in the Town Hall.

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

15th February 2007

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 P Nieuwenhuis
Site at Melkridge House, 95 Gilesgate, Durham, DH1 1JA
- b) Appeal by Mr J Charlton
Site at 224 Finchale Road, Durham, DH1 5QP
- c) Appeal by Mr Dillion Butters
Site at land at former Cape Asbestos Works, Durham Road, Bowburn, Durham
- d) Appeal by Mr C Kell
Site at land to the south west of 27 Steetley Terrace, Quarrington Hill, Durham, DH6 4QJ
- e) Appeal by Mr W Fitzsimmons
Site at smallholding at Pit House Lane, Leamside, Durham
- f) Appeal by Mr J Watson
Site at land east of Avenue House, High Shincliffe, Durham, DH1 2PY

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

- a) Appeal by Mr & Mrs S Schofield
Site at 21 A Hallgarth Street, Durham
- b) Appeal by Vestbrown Limited
Site at land adjacent to 11 Parkfield, Parkhill, Coxhoe, Durham
- c) Appeal by Mr A Hodgson
Site at Aldin Grange Hall, Bearpark, Durham, DH7 7AR

1.3 Planning Applications – Determined under Plenary Powers

1.4 Building Control Applications – Determined under Plenary Powers

1.5 Proposal to serve an article 4(2) Direction

1.6 Management Information

a) Development Control Performance Indicators

It is important that Council Officers and members receive information relating to the performance of the Development Control service as measured by the Government Best Value Performance Indicators (BVPI's). The statistics in Appendix (G) of the Report for Information indicate a sustained level of improved performance relative to Government targets, within the context of an increased number of applications and a high volume of development enquiries. Measures are being implemented to raise standards of performance and maintain a commitment to continuous improvement following the Council's restructure. There is a regular review of performance relating to Development Control at the quarterly meetings of the Performance Clinic.

1.7 Tree Preservation Order (6a Fieldhouse Lane)

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
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ITEM NO. 1

06/01116/FPA Miller Homes Ltd - North East Region	Durham County Council Service Direct, Finchale Road, Newton Hall, Durham, DH1 5HH	Erection of 208 dwellings with associated access, parking, SUD provision, & footpath link improvements	Approve
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ITEM NO. 2

06/01130/CAC 06/01134/CAC 06/01212/FPA 06/01213/FPA 06/01214/FPA Hope Estates	7, 8 & 9 Waddington Street, Durham, DH1 4BG	Demolition of rear offshoot in connection with erection of single storey extension Erection of single storey pitched roof extension to rear of existing dwelling (resubmission)	Approve
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ITEM NO. 3

06/01158/RM Alexage Ltd	Land between Dragon Lane & Rennys Lane, Dragonville, Durham	Discharge of reserved matters in respect of layout, scale, appearance, access & landscaping relative to outline planning permission 4/01/146 for Class A1 non food retail development	Approve
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<p>06/01116/FPA</p> <p>Miller Homes Ltd - North East Region</p>	<p>Durham County Council Service Direct, Finchale Road, Newton Hall, Durham</p> <p>Erection of 208 dwellings with associated access, parking, SUD provision, and footpath link improvements</p>
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SITE AND APPLICATION DESCRIPTION

Durham County Council's Framwellgate Moor Depot and adjoining Pity Me Carrs Nature Reserve to the west lie within a mixed land use area to the north of Durham City Centre. Together they form the application site.

To the immediate north of the site lies the Low Carrs Park park-home residential development, with a variety of commercial property beyond. To the south lie school playing fields. To the east lies a mixture of residential and commercial properties, including a motor cycle dealership, motor cycle training school, working men's club, and motor trade related businesses including a tyre fitting depot. Pit Lane, running in a north- south direction, lies beyond, with the Newton Hall housing estate further to the east.

To the west the nature reserve runs out into an area of countryside before meeting residential development bordering Pity Me Front Street.

The applicants seek planning permission to clear the site, carry out any necessary decontamination, and erect 208 dwelling. These would comprise of 16 two bedroom apartments, 76 three bedroom houses, 109 four bedroom houses, and 7 five bedroom houses, of two and three storey.

Vehicular access would be taken from Pit Lane to the east, using the site's existing access in an improved form. The east-west running footpath that runs between Pit Lane and Pity Me Front Street would be upgraded and incorporated within the development.

The internal road layout attempts to create a hierarchy of open spaces around which buildings are arranged. A distributor road runs through the site, off which are culs-de-sac. The housing is a mixture of terraces, semi-detached, and detached dwellings, whilst apartments are located above garage blocks to infill between housing and frame spaces.

Building designs are contemporary with Durham references. Through massing, arrangement, and choice of materials, neighbourhoods within the development have tried to be created, emphasised by varying floor treatment.

Existing boundary tree planting along the south and western site edges would be retained and reinforced, while additional tree planting would be carried out along the northern boundary.

A Sustainable Urban Drainage System (SUDS) utilising a reed bed system would be sited at the northern end of the nature reserve, and a new electricity substation would also be built.

The applicants state that they have followed Commission for Architecture and the Built Environment (CABE) design guidance set out in Government Circular 01/06, and consider their scheme to be of correspondingly high quality.

This application is supported by comprehensive two and three dimensional drawings, a Design and Access Statement, Transport Assessment, Ecological, Archaeological, Geotechnical, SUDS, and Noise reports, and a full Tree Survey and Landscape Strategy.

RELEVANT HISTORY

Originally the site of Framwellgate Colliery, this land has in recent years been predominantly used by Durham County Council as a depot. With a new depot having now been established at Meadowfield Industrial Estate, the Framwellgate Moor site is being marketed by the County Council.

The nature reserve to the west, part of which forms the site of this application's SUDS proposal, is managed by the County Council.

POLICIES

Government policy relevant to this proposal is contained within Planning Policy Statement (PPS) 1 - Delivering Sustainable Development; Planning Policy Guidance (PPG) 3 - Housing; and PPG 13 - Transport.

Regional planning policy is stated within Regional Spatial Strategy (RSS) for the North East. Broadly summarised, its guiding principles are to promote an urban and rural renaissance, to contribute towards the sustainable development of the region, to reflect a sequential approach to land allocations, and encourage appropriate phasing, planning, monitoring, and management for new development.

Durham County Structure Plan (1999) Policy 1 seeks to achieve more sustainable patterns of development that has an acceptable impact on local communities, the landscape, and nature conservation, and upon the existing infrastructure to include the highway network.

