

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | 4/13/00635/FPA |
| FULL APPLICATION DESCRIPTION: | Demolition of existing building in association with the erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping. |
| NAME OF APPLICANT: | Mrs Franks |
| ADDRESS: | Magdalene Heights, Gilesgate, Durham. |
| ELECTORAL DIVISION: | Elvet and Gilesgate |
| CASE OFFICER: | Susan Hyde. Planning Officer 03000 263961 susan.hyde@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. This application relates to an existing L shaped residential building forming 4 residential units located in a prominent hill top location. The existing dwellings are modern and constructed of painted render with a concrete tiled roof and the building is one and a half storeys in height. The land to the north of the dwelling falls away steeply and the property has clear views over the surrounding countryside. To the east is open land with trees that lies within the green belt. The building is within the Durham (City Centre) Conservation Area and within the settlement boundary. Magdalene Heights is located in an elevated and prominent position rising high above the River Wear valley to the north. The site is on the edge of a residential area and settlement boundary, bordering the Green Belt to the north and east. An Ancient Monument the Chapel of St Mary Magdalene lies to the east. This setting in the Conservation Area makes the application site an important and conspicuous redevelopment site.

Proposal:

2. The application proposes the demolition of the existing dwellings and the replacement with a two to three storey block which is proposed to form 10 apartments. The apartments are constructed out of brick with a tile or slate roof, timber windows and timber doors and designed to look like two properties from the front and rear elevations. Ten car parking spaces are proposed to be located to the west of the site. This is a resubmission of a planning application that was approved in 2008 but the time limit has now expired for the development. The application is referred to committee as a major development.

PLANNING HISTORY

3. In 1999 planning permission was granted for a detached pitched roof double garage

4. In 2002 planning permission was refused for the erection of second storey pitched roof extension to existing dwelling and provision of 5 no. dormers and 1 no. rooflight to provide 6 bedroom student accommodation annexe
5. A further application was approved for a second storey pitched roof extension to existing dwelling with a reduction in the number of dormers to 4 and 2 no. velux windows to provide 6 bedroomed student annex.
6. In 2007 planning permission was granted for a two storey pitched roof extension to allow conversion of existing building of 4 no. residential units to provide 5 no. residential dwellings with subdivision of existing garden and associated parking and access
7. In 2008 planning permission and conservation area consent was granted for ten apartments on the site but the application was never implemented. The current application is a resubmission of this 2008 planning consent that was never implemented.
8. To the east of the application site, planning permission has been recently approved subject to the successful completion of a legal agreement for the erection of a 198 bedroom student halls of residence.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. The following elements are considered relevant to this proposal;
12. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
13. NPPF Part 4 – Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. NPPF Part 6 – Delivering a Wide Choice of High Quality Homes. Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or

a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

15. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

16. NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

17. NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

18. NPPF Part 11 – Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

19. NPPF Part 12 – Conserving and Enhancing the Historic Environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

CITY OF DURHAM LOCAL PLAN

20. Policy E14 Trees and Hedgerows sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

21. Policy E15 Provision of New Trees and Hedgerows states that the Council will encourage tree and hedgerow planting.

22. Policy E22 Conservation Areas - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from

its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

23. Policy H2 New Housing within Durham City states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

24. Policy H7 (City Centre Housing) seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.

25. 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.

26. 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.

27. 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.

28. Policy T20 (Cycle facilities) seeks to encourage appropriately located, secure parking provision for cyclists

29. Policy T21 Safeguarding the Needs of Walkers states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

30. Policy R11 - Public Rights of Way states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

31. 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.

32. 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.

33. 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.

34. 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.

35. Policy U13 (Development on Unstable Land) will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.

36. Policy U14 Energy Conservation – General states that the energy efficient materials and construction techniques will be encouraged.

EMERGING POLICY:

37. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

38. Policy 1 (Sustainable Development) - States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

39. Policy 18 (Local Amenity) - Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.

40. Policy 41 (Biodiversity and Geodiversity) - States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.

41. Policy 44 (Historic Environment) - Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.

42. Policy 47 (Contaminated and Unstable Land) - Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.

43. Policy 48 (Delivering Sustainable Transport) - All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

The above represents a summary of those policies considered most relevant in the Development Plan, the full text, criteria, and justifications of each may be accessed at:

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. The County Highways Officer has raised no objections to the development.

