

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 1st November, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Carr, Cowper, Crooks, Freeman, Guy, Holland, Howarth, Kinghorn, Laverick, Lodge, Marsden, Rae, Simmons, Southwell, Stoddart, Wolstenholme and Young.

Also Present: Councillors

330. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Plews, Simpson, Taylor and Walker.

331. MINUTES

The Minutes of the Meeting held on 11th October, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

332. REPORTS FOR INFORMATION

Reports in relation to the following items had been circulated:-

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by J McArdle – Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU
 - (ii) Appeal by A Hodgson – Site at 19A Wearside Drive, Durham, DH1 1LE
 - (iii) Appeal by George Wimpey North East – Site at Dryburn Park house, Dryburn Road, Framwellgate, Moor, Durham.

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by N Swift (Hope Estates) – site at 7,8 and 9 Waddington Street, Durham, DH1 4BG
 - (ii) Appeal by S Doran – Site at 50 Oatlands Way, Pity Me, Durham, DH1 5GL

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

Resolved: That the reports be noted.

Note: *Councillor Freeman entered the Meeting at 5.30 p.m.*

333. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following applications and the following decisions were made:-

- (a) **07/00753/FPA**
3R Land & Property
- Land at Back Silver Street (to rear of 21 Market Place), Durham**
Erection of 2 blocks of two and four storeys in height, comprising 1 no. retail unit (Class A1), 1 no. office unit (Class A2), with 3 no. flats above (revised and resubmitted)

ITEM WITHDRAWN

- (b) **07/00920/RM**
Grosvenor House Group PLC
- Earls House Hospital, Lanchester Road, Durham**
Reserved Matters application for the erection of replacement mental healthcare facilities including details of layout, scale, appearance, access and landscaping

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - The development hereby permitted shall be carried out in complete accordance with the approved drawings and schedule, unless otherwise agreed in writing with the Local Planning Authority.
- (3) - Upon completion of the hereby approved buildings, full adherence to the terms of Draft Travel Plan (version 3) September 2007 shall take place, unless otherwise agreed in writing with the Local Planning Authority.
- (4) - Prior to the occupation of the hereby approved buildings, details of all internal and external lighting, including the positioning, design, appearance and orientation of fittings, and the intensity of their output, shall be agreed in writing with the Local Planning Authority. Thereafter, lighting shall be implemented in full accordance with that agreement.
- (5) - On-site tree planting shall be in full accordance with submitted document Landscape Specifications – Rev B 070903.doc unless agreed in writing with the Local Planning Authority.
- (6) - The scheme of landscaping and tree planting shown on Drawing Ref: 21383 PL04 – Landscape Spec Rev B 707903 received by the Local Planning Authority on 14th September, 2007, shall be carried out in its entirety within a period of 12 months beginning with the date on which

development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

- (7) - Occupation of the hereby approved buildings shall not take place until an additional off-site tree and hedge screen planting, as shown on submitted drawing 21383 PL02, has been fully implemented.

The Meeting terminated at 5.55 p.m.

Chairman

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

22 November 2007

REPORT OF THE HEAD OF PLANNING SERVICES

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. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**
 - a) Appeals by Harrison Properties Ltd
Site at Units 46, 47 and 48-51 Dragonville Industrial Park, Dragon Lane, Durham, DH1 2XU
 - b) Appeal by Primelight Advertising
Site at Dragonville Filling Station, Alma Place, Durham, DH1 2HN
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
 - a) Appeal by Haslam Land Management
Site at Land At Former Cape Asbestos Works, Durham Road, Bowburn, Durham
 - b) Appeal by Mr J Charlton
Site at 224 Finchale Road, Newton Hall, Durham, DH1 5QP
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**
- 4. Decisions made by the County Council**

Applicant No:	CM4/07/876
Applicant:	Northumbrian Water Ltd
Location:	Land Between B6300 (Browney Lane) And Browney Sewage Treatment Works, Durham
Proposal:	Construction of temporary access road to facilitate upgrading of sewage treatment works

The above application was considered by the City Council under delegated powers on 14 September 2007 when it was resolved to offer no objection subject to a condition imposed that following the completion of upgrade works to the sewage treatment works the land should be immediately reinstated to a condition as it was prior to the construction of the temporary access road as a grassed farm track with all material removed including hardstandings to avoid harm to the appearance of the historic park and greenbelt.