Policy 9 seeks to locate new housing within or well related to the County's main towns, with priority given to the redevelopment of derelict or redundant sites.

Policy 10 states that, within Durham City, new housing should take the form of redevelopment, infill, or consolidation within the existing built up area.

City of Durham Local Plan 2004 Policy H2 allows new housing comprising 'windfall' development on previously developed land within the Durham City settlement boundary.

Policy H12 requires a percentage of affordable housing to be provided on sites exceeding a certain size.

Policy E18 addresses Sites of Nature Conservation Importance, affording them protection.

Policy R2 requires on-site play and amenity space.

Policy Q8 sets out criteria against which new housing development must be judged in achieving high quality design.

Policy Q15 encourages the provision of artistic elements within new development.

Policy H13 seeks to protect harmful impact upon the character and amenity of residential areas.

Policy T1 safeguards the road networks from an inappropriate level of traffic generation by new development.

Policy T15 addresses appropriate levels of parking provision within residential areas.

Policy E14 seeks to protect existing trees and hedgerows wherever possible.

Policy E15 encourages new tree planting as part of development proposals.

REPRESENTATIONS

STATUTORY RESPONSES : The North East Assembly has concluded that this proposal is in general conformity with the Regional Spatial Strategy for Durham. However, there is concern about the number of dwelling proposed, and requests that the Local Planning Authority (LPA) be satisfied that such a number would not compromise allocated housing sites coming forward for development. Additional concerns were raised about the provision of affordable housing, energy efficiency, development phasing, and Travel Plans.

ONE North East also raises the number of proposed houses as an issue, and requests that the LPA be satisfied that such a quantity would not prejudice visioning proposals for mixed use developments within the city centre, nor the bringing forward of more sustainable sites allocated for housing.

The County Highway Authority accepts the findings of the submitted Transport Assessment. The access, layout, and parking provision are considered to be safe, and traffic generation acceptable. However, a pedestrian island has been requested within the northbound approach to the site entrance on Pit Lane, and a traffic light controlled junction where Bek Road joins Pit Lane. A cycle link between the Caterhouse Road - Finchale Road junction and the Bek Road - Pit Lane junction are also required. Subject to appropriate planning conditions securing these highway improvements this application is not opposed by the Highway Authority.

Northumbrian Water offers no objection to the proposal subject to the usual safeguards and mains connections.

The Environment Agency offers no objection and welcomes surface water drainage being directed through a reed bed system of ponds before discharge into a wetland system.

Natural England has concluded that these proposals are unlikely to have an adverse affect upon species protected by law, but requests appropriate ecology protection planning conditions to any approval.

INTERNAL RESPONSES : The City Council's Environmental Health Manager draws attention to the fact that this site lies within a mixed land use area. The main concern is the activities of the adjoining motor cycle training school which carries out manoeuvring with motor cycles warming up and maintenance on its site. This, it is stated, could lead to noise complaints by those buying dwellings close by should this application succeed. Therefore this proposal is not fully supported.

PUBLIC RESPONSES : The City of Durham Trust accepts the site as being suitable for housing, but would prefer to see allocated housing sites brought forward for development prior to such windfall sites due to an oversupply of housing in Durham City.

Serious concern has been expressed by the owner of Ace Motorcycle Training, whose premises adjoin part of the site's eastern boundary. The fear is that complaints will be lodged with the City Council by new residents, should planning permission be granted, which could cause the closure of the business. The business, it is stated, emits light from security lamps, in addition to noise, and the owner does not accept that effective mitigation measures are possible.

Objections have also been received from three Low Carrs park home residents and three Pit Lane residents concerned about the impact of housing close to their boundaries on their privacy, light and views. The additional traffic generated by the development is also cited as a concern.

A neighbouring resident at the Carrs Mill, situated between part of the application site's eastern boundary and Pit Lane has written to broadly support the proposal. However, he adds that boundary treatments should be carefully handled, and that the full length of the Pity Me - Pit Lane public footpath should be upgraded, although its most easterly stretch lies outside the appropriate site.

A planning consultant acting on behalf of a Crossgate Moor resident who has failed to secure support for housing within land associated with his home has registered an objection. She argues that the development of this site is premature, and should await the emerging Local Development Framework (LDF). Were this application approved, it is added, her client and other interested parties would be denied the opportunity to make representations as to the site's suitability within the LDF consultation process. Furthermore, approval here would compromise the development of other sites actually allocated on previously developed land in more sustainable locations. A lack of affordable housing within the proposal is also stated, as is the absence of energy efficiency measures.

The Parish Council has expressed concerns about what it believes to be an inadequate Transport Assessment, thus leading to concerns about the impact on traffic flows and highway safety resulting from the number of dwellings proposed.

PLANNING CONSIDERATIONS

Judged in purely land use terms, this proposal fully meets the objectives of Local Plan Policy H2 in being a housing proposal upon previously developed 'brownfield' land within the settlement boundaries of Durham City. The site is sustainable in terms of ease of accessibility via a variety of means of transport, including bus services, and is well placed relative to shops, schools, and other services. The scheme also makes use of a sustainable surface drainage system. I therefore consider it to also meet the objectives of PPS1, and Structure Plan Policies 9 and 10.

The County Highway Authority considers the submitted Transport Assessment to constitute a rigorous analysis of the likely traffic and transport impacts of the proposals, and subject to certain off-site highway improvements, at the expense of the developers, supports the scheme. I give due weight to that conclusion, and therefore consider this application compliant with PPG13 and Local Plan Policies T1 and T15.

The design and layout of the housing has been carefully evolved with full consultation with my office. I consider it to be an imaginative and potentially attractive scheme that creates a series of distinctive spaces around which people will live and create pleasant neighbourhoods. In doing so ecology and existing boundary tree cover has been respected. I therefore conclude that the objectives of Local Plan Policies E18, R2, Q8, E14, and E15 are met.

Negotiations concerning this development were well underway at the time of the City Council's formal adoption of an implementation mechanism for Local Plan Policy H12. The Council has resolved not to impose that obligation on applications such as this, that have reached an advanced stage in the planning process. However, a 'percentage of art' is applicable, and the objectives of Policy Q15 will be addressed via a planning condition should consent be granted.

Turning to specific neighbour objections levelled at these proposals, I have carefully studied their validity. In respect of the Low Carrs park home residents, the submitted scheme did raise legitimate concerns due to the proximity of new housing to the common boundary, the presence of rear elevational balconies, and inadequate screening. Subsequently these issues have been addressed by the applicants. The houses in question have been moved further away from the boundary with Low Carrs, balconies have been omitted, and additional tree screen planting proposed. I am therefore satisfied that levels of residential amenity that can reasonably be expected by those living at Low Carrs will be maintained.