INTERNAL CONSULTEE RESPONSES:

45. Ecology – Bat report submitted with the application found no evidence of bats in the building and the area of low conservation value. As such the mitigation strategy identified in the submitted report is considered satisfactory.

46. Design and Conservation – Resubmission of earlier approval and the design, materials and siting are acceptable, The height and scale of the building is similar to the main building and so the long range views of the building are similar to the existing building. Support the application subject to conditions.

47. Tree Officer – Individual trees do not warrant tree protection orders. Hedges could be retained to prevent views of Magdalene Heights to the west and Orchard Drive to the north.

48. Drainage – Conditions to require sustainable drainage required.

49. Landscape Architect – The landscape conditions on the earlier consent should be retained.

50. Environment Agency – No comment

51. Northumbrian Water – No comment

52. Sustainable Development – The applicant has expressed a desire to meet Code Level 4 of the Lifetime Homes standard. This approach is supported but the applicant has not demonstrated that this can be achieved.

53. Archaeology - Awaited

PUBLIC RESPONSES:

54. The application was advertised by letters being sent to local residents, a site notice was erected and a notice appeared in the local press.

55. A total of 4 no. letters of objection and 2 letters of support have been received with the following comments:

Objections:

56. The 10 parking spaces are considered to be inadequate and will lead to on street parking in an area where the streets are narrow and no additional parking is available.

57. An increase of vehicles on the existing access which may be dangerous on an almost single track road.

58. Concern that the apartments will be for student accommodation which in addition to the recently approved student accommodation for 198 students will detrimentally affect the residential amenity and value of residents' houses.

59. Concern that there is no barrier before the hedge to the rear of 1 – 4 Magdalene Heights and whether the hedge is an adequate boundary treatment for the parking area.

60. Concern about the structural stability of the land and whether this will have any impact on neighbours.

Support

61. Two letters of support presented by the applicant from people interested in purchasing the apartments as they like the location and design of the properties.

APPLICANTS STATEMENT: (SUMMARISED BY PLANNING OFFICERS)

62. As existing, the application site comprises of a large residential property that has been extended beyond recognition over the years with a mishmash of additions. The building constitutes a family home for the Franks family and three attached dedicated student accommodation units with 6, 2 and 2 bedroom configurations. The building is L-shaped and one and a half storeys high when viewed from the road, and two/three storeys from the rear. The building is rendered and painted white and is covered with grey / black concrete tiles. It is of no architectural merit and of no benefit to the conservation area. Moreover the existing building could be viewed as a detriment to the quality of the conservation area in that vicinity.

63. The student accommodation element will be completely removed and replaced with a two to three storey block which will form 10 luxury apartments. The form of these as high square footage two and three bed apartments are aimed at retirement couples or young professionals and simply don't lend themselves to a student form. The new proposal has a more appropriate building form and vernacular, the proposed development fits within its environment and brings a contemporary element whilst retaining existing details already present on the building and surrounding properties. The building is dynamic in shape and creates a welcoming space.

64. Soft and hard landscaping will play a major role in this development and trees and shrubs will wrap the building along the northern and eastern boundaries. This will continue the existing green area adjoining the site within the conservation area. Landscaping is also present at the front of the property on the southern side. Along the western boundary, existing trees have been retained and will not be disturbed during the construction of the new parking area.

65. The severe slope on this site has permitted the creation of the parking area, off the access road, on the lowest level of the site. It will be screened from the road by trees and shrubs. A provision of 100% parking has been allocated but walking and cycling to the town centre will be encouraged. An ample secure cycle store has been provided under the link bridge at the lower level

66. The new proposal will also relate closely with the architectural features and development pattern of the recent development on the southern side of the road and close to Magdalene Heights at Ashwood Terrace a residential development of 9 no. terraced houses. The proposal should also be viewed in context with the large recent approved student accommodation unit to the north. We feel when viewed in context to this development our proposal looks positively diminutive and a sensitive proposal.

67. We feel the building makes a successful attempt to reflect the character of the arts and crafts movement and responds to difficult site topography. The interesting configuration of the floor plan combined with the broken up roof formation provides a lively building that has a sense of rhythm and form. This combined with the correct detailing for the roof, eaves, windows, doors and balconies we believe works quite successfully in the townscape.