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

Recommendation:

That the report be noted.

5. Waddington Street Appeal Decisions

Members may recall that at the meeting of the Development Control Committee on 1 November 2007, clarification was sought in relation to the content of the recent Inspectors report in relation to the refusal of planning permissions and Conservation Area Consents at Nos, 7, 8 and 9 Waddington Street. More specifically, clarification is sought in relation to the Inspectors comments about windows inserted to the front of Nos. 8 and 9 Waddington Street.

The Inspectors report commented that, *'I consider that the windows inserted at the front of Nos. 8 and 9 are detrimental to the character of the host buildings as they disrupt the rhythm and proportion of the front elevations of these houses and detract from the positive contribution they make to the character and appearance of the Conservation Area'*.

However, following the refusal of planning permission on 2 February 2007, the applicants' agent enquired by letter on 19 February 2007 as to whether or not the insertion of the windows would require planning permission. The insertion of windows to the front of Nos. 8 and 9 Waddington Street constitutes permitted development by virtue of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, and as such planning permission is not required. The Inspector's did not make comment as to whether such works did or did not require planning permission and such comments are certainly of no legal effect and do not amount to the withdrawal of permitted development rights. Officers have delegated authority to determine whether or not development is permitted within the parameters set out in the aforementioned General Permitted Development Order.

Therefore, whilst acknowledging the Inspectors comments, the windows are outside of the control of the Local Planning Authority. In order to prevent such works continuing without consent and causing harm to the Durham (City Centre) Conservation Area, the Article 4(2) programme previously reported to Committee is continuing to be rolled out incrementally across the Conservation Area. When the Order has been confirmed for a constituent area this will have the effect of bringing such works into the Council's control.

Enforcement will be considered in cases where the relevant permissions have not been sought. As there is no breach of planning control in the case of Waddington Street, there is no requirement to consider enforcement action.

Recommendation:

That the report be noted.

6. 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 And Applicant	Location	Proposal	Recommendation
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ITEM 1

07/00907/FPA Hope Estates Ltd	1 Holly Street Durham DH1 4ER	Demolition of existing two storey extension to rear of existing dwelling and erection of two storey pitched roof extension and 2 no. single storey pitched roof extension to rear	Approve
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ITEM 2

07/00910/FPA Mr F D Silva	Greyhound Inn Tate Avenue Kelloe Durham DH6 4LU	Demolition of existing public house and erection of 11 no. apartments with associated parking and landscaping (revised and resubmitted)	Refuse
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ITEM 1

07/00907/FPA	1 Holly Street, Durham, DH1 4ER
Hope Estates Ltd	Demolition of existing two storey extension to rear of existing dwelling and erection of two storey pitched roof extension and 2 no. single storey pitched roof extension to rear

SITE AND APPLICATION DESCRIPTION

The application relates to a terraced property on Holly Street. A single storey extension to existing hall and stairway is proposed which will extend to the rear of the yard. This single storey extension provides bedroom and shower room and contains one window to bedroom on north-west elevation. The two storey extension is also to provide an additional bedroom and has a projection of 3m. The two storey element includes a window in north-west elevation. Both extensions incorporate pitched roofs.

RELEVANT HISTORY

07/00014/FPA - Erection of two and single storey pitched roof extensions to rear of existing dwellinghouse – approved - 22.03.2007

POLICIES

NATIONAL POLICIES

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

Planning Policy Guidance 15: Planning and the Historic Environment, lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together.

Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system. These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

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

LOCAL PLAN POLICIES

Policy E6 (Durham (City Centre) Conservation Area) encourages all proposals to preserve or enhance the Conservation Area through incorporating appropriate design, using appropriate materials and reflecting the quality of design appropriate to the historic City Centre.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of the Conservation Areas within the City through encouraging appropriate and sensitive scale and design in proposals, protecting landscape features and not permitting demolition of buildings contributing to the area's character.

Policy T1 (Traffic Generation – General) stipulates that planning permission shall not be granted for development which would generate traffic that would be detrimental to highway safety or residential amenity.