I have also carefully considered the concerns of Pit Lane residents, particularly in regard to privacy and overshadowing. These proposals would introduce a blank gable to within 18 metres of one objector's window, and windows to within 24 metres of two other objectors' windows. I do not consider these distances to be unreasonable, as an acceptable window to gable distance is normally held to be 13 metres, and window to window to be 21 metres. Of equal relevance is the fact that both neighbour properties concerned will have clear views to the west between new buildings and across gardens, thus lessening a perception of overshadowing. I am able to give little weight to loss of view, and it is arguable that new housing development is preferable in this regard to derelict commercial buildings.

The issues surrounding the concerns expressed by Ace Motorcycle Training's proprietor are less straight forward. The business has been operating successfully without attracting complaint for more than ten years, and appears to benefit from an 'established use'. There are no planning constraints on the company's activities, but there is clearly the potential for complaint by new neighbouring residents, should this application be successful. This likelihood has been acknowledged by my Environmental Health colleagues, and reinforced by noise testing readings. However, this situation must be put into proportion. Despite the suitability of the application site for housing this is a mixed use area, therefore those choosing to live here must accept a certain level of commercial activity nearby. That said, the applicants have expressed a willingness to implement noise mitigation measures on properties closest to noise sources, by means of acoustic screening, double glazing, and 'trickle vent' ventilation.

My carefully considered conclusion is that, as neighbours, residential development and a motorcycle training school are not necessarily incompatible. I consider this business to be both successful and worthwhile, and would not wish to prejudice its existence. However, I recognise that it is not constrained by operational planning conditions, and that were complaints subsequently received they would have to be fully investigated. That being so, I am confident that, on the balance of probability, modifications to working practices could be negotiated to overcome concerns. Therefore I do not consider this to be an issue that should prejudice an otherwise acceptable development and that on balance the objectives of Local Plan Policy H13 can be met.

Natural England is satisfied that, subject to appropriate conditions, harm to protected species should not result, so I finally refer to the subject of housing numbers.

Measured against County Structure Plan housing numbers allocated to the City Council up to 2006, these have been exceeded significantly by recent planning approvals. However, this should not be interpreted as meaning that schemes such as this one should be resisted. These Structure Plan figures date from the early 1990's and are intended as a guide rather than an unbreachable ceiling. This matter is being addressed now by the new and emerging Local Development Framework (LDF).

The RSS does not specify particular housing numbers within this district, but Policy H3 advocates the managed release of land with priority given to that which has been previously developed.

National guidance contained in PPS3 - Housing, in relation to the determining of such planning applications, suggests (at para. 69 - which para. 8 states to be a material consideration prior to 1st April 2007, contrary to comments made by one objector) that there is a need to ensure that the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing, the spatial vision for the area, and does not undermine wider policy objectives. The City Council is seeking to address this matter through the emerging Local Development Framework, whereby allocated sites will in broad terms limit future housing supply to figures set out in the emerging RSS. The application site is one of the emerging 'preferred' allocation that make up future supply. Should this application be approved, then the site would be recommended for deletion from

planned housing, would not be replaced, thereby ensuring the overall emerging RSS housing figure for the district is not exceeded.

In conclusion, and based upon legal advice sought by this Council, it is my clear understanding that national, regional, and Local Plan Policy does not provide a means of resisting appropriate brownfield development on windfall sites such as this.

So, and in summary, the development of the application site is acceptable in policy terms, and subject to appropriate conditions, to include a contribution towards art provision on site, I support the proposals.

RECOMMENDATION

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

1. T1 Time Limit Full Approval 2004
2. DT4 External Materials
3. DT8 Enclosure Details to be Agreed
4. DT10 Hardstanding Surface Materials
5. DT23 Drainage Scheme
6. PD1 Removal of PD Garages
7. PD2 Removal of PD Outbuildings
8. PD3 Removal of PD Fences Gates Walls
9. PD4 Removal of PD Extensions
10. LA2 Landscaping Scheme Full Reserved Matter
11. LA4 Retention of Existing Trees and Hedges
12. LA4 Retention of Existing Trees and Hedges
13. CL01 Contaminated Land Risk Assessment
14. CL02 Approved Method Statement
15. CL03 Addendum Method Statement
16. CL04 Remediation Report
17. Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning [General Permitted Development] Order 1995, or any order revoking or re-enacting that Order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forward most part of the dwellinghouse facing a highway without the grant of further specific permissions from the Local Planning Authority.
18. The proposed garages shown on the approved drawings shall be implemented in accordance with the agreed details, and retained thereafter for the parking of private vehicles, and shall not be used as or converted into habitable accommodation, unless otherwise agreed in writing with the Local Planning Authority.