68. The design therefore represents an improvement on the existing development and does both preserve and enhance the character and appearance of the Conservation Area.

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, impact upon the character and appearance of the Conservation Area, impacts on residential amenity, impacts on highway safety, landscape and trees, ecology and other issues.

The Principle of the Development

70. The site is within the settlement boundaries of the City of Durham. Policy H2 of the Local Plan states that new housing development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City. The NPPF emphasises the importance of redevelopment of brownfield land within a settlement boundary on a clearly defined site, close to schools, services and public transport links and therefore has good sustainability credentials.

71. The development proposes less than 15 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard legal agreement to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 would also be addressed in a proposed legal agreement.

72. As a result the principle of the development can be accepted to be in accordance with Policy H2 of the Local Plan and the NPPF.

Impacts on the Character and Appearance of the Conservation Area

73. Policy E22 of the local plan requires new development to preserve or enhance the Conservation Area. This reflects the same requirement under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies Q8 and H13 provide the principal Local Plan advice on the design and layout of residential development within a predominantly residential area. Policies E14 and E15 relate to tree retention and provision whilst Policy Q5 relates to landscaping. Part 7 of the NPPF advises on the importance of good design within development proposals, and Part 12 emphasises the importance of conserving and enhancing the historic environment.

74. As existing, the application site comprises of a large residential property that has been extended beyond recognition over the years. The building is L-shaped and one and a half storeys high when viewed from the road, and two/three storeys from the rear. The building is rendered and painted white and is covered with grey / black concrete tiles. It is of no architectural merit.

75. As the existing building is of no historical or architectural merit there is no objection in principle to the redevelopment of this site. Indeed Officers consider that this site provides an exciting opportunity to enhance the Conservation Area with a good quality contemporary or traditional development. To achieve such a scheme Officers consider the height of the new development should be a similar height to the existing development so that the impact of the redevelopment on the surrounding area would not be increased. The land allocated as green belt that lies to the east should be protected in accordance with Policy E1. Additionally the land to the north of the existing residential buildings which steeply falls in level should be retained.

76. The application consists of the demolition of the original residential property to be replaced by ten apartments and associated parking. The density of the development is approximately 57 dwellings/ha. which is within the usual urban density range in the City. The height of the new development is similar to the existing building with the buildings being subdivided into two blocks with one being the same height as the existing building and one being 0.85 metres higher.

77. The proposed materials of a multi red brick and tiles or artificial slates are considered acceptable in this location and the application is conditioned accordingly.

78. With regard to the design of the apartments a traditional design is proposed which replicates the arts and crafts movement of the 1920's and 1930's. The gabled roof form was used to break up the bulk of the building both on the street and in the distant views of the building from Newton Hall. The design characteristics of this period which are present on this development are:

- Fairly steep gables, however the ridge does not rise unduly above the existing building.
- Strong and heavy overhanging eaves.
- Attractive bargeboards, soffits and finials.
- Solid chimneys to break up the roof line.
- Attractive lead work and detailing to half dormers.
- Timber mullion windows with casement windows well recessed in the openings
- Solid timber doors with attractive timber designed canopies and lead work.
- Attractive timber balconies, fairly traditional and robust in design
- The floor layout broken up to provide a more domestic scale and some relief to the elevations.

79. It is considered by Officers that the building makes a fairly successful attempt to reflect the character of the arts and crafts movement. In addition the interesting configuration of the floor plan combined with the broken up roof formation provides a lively building that has a sense of rhythm and sculptural form. This combined with the correct detailing for the roof, eaves, windows, doors and balconies work quite successfully in the townscape.

80. Officers consider that the design and materials of brick, tile or slate for the roof and timber for the windows and doors are an improvement on the existing development and that they do preserve or enhance the Conservation Area. As such, the proposals are considered

to be in accordance with national and local policies, including compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

81. Policy Q8 of the Local Plan provides specific guidance on residential development to ensure adequate privacy and amenity for all. Similarly Policy H13 of the Local Plan also seeks to protect the amenity of existing residents from new developments.

82. With regard to the impact on the neighbouring properties there are detached and terraced