Policy T10 (Parking – General Provision) stipulates that vehicle parking off the public highway should be limited in amount so as to promote sustainable transport choices.

Policy Q9 (Alterations and Extensions to Residential Property) provides guidance on residential extensions stating that the design, scale and materials used should be sympathetic to the dwelling and character of the area. Wherever possible extensions should incorporate pitched roofs. Extensions should respect the privacy of adjoining occupiers.

REPRESENTATIONS

STATUTORY RESPONSES

County Highway Authority has no objection.

PUBLIC RESPONSES

One letter of objection has been received raising the following points:

The proposal is overdevelopment where in order to create 5 bedrooms little back yard space shall remain.

PLANNING CONSIDERATIONS

In accordance with Policies Q9, E6, E22, T1 and T10 the principle issues relate to the appropriateness of the scale and design of the proposed extensions, their impacts upon the amenity of neighbouring occupiers, impacts upon the character of the Conservation Area and highway safety.

The original plans indicated a two storey extension and 2 no. single storey offshoots. This proposal was considered to be unacceptable due to constituting an overdevelopment of the plot. In addition issues were raised with some design aspects and the location of a window in the original scheme which would cause amenity issues. Amended plans have been received attempting to address previous concerns. The proposal now only has one single storey offshoot, reducing the scale of the development and leaving a greater level of rear yard space. This is considered to be appropriate.

The first floor bedroom window is now located in north-west elevation. Although partially facing a blank gable in neighbouring property it is considered that adequate outlook for future occupiers shall remain whilst only obscure views into the rear yard of neighbouring property to north-west shall be available. Officers therefore consider the location of a habitable window at this location acceptable.

The ridge height of the proposed extension matches that of an existing extension at the neighbouring property this helps to retain a consistency in design on the street. The existing property has a mixture of differing head and cill details. The proposed heads and cills are considered to be acceptable suitably matching those on the front elevation and several within the area. The fenestration details in general are considered to remain traditional in style. Subject to the appropriate use of external materials which is conditioned the proposed extensions are considered to be of acceptable design.

The County Highway Authority has been consulted on the application and no objection has been raised. Officers consider no detriment to highway safety to occur through the proposal.

Officers recommend approval of the application which is considered to accord with Policies Q9, E6, E22, T1 and T10 of the Local Plan 2004.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
4. Notwithstanding the information 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.
5. Notwithstanding the information on the submitted application, the roof of the development hereby approved shall use natural slates, 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.
6. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.