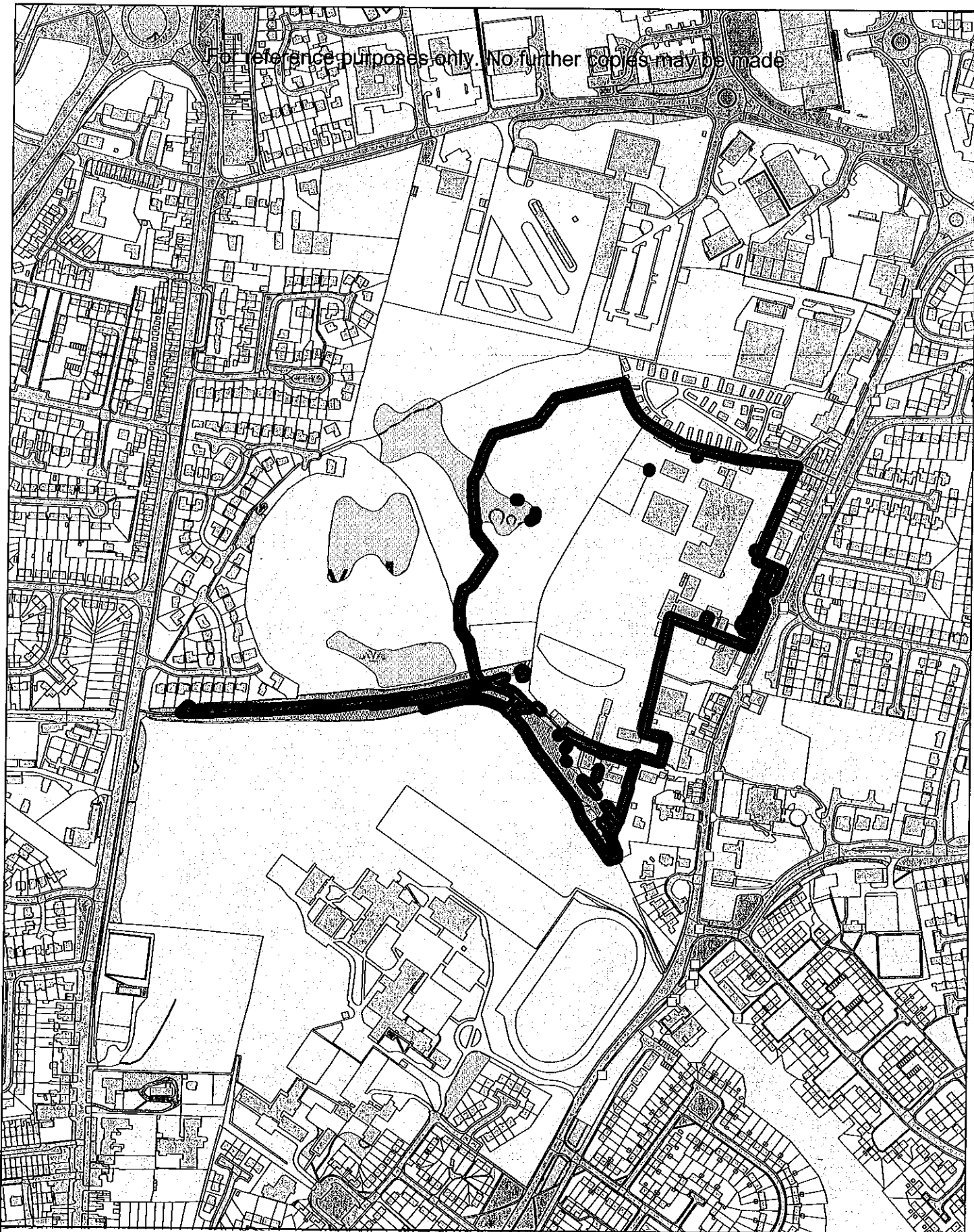
19. Prior to their occupation, dwellings on plots 8 - 43, 197 - 202, and 205 shall be the subject of noise attenuation measures, to include, inter alia, screen walling, double glazing, and trickle ventilation, a scheme for which must first be approved in writing by the Local Planning Authority.
20. Full details of the proposed Sustainable Urban Drainage System shall be agreed in writing with the Local Planning Authority and implemented in accordance with that agreement prior to the occupation of any dwelling within the approved development.
21. No development shall commence until a scheme for the traffic signal control of the Pit Lane - Bek Road junction has been approved in writing with the Local Planning Authority, and no dwelling shall be occupied prior to the completion of the aforementioned junction improvement.
22. No dwelling shall be occupied prior to the approval in writing by the Local Planning Authority of a scheme for cycle provision improvements along Finchale Road - Pit Lane, between the junctions with Caterhouse Road and Bek Road.
23. No dwelling shall be occupied until a pedestrian island has been constructed on Pit Lane adjacent to the site access.
24. On-site demolition shall be carried out in the following manner:
 - a. No demolition of existing buildings which contain potential roost sites shall be undertaken during the hibernation period [November to March inclusive.]
 - b. Demolition works shall follow a method statement, to be agreed in writing with the Local Planning Authority, to address the risk that roosts may be present that could have been overlooked by the already undertaken summer survey.
 - c. Prior to full demolition, all external timberwork with a risk of providing cover for roosting bats shall be removed by hand with appropriate care.
 - d. Prior to full demolition of the northern and southern gatehouses and house [as described within Bat Survey of Durham County Council Services Direct Depot at Finchale Road, Framwellgate Moor, Co. Durham, AJT 24 - 10 - 06 Rev. A], roofs shall be removed by hand and the remaining structure allowed to stand for a period of 5 days prior to the completion of demolition.
 - e. All works on site shall be undertaken as detailed within Method Statement for Clearance and Translocation of GCN [Section 7 within "Ecological Scoping Survey and Great Crested Newt Method Statement, Penny Anderson Associates Ltd, October 2006".
25. No windows shall at any time be inserted within the gable walls of plots 44 and 194 unless first agreed in writing with the Local Planning Authority.
26. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

BACKGROUND PAPERS

Submitted Planning Application Forms, Plans and Supporting Documents
City of Durham Local Plan 2004
Planning Policy Statement (PPS) 1 - Delivering Sustainable Development

Planning Policy Guidance (PPG) 3 - Housing
Planning Policy Guidance (PPG) 13 - Transport
Regional Spatial Strategy (RSS)
Durham County Structure Plan (1999) Policy 1
Responses from Internal Consultees
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. 4/06/01116/FPA

Durham County Council Service Direct, Finchale
Road, Newton Hall

Comments

Date

30 January 2007

Scale

1:5000

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<p>06/01130/CAC 06/01134/CAC 4/06/01212/FPA 4/06/01213/FPA 4/06/01214/FPA</p> <p>Hope Estates</p>	<p>7, 8 & 9 Waddington Street, Durham, DH1 4BG</p> <p>Demolition of rear offshoot in connection with erection of single storey pitched roof extension to rear of existing dwelling (resubmission)</p>
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SITE AND APPLICATION DESCRIPTION

The three properties to which the applications relate comprise two-storey terraced dwellings located in close proximity of the city centre and as such they fall within the Durham (City Centre) Conservation Area. The structures date from the late 19th/ early 20th century and reference the emergence of the arts-and-crafts style of architecture in their construction. They are unusual in their context, given the relatively uniform architectural approach of brick Victorian terraces in the surrounding Conservation Area.

The properties are constructed in traditional materials including brick and stone to the rear elevations with natural slate roofs. The properties have been unsympathetically altered (without the need for planning permission), in particular No.9 which has rough cast render to both front and rear elevations. No.7 has been extended in addition to an original offshoot has been constructed of brick and concrete tiles and appears wholly unsympathetic to the host dwelling. The rear yards of the properties where the extensions are proposed, are enclosed by a brick wall and are sunken beneath the level of the open space which bounds the curtilage at the rear of the properties.

To the rear of the terrace is a footpath providing access to the rear yards of the properties and to the other properties in Waddington Street. The access widens out into an area of maintained open space toward Mowbray Street.

Planning permission is sought for the erection of single storey pitched roof extensions to the rear elevations of the dwellings. The proposed works to No.7 involve the partial retention of an existing offshoot and the erection of a single storey lean to extension to the rear to provide a bedroom and dining room. The existing offshoot is retained as a store. The proposals for No.8 provide an extension of the same scale and design as that proposed at No.7, but involves the complete demotion of an existing offshoot. Similarly, at No.9 an existing offshoot is to be entirely demolished while a single storey pitched roof extension will provide a dining room. The proposals also involve the insertion of windows to the front of No.s 8 and 9.

Since their submission, amended plans were received in respect of No.7, and a further consultation exercise has been undertaken. Latterly, a further set of amended plans have been submitted for all three properties which have sought to take into account the concerns of objectors, and as such, no further consultation has been undertaken.

The proposed domestic extensions are a very minor form of development and would normally be considered under the Council's Scheme of Delegated Powers; however, significant local member interest has brought the applications before the Committee.

RELEVANT HISTORY

The three planning applications which are the subject of this report are resubmissions following the withdrawal of previous applications which lacked required documentation.

POLICIES

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.

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 H9 (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

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 : None

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 to maintain strict control over the external materials.

PUBLIC RESPONSES : The applications have raised significant concern among surrounding occupiers and from local interest groups. While it is not possible to provide a significant and detailed account of the objections received, a summary of the concerns expressed and which are material to the most recent amended plans, is provided below:

Objectors consider that the proposals are of a scale, design and materials which are highly inappropriate to the character and appearance of this traditional terrace of modest properties located within the Durham (City Centre) Conservation Area. In particular, concern is expressed at the inappropriate use of materials, the loss of the original offshoots and the resultant destruction of the existing architectural rhythm to the rear elevations.

Concerns have been expressed about the level of occupancy of the dwellings, and their occupation by students.

Further concerns have been expressed about the inappropriateness of the proposed insertion of new windows to the front elevations of Numbers 8 and 9, in terms of their materials and design, and the resultant loss of privacy between the occupiers of Numbers 7 and 8.

Significant concern has been expressed with regard to the level of detail and accuracy of the content of the submitted Design and Access Statements, and that they wholly fail to take account of the proposals and their context.

Objectors are therefore fundamentally concerned that the proposals are in conflict with local plan Policies E6, E22, E5a and H9.

A number of other issues have been raised, for example, the proposed internal alterations, however, since such alterations do not constitute development and the properties are unlisted, control cannot be exercised in this regard and no weight can be attached such concerns.

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. For the purposes of clarity the proposals at each property shall be addressed in turn.

7 Waddington Street

The proposed extension to No. 7 involves the partial demotion of the existing offshoot and the demolition of a later unsympathetic addition to the property. The extension itself projects some 2.7 metres from the rear elevation of the dwelling and has a modest overall eaves and ridge height allowing for the retention of the original stone cill at first floor level. The loss of the cills raised significant concern among objectors and the plans have been amended to take account of this accordingly. The proposed extension does not, it is considered, have an adverse impact upon the amenity of surrounding occupiers, in terms of privacy, dominance or overshadowing. The lean-to nature of the extension, together with the partial retention of the original offshoot and its sunken nature within the rear yard is such that it will not appear in any way visually intrusive, and subject to the use of appropriate traditional materials, will appear as a sympathetic addition to the host dwelling. In this regard, it is considered that efforts have been made during the course of the applications to seek amendments to the plans in order to address specific objections, and in terms of the scale design and materials of the extensions, it is considered objections cannot be substantiated.

Turning to the issue of multiple occupation, it is noted that the proposed floor plans indicate the provision of five bedrooms. Class C3 of The Town and Country Planning (Use Classes) Order (Amendment) 2005, defines dwelling houses as including occupation by no more than six residents living together. The floor plans further indicate the provision of shared facilities only, and the property will therefore be occupied as a single household, and are not, it is considered, subject to multiple occupancy. While it is likely that the properties will be rented out to students, at least in the short term, planning legislation does not seek to identify or alienate any particular group in society, and as such objections on the basis of multiple occupancy and student households cannot be substantiated.

Therefore, the use of materials appropriate to the traditional character of the properties together with the modest scale of the extension is such that, the proposal is considered to preserve the character and appearance of the conservation area and is entirely in accordance with the detailed criteria set out in Policies E6, E22 and Q9 of the Local Plan.

8 Waddington Street

The proposed extension to No.8 involves the complete demolition of an existing original offshoot. This offshoot forms half of an offshoot with the adjoining dwelling, No.9, but it has, however, been unsympathetically altered involving a flat roof addition with felt roof. The offshoot is therefore of little architectural merit and contributes little to the character and appearance of the conservation area, and its demolition is considered acceptable, subject to a condition to enable the rebuilding of the rear wall of which it forms part in an agreed brick. The proposed extension provides a bedroom and dining room and is of the same scale and design as that proposed to the adjoining at No.7 described above. The plans have similarly been amended to reduce the overall height of the extension allowing the first floor window cills to be retained. It is therefore considered that subject to the use of appropriate materials and detailing to be agreed by condition, the proposed extension is considered acceptable and will preserve the character and appearance of the conservation area.

In terms of the issues raised by objectors in relation to the multiple occupancy, the layout again provides 5 no. bedrooms with shared facilities, thus the occupiers would live as one household and not in multiple occupancy. Policy H9 in respect of multiple occupancy and student occupation do not therefore apply and objections on this point are unsubstantiated.

The internal alterations, although not subject themselves to planning control, do nonetheless result in the insertion of a window to the side of the first floor front elevation. As objectors identify, this will look toward an existing window in the side of No.7. The insertion of windows does not in itself require planning permission, however, as it forms part of the application, it would be appropriate to secure the privacy of occupiers of both dwellings through the use of obscure glazing. In addition, the cill detailing and precise detailing of the window, although of timber construction, shall be dealt with by way of condition. The window itself is relatively inconspicuous being located within a recess behind the main front elevation and as such its insertion is considered to not cause harm to the character and appearance of the conservation area.

Therefore, the loss of an unsympathetically altered original offshoot and the erection of a simple modest lean-to extension together with the new window to the front is, subject to appropriate materials and detailing, considered to preserve the character and appearance of the conservation area and is entirely in accordance with the detailed criteria set out in Policies E6, E22 and Q9 of the Local Plan.