BACKGROUND PAPERS

Submitted Application Forms and Plans

City of Durham Local Plan 2004

Planning Policy Statement 1 Delivering Sustainable Development

Planning Policy Guidance 15: Planning and the Historic Environment

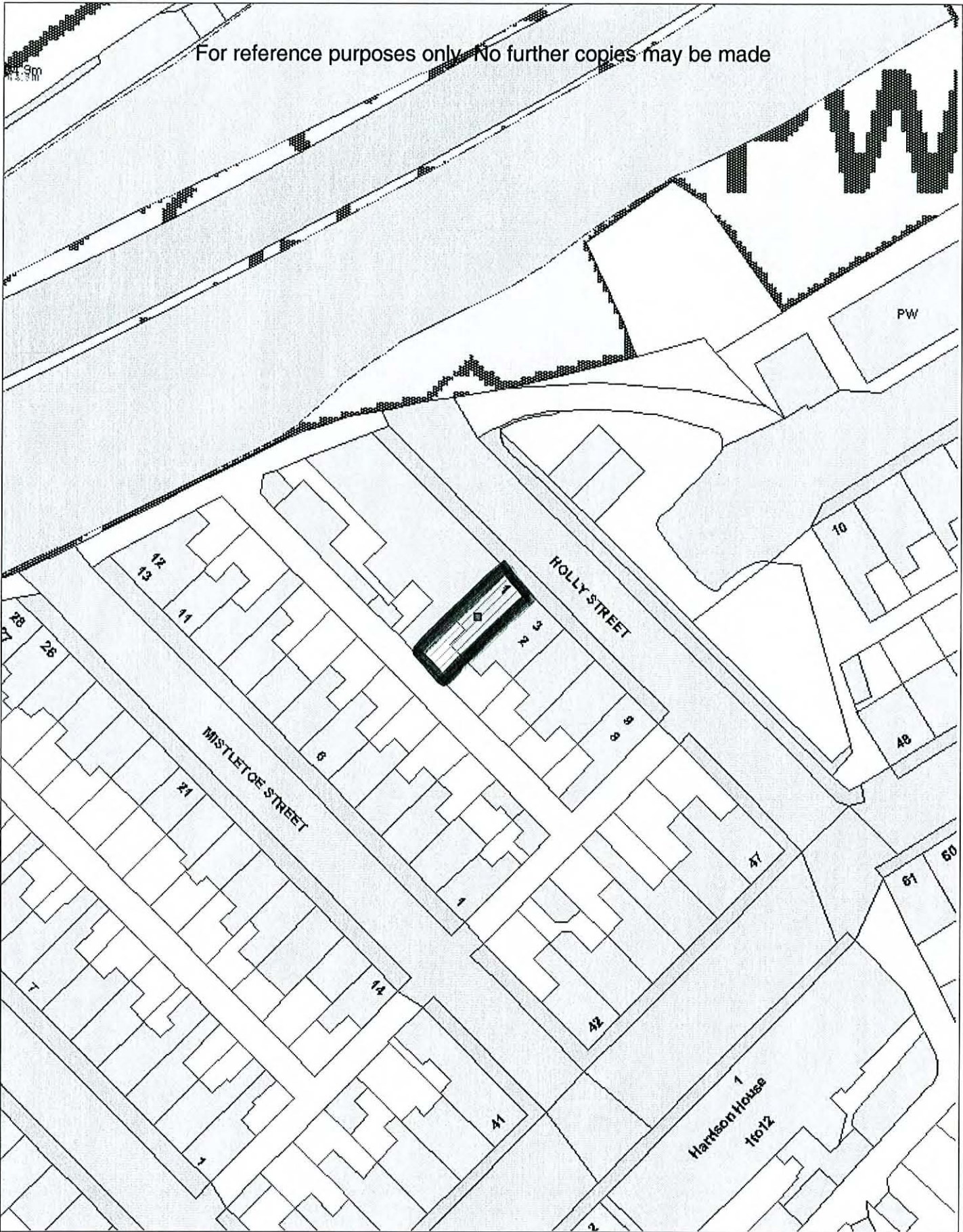
Planning Policy Statement 3: Housing

Public Consultation Responses

Planning Application 07/00014/FPA

Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/07/00907/FPA
1 Holly Street, Durham, DH1 4ER

Comments

Date

09 November 2007

Scale

1:625

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ITEM 2

07/00910/FPA Mr S D Silva	Greyhound Inn, Tate Avenue, Kelloe, Durham, DH6 4LU Demolition of existing public house and erection of 11 no. apartments with associated parking and landscaping (revised and resubmitted)
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SITE AND APPLICATION DESCRIPTION

The application site relates to an existing public house, currently vacant, and its associated curtilage, and which occupies a prominent position centrally within the village. The existing building is finished with render and clay pantiles and is of two-storey's while having an Arts and Crafts influenced architectural style which sets it apart from its surroundings which consist mainly of two-storey semi-detached dwellings.

Planning permission is sought to demolish the existing public house and erect 11 no. apartments with associated parking and landscaping. The apartments consist of one large L-shaped block of mainly two and a half storey's rising up to a centrally positioned three storey section, and would provide 6 no. one bedroom apartments and 5 no. two bedroom apartments. In terms of the layout of the site, parking is provided to the front while an area of shared amenity space for residents is located at the rear of the building.

RELEVANT HISTORY

This current application is a revised and resubmitted proposal following the withdrawal of an application (07/00482) in August 2007. Officer's had raised concerns in relation to the lack of a protected species survey and in terms of the scale, design and massing of the proposed development.

POLICIES

NATIONAL POLICIES

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

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. The effective and efficient use of previously-developed land are key criteria.

Planning Policy Statement 9: Biodiversity and Geological Conservation, aims to ensure that planning decisions maintain, restore or enhance biological diversity and geological conservation interests. Local Authorities are therefore required to ensure that appropriate weight is attached to protected species including Biodiversity Action Plan habitats and to biological and geological interest within the wider community.