9 Waddington Street

The proposed extension to No. 9 similarly involves the demolition of an existing rear offshoot shared with No. 8. Although the offshoot has not been unsympathetically altered and does retain its original form, it is considered that on its own it is not of such intrinsic architectural merit or design that its retention would be warranted in this case, and as such its demolition accords with the specific criteria set out in Policies E6 and E22. The planning application proposes a replacement extension to provide a dining room, and differs in terms of its scale and design to those extensions proposed to Numbers 7 and 8 in so far as the extension features a gable elevation and projects some 3.6 metres from the rear elevation. Such a design, although having a greater overall height than the lean-to extensions, does relate well to the gable detailing above the first floor windows, which ensures that the extension is well related to the host property, and similarly, subject to the use of appropriate materials and detailing, the extension is considered to preserve the character and appearance of the conservation area.

The extension is in close proximity of a window in the adjoining building, however, this building is not in residential use and as such the proposal does not cause harm to the amenity of surrounding occupiers in this regard. In terms of multiple occupation, the dwelling will provide 5 no. bedrooms again living as a single household, and as such Policy H9 and the objections on this point are similarly, it is considered, without substance.

The proposed internal alterations result in the insertion of a window to the front elevation above the existing porch, although on a recessed part of the front elevation. The window is modest in scale and is simple and robust in its detailing so as not to compete with the more prominent half dormer with pitched roof over. The window, again without the need for planning permission, is considered to be an inconspicuous alteration to a dwelling which has particularly to the front elevation, been unsympathetically altered without the need for planning permission. Therefore, subject to conditions to agree the precise detailing of the window and the cill to ensure they are of an appropriate standard, no harm is considered to amount to the character and appearance of the conservation area.

Therefore, the loss of the original offshoot and the erection of a pitched roof extension with sympathetic gable front elevation is, together with the new window to the front, subject to appropriate materials and detailing, considered to preserve the character and appearance of the conservation area and is entirely in accordance with the detailed criteria set out in Policies E6, E22 and Q9 of the Local Plan.

SUMMARY

In summary, it is considered that the demolition of the existing original offshoots is considered acceptable and in accordance with the specific criteria set out in Policies E6 and E22 in this regard. The proposed extensions are modest in scale, exhibit simple robust shapes with traditional roof construction, and have been amended to reduce their overall height at Numbers 7 and 8 in order to preserve the stone cills at first floor level. The extensions, with the appropriate use of traditional materials of high quality will as required, at least preserve the character and appearance of the conservation area and they are in accordance with Policies E6, E22 and Q9 of the Local Plan. For the reasons identified above, objections in terms of the scale design and materials, together with issues of multiple occupancy are, while being material to the assessment of these proposals and the subsequent recommendation, are not of sufficient substance to outweigh the proposals accordance with the development plan as required by section 36(6) of the Planning and Compulsory Purchase Act 2004.

On a further issue, and for clarification, significant concern has been expressed among objectors in relation to the submitted Design and Access Statements. Design and Access Statements became a requirement for all applications in designated areas such as Conservation Areas from 10 August 2006 by virtue of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006. The Act and the accompanying Circular 01/2006 does set out the issues which need to be covered for all types of development, which includes, amount, layout, scale, landscaping and access, but it does not set out the specific level of content and requirements for individual forms of development, however, they do advise that for applications of a lesser complexity, a short statement of only a page is required. Officers are therefore satisfied that the statements submitted to accompany the planning applications are commensurate with the relatively modest scale and form of development proposed.

RECOMMENDATION

That the two applications for Conservation Area Consent and the three applications for planning permission be **APPROVED** subject to the following conditions:

4/06/01130/CAC

1. T1 Time Limit Full Approval 2004.
2. No demolition hereby approved shall be carried out until a sample brick to be used to rebuild the rear yard wall shall be submitted to and agreed in writing with the Local Planning Authority. Development shall thereafter take place in accordance with the approved details.

4/06/01134/CAC

1. T1 Time Limit Full Approval 2004
2. No demolition hereby approved shall be carried out until a sample brick to be used to rebuild the rear yard wall shall be submitted to and agreed in writing with the Local Planning Authority. Development shall thereafter take place in accordance with the approved details.

4/06/01212/FPA

1. T1 Time Limit Full Approval 2004
2. DT4 External Materials

4. DT11 Fenestration Details
5. DT12 Windows in Reveal
6. DT16 Dry Pointed Verges
7. Notwithstanding the information shown on the submitted application, all new windows and doors on the development hereby approved shall be constructed from timber, the details of which 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.

4/06/01213/FPA

1. T1 Time Limit Full Approval 2004
2. DT4 External Materials
3. DT11 Fenestration Details
4. DT12 Windows in Reveal
5. DT16 Dry Pointed Verges
6. Notwithstanding the information shown on the submitted application, all new windows and doors on the development hereby approved shall be constructed from timber, the details of which 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.
7. Notwithstanding the information shown on the submitted plans the window to the side of the first floor front elevation hereby approved shall be obscurely glazed to the satisfaction of the Local Planning Authority and shall remain so thereafter in accordance with the approved scheme.