REGIONAL POLICIES

The current Regional Spatial Strategy for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008.

A revised draft Regional Spatial Strategy for the North East is emerging and has recently been the subject of examination in public and subsequent proposed changes have been published. In accordance with paragraph 4.19 of PPS12: Local Development Frameworks, where an examination in public has taken place and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State. The RSS supports the principles of PPS3 in terms of planning for future households and the provision of a better mix of dwelling types and sizes, particularly in urban areas, as this has important social and economic implications for the future and is essential if the Region is to have a sustainable pattern of development. In addition, Policy 39(e) specifically requires that residential schemes of 10 or more units to have 10% embedded renewable energy generation.

LOCAL PLAN POLICIES

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest.

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

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

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

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

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

Policy C9 (Community Facilities – Protection of Existing) states that planning permission for the development of a proposal which would result in the loss of an existing community facility identified in the Local Plan will not be permitted unless it can be demonstrated that: the facility is no longer financially viable; or there is no significant demand for the facility within

that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.

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

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

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

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

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

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority are satisfied with the layout and parking provision at the site and raise no objection to the proposals, subject to the use of a dropped kerb rather than a radiused entrance.

Natural England has advised that the proposals are unlikely to have an adverse affect in respect of species especially protected by law, and recommend a condition is imposed if the application is approved.

Northumbrian Water has no objection to the application.

INTERNAL RESPONSES

None

PUBLIC RESPONSES

There has been a significant level of public interest in the proposals, including a petition signed by 127 individuals. In addition, nine individual letters of objection have been received. The overriding concern expressed relates to the loss of the Greyhound Inn as a focal point both physically in the village but also as a community facility and that a viable business could

still be possible. In addition, material planning issues raised include: loss of privacy and outlook; inappropriate scale, design and materials within the village and in relation to the existing buildings architectural qualities; insufficient refuse storage; insufficient parking provision; and, insufficient landscaping proposals.

The Local Ward Member is concerned by the density of the development proposed and the loss of an amenity to the village.

Kelloe Parish Council are opposed to the development, having concerns in relation to the density of the development, the loss of an amenity for the village, insufficient parking spaces, position and scale of bin storage and construction-related noise and disturbance.

Kelloe Community Partnership is concerned about the loss of a community facility and a building of architectural merit not matched by the proposals.

PLANNING CONSIDERATIONS

The main issues relate to the principle of redeveloping the site for residential purposes, whether there would be adverse affects for visual and residential amenity while ensuring no detriment to highway safety or species especially protected by law.

For planning purposes, the existing building and its associated curtilage comprise previously-developed land within the settlement limits of Kelloe, and as such, the redevelopment of the site for residential purposes would comprise windfall development of previously-developed land, consistent with Local Plan Policy H3 and National Policy contained in PPS3. However, whilst acceptable for residential purposes in principle, the application involves the loss of a community facility, and Policy C9 requires that applicants demonstrate that either the facility is no longer financially viable or that no significant demand exists for the facility or that an equivalent facility is available nearby to meet local need. The application is accompanied by a supporting statement, which states that the facility is no longer financially viable, and has been marketed for an 18 month period without interest and that the village benefits from an alternative public house. The Davy Lamp public house is located some 600 metres to the east of the application site within relatively easy walking distance of most properties within the village. The loss of the facility has been particularly contentious among local residents opposed to the scheme, however, in these circumstances, it is considered that the applicants have demonstrated that the business is no longer financially viable and that alternative facilities exist and its loss would not therefore appear to be in conflict with Policy C9.

The application site is prominent, being highly visible when entering the village from the west and as such, it forms a focal point within the village. The building itself is of some architectural merit having strong reference to the Arts and Crafts design movement, whilst being set in relatively spacious grounds which are bound on three sides by public open space, with two-storey semi-detached dwellings beyond. These site specific factors are such that a scheme to redevelop the site must be of a high quality design that is appropriate in context. PPS1 advises that planning as a whole should facilitate and promote sustainable and inclusive patterns of development by ensuring high quality development through good and inclusive design and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. In addition, PPS3, which provides detailed advice in relation to new residential schemes, advises that new development, while not required to slavishly follow existing surrounding development, should nonetheless be well integrated with and complimentary to neighbouring buildings and the local area in terms of scale, density and layout. Local residents have been particularly concerned that the proposed building is of a scale and design which is wholly out of character with its surroundings.