4/06/01214/FPA

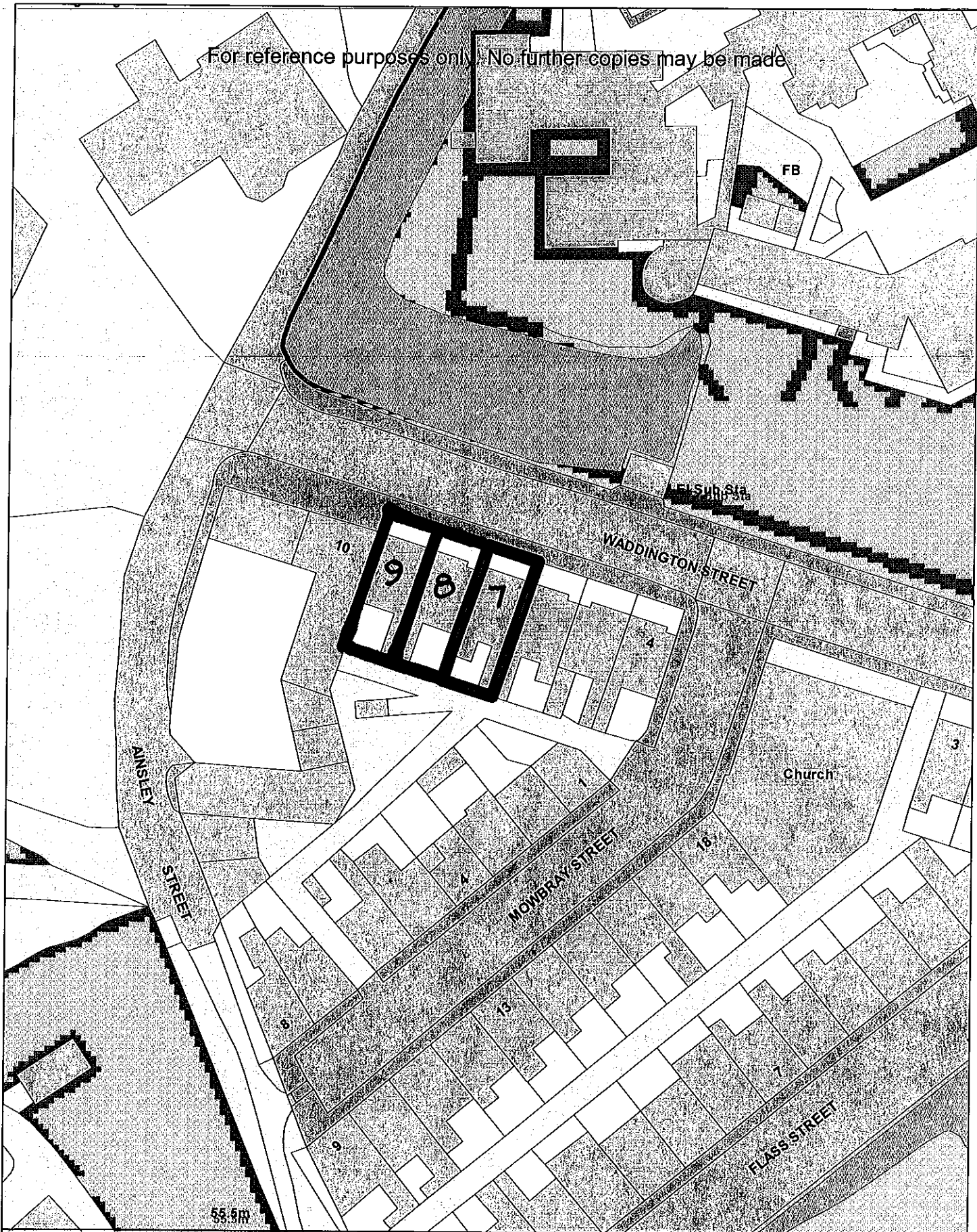
1. T1 Time Limit Full Approval 2004
2. DT4 External Materials
3. DT11 Fenestration Details
4. DT12 Windows in Reveal
5. DT16 Dry Pointed Verges
6. Notwithstanding the information shown on the submitted application, all new windows and doors on the development hereby approved shall be constructed from timber, the details of which 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.

BACKGROUND PAPERS

Submitted Planning Application Forms, Submitted Plans and Amended Plans
 City of Durham Local Plan 2004
 Responses from Internal Consultees

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. 4/06/01212, 4/06/01213, 4/06/01214/FPA &
4/06/01130, 01134/CAC

7, 8 & 9 Waddington Street, Durham, DH1 4BG

Comments

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Date

31 January 2007

Scale

1:625

<p>06/01158/RM</p> <p>Alexage Ltd</p>	<p>Land between Dragon Lane & Rennys Lane, Dragonville, Durham</p> <p>Discharge of reserved matters in respect of layout, scale, appearance, access and landscaping relative to outline planning permission 4/01/146 for Class A1 non food retail development</p>
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SITE AND APPLICATION DESCRIPTION

This application relates to the discharge of reserved matters relative to the granting of outline planning permission for non food retailing on land between Dragon Lane and Rennys Lane, Dragonville, in 2003.

The site is bounded by Rennys Lane to the north, Damson Way to the south, Dragonville Industrial Estate to the east, and Dragon Lane to the west. This land is currently occupied by a range of commercial development that includes warehousing and a car dealership. Terraced housing and a public house, which front onto Dragon Lane and Rennys Lane, adjoin the site.

The proposed retail development layout comprises two 929 sq metre, two 750 sq metre, one 1394 sq metre and a 1280 sq metre unit arranged in an 'L' shape to enclose the main body of the site on its north and east sides.

Elevationally, the units are rectangular with shallow pitched roofs. Walls would comprise of horizontal colour coated flat composite panels above a facing brick plinth. A profile composite sheet panel roof would incorporate 10 % roof lights. Each unit would have a distinctive entrance tower of steel and glass, with the provision of a standard integral panel for occupant signage, the details of which would be the subject of separate Advertisement Consent applications.

Two customer vehicular access points are proposed, one from Damson Way and the other from Rennys Lane. A third, exit only, opening onto Rennys Lane would also be provided which, when combined with the other Rennys Lane access, would form an 'in-out' system for service vehicles.

A landscaped car park containing 255 spaces is provided within the centre of the site's main body. Tree and shrub planting would be concentrated along the southern Damson Way and western Dragon Lane frontages, and along the western and northern boundaries where they abut the rear of residential properties, and it will also be employed between parking rows to relieve this expanse of hard standing.

This application is supported by a Design and Access Statement, a Transport Assessment, and the framework for a staff travel plan.

RELEVANT HISTORY

Outline planning permission for Class A1 non food retailing was granted in 2003 by the First Secretary of State following a public inquiry resulting from a Government 'call-in'. That permission was subject to a number of planning conditions which included a limitation on the range of goods that could be sold in this 'out of centre' location, maximum retail floor space, and a minimum unit size, all designed to protect established shopping centres within the retail hierarchy of the area from unfair competition. Occupation of retail units is also precluded until the completion of improvements to the Dragon Lane - Rennys Lane - Tesco

Supermarket junction by means of traffic lights, and commencement of construction is precluded until a junction design is in place.

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.

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 the bulky goods from retail warehousing can take place.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority considers the access and parking arrangements to be appropriate and safe. Projected traffic generation levels contained within the Transport Assessment have also been accepted, as has the draft Travel Plan for development employees. A cycle route linking Rennys Lane and Dragon Lane, providing a bypass to the junction of these two roads, shown on the submitted drawings is also welcomed.

The Environment Agency offers no objection to these proposals, but notes that a surface water drainage planning condition formed part of the outline planning consent. In that regard a sustainable drainage approach is encouraged, details of which the applicants can obtain from the Agency.

Northumbrian Water offers no objection subject to the usual safeguards in respect of mains connections.

INTERNAL RESPONSES : No concerns are raised by the City Council's Environmental Health officers.