The proposed apartment block consists of an L-shaped building largely of two and a half storey's with dormers to the roofspace and rising up to a centrally positioned three storey element. The design itself is a complicated mix of hipped and gabled roofs with modulation of ridge heights across its frontage. The complexity of the roof design is matched by the appearance of the front elevation through the use of French windows and Juliet balconies, and the varying materials proposed, while in contrast the east elevation is stark in appearance. In terms of height, the building would be largely of the same height as the existing public house at around 9.5m to ridge, however, the three storey section would be between 1.0 and 1.2m higher than the existing building. In terms of footprint, the proposed building would occupy some 240m² compared to the existing building at around 130m², whilst also being set forward towards the road by almost 2.0m. The proposed building is therefore of a significant greater scale, density and massing in relation to the existing building, and moreover, it is of a significantly greater scale than the residential dwellings which lie in close proximity of the site. The proposed building with a series of hipped and gabled roofs together with dormer windows and a varied palette of materials is such that it would dominate the smaller scale development around it, exacerbated by the prominence of the site and as such is considered to be detrimental to the character of the settlement, contrary to Local Plan Policy H3 and national policy in both PPS1 and PPS3.

In terms of residential amenity, objections have been received detailing concerns in relation to privacy loss, loss of outlook and overshadowing. Policy Q8 sets out that 21m is required between habitable room windows to ensure residential amenity is not significantly adversely affected. A distance of 23m is achieved to the properties at the rear of the site and at an oblique angle which assists in ensuring no harm would amount. The bungalow opposite the site would be 36m from the new building; again in excess of the required distance and sufficient ensure that the residential amenity of the occupiers of that dwelling would not be significantly adversely affected. The dwelling which lies immediately to the east of the site is again at an oblique angle with its gable rather than primary elevation facing the site at a distance of around 19m. It is considered that the proposed apartment block will not significantly adversely affect the level of residential amenity that surrounding occupiers should reasonably expect to enjoy.

This revised application has been accompanied by a protected species survey, and having consulted Natural England, they are satisfied that the demolition of the existing building would be unlikely to cause harm to species especially protected by law and raise no objection to the scheme, subject to an appropriate mitigation condition. Similarly, Northumbrian Water have raised no objection to the scheme.

In terms of the layout within the site, adequate storage for refuse facilities is provided, while the level of parking provision proposed is considered acceptable to the County Highway Authority, as is the means of access. There will be no detriment to highway safety. In terms of remaining space within the site, this would form an area of shared amenity space at the rear of the building, however, this would be insufficient to meet the standards set out in Policy R2 of the Local Plan and, in any event, a commuted sum in lieu of such provision could be secured. In addition, while the emerging RSS is now afforded substantial weight and the threshold has been met for the provision of a scheme with 10% embedded renewable energy generation, this application was submitted prior to the Council requiring applications to be submitted with such requirements embedded and the application should not fail on this ground as a result.

In summary, while the proposals make effective and efficient use of previously developed land and without detriment to residential amenity, highway safety or species especially protected by law, the scheme nonetheless is considered to be of a scale, density, massing, appearance and layout which results in a design which would not be well integrated with the character of neighbouring development, in clear conflict with the objectives of Local Plan Policies H3 and Q8 and national policy contained in both PPS1 and PPS3.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

The Local Planning Authority considers that the proposed apartment block would be of a scale, massing, density, appearance and layout, and therefore overall design which would not be well integrated with or complimentary to surrounding neighbouring development and would therefore be detrimental to the character of the area, contrary to Policies H3 and Q8 of the City of Durham Local Plan 2004, PPS1: Delivering Sustainable Development and PPS3: Housing.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statements: PPS1, PPS3, PPS9

Regional Planning Guidance for the NE (RPG1)