PUBLIC RESPONSES : Belmont Parish Council has written to confirm that they have not objection to these proposals.

PLANNING CONSIDERATIONS

The acceptability of the principle of such development of this site was established when the First Secretary of State granted outline planning permission in 2003. Therefore matters of detail that constitute the 'reserved matters' are the subject of consideration now.

In regard to the scale and appearance of the retail units, I consider them to be compatible with other similar development, either completed or proposed, for this part of the city. There is a certain inevitability regarding the form a bulky goods retail unit will take as, by necessity, it is essentially a warehouse, but efforts have been made to produce a crisp contemporary design, with distinctive individual entrances.

The layout and access arrangements are logical and have been deemed safe by the Highway Authority, while the proposed landscaping should visually soften the development as a whole and parking areas in particular.

Accordingly, I conclude that this application meets the objectives of PPS6, and Local Plan Policies T1, Q5, Q6, and S8, and that, subject to appropriate conditions, planning permission should be granted.

The applicants have requested a planning condition requiring detailed internal unit layout plans, prior to the erection of internal walls, to be approved. This would enable internal configurations to be modified to suit, as yet unknown, individual occupiers without the need for separate planning applications. In the circumstances I am willing to agree to this request. The floorspace size would still remain in the control of the Local Planning Authority, and it is inevitable that minor internal changes will be necessary to address retailer needs.

RECOMMENDATION

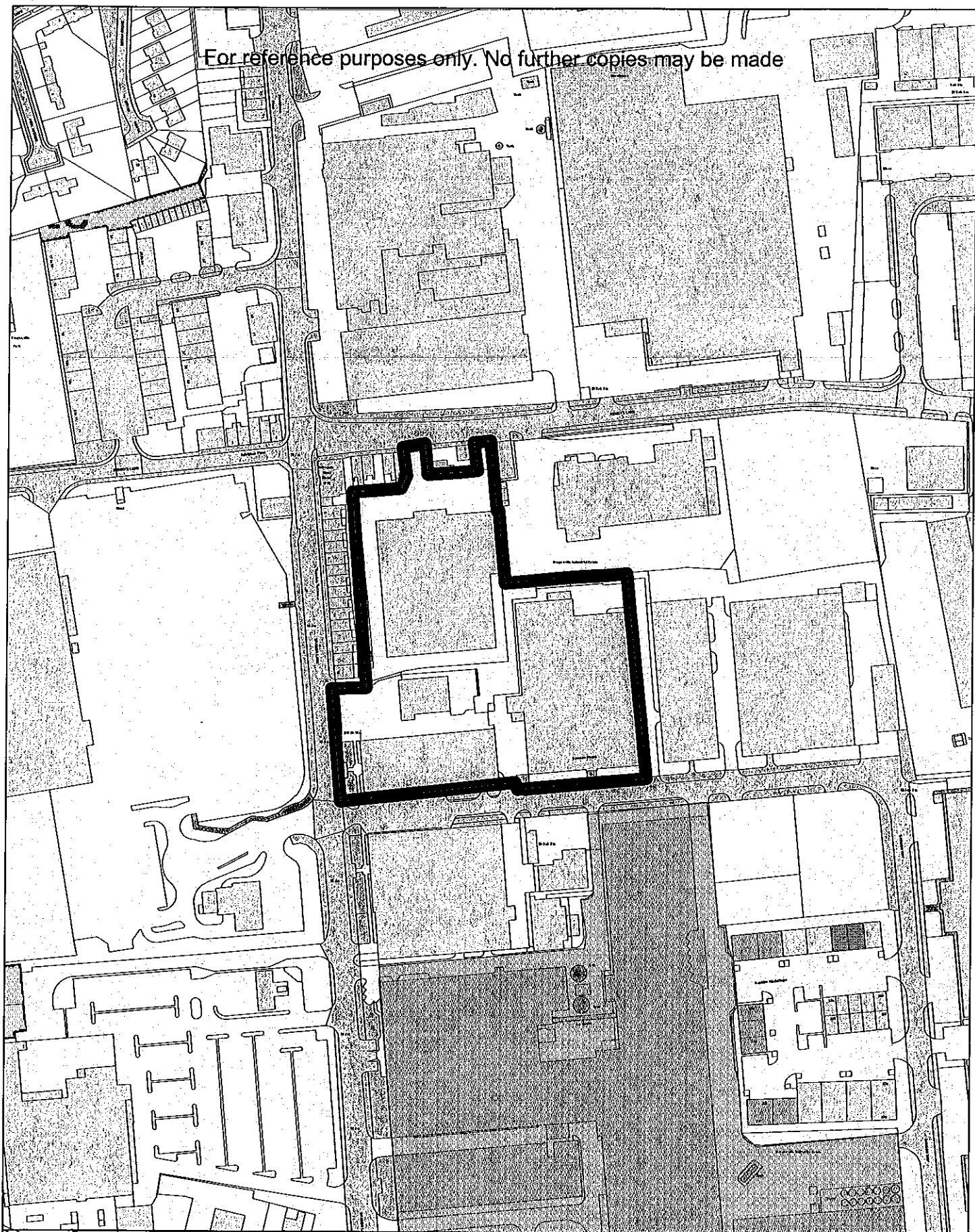
That the application be **APPROVED** subject to the following conditions:

1. T1 Time Limit Full Approval 2004
2. DT4 External Materials
3. DT8 Enclosure Details to be Agreed
4. DT10 Hardstanding Surface Materials
5. LA3 Landscape Implementation Submitted Schedule
6. RU8 Control of Open Storage
7. CL06 Oil Interceptor
8. Details of all external lighting, including lighting columns, lanterns, and the intensity of proposed light levels, shall be agreed in writing with the Local Planning Authority prior to occupation of the approved buildings, and implemented thereafter in full accordance with that agreement.
9. The development shall be completed in accordance with the approved elevational drawings [34; 350 08].
10. The development shall be laid out in accordance with the "Proposed Layout Plan" [34; 350 04].
11. Prior to the erection of internal walls or other internal fixed structures, which determine the internal layout of the development, layout plans which confirm the location of these walls and structures shall be submitted to, and approved in writing by, the Local Planning Authority. These plans shall be substantially in accordance with the illustrative internal layout plans submitted with the planning application [plan ref: N 34;350 03].

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

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City of
Durham

Planning Services

Application No. 4/06/01158/RM

Land between Dragon Lane, & Rennys Lane,
Dragonville

Comments

Date

30 January 2007

Scale

1:2500

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