Current and emerging draft RSS for the North East 2007

City of Durham Local Plan 2004

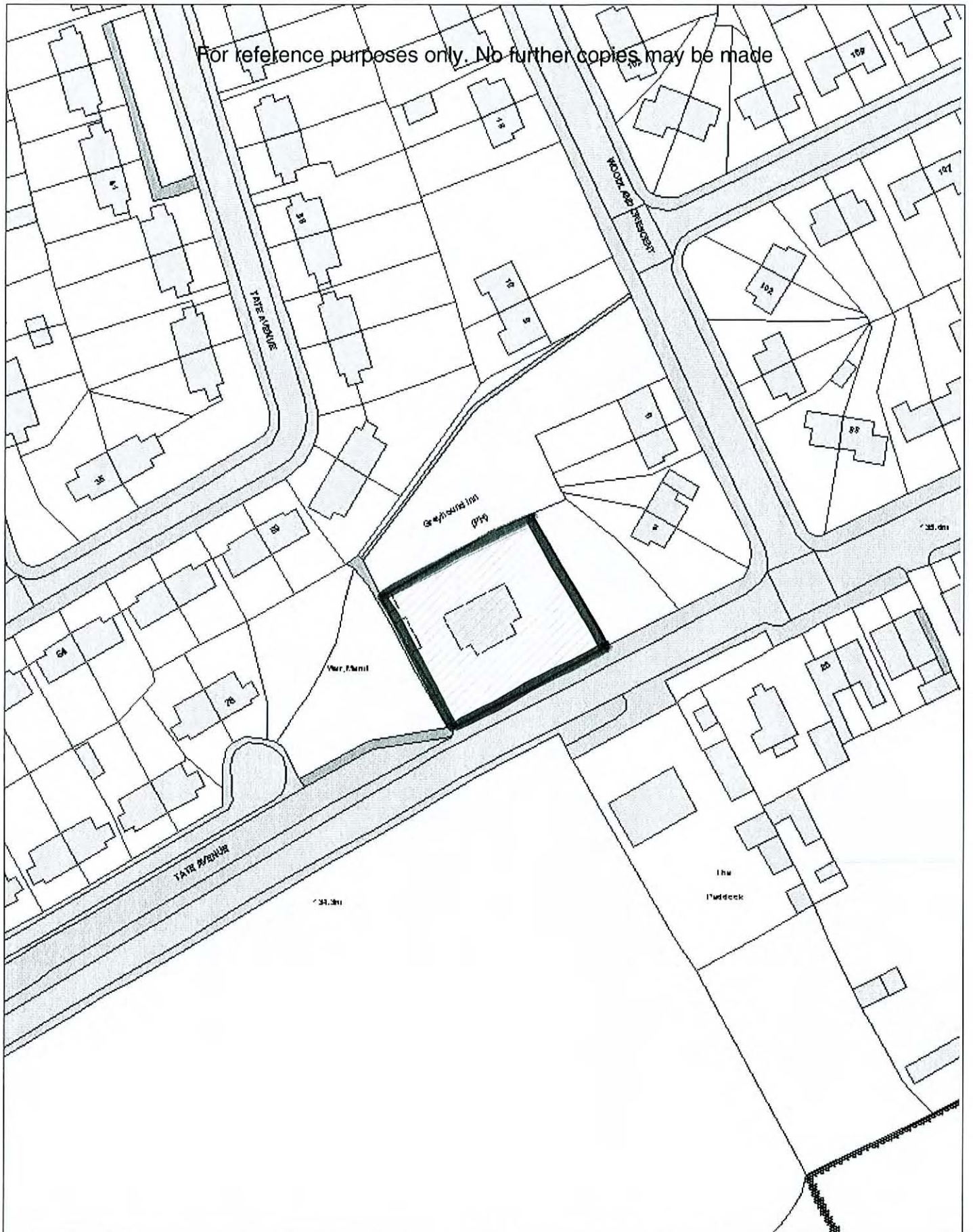
Responses from County Highway Authority, Northumbrian Water, Natural England, Kelloe

Parish Council and Kelloe Community Partnership

Public Consultation Responses and petition

Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/07/00910/FPA
Greyhound Inn, Tate Avenue, Kelloe, Durham

Comments

Date

09 November 2007

Scale

1:1000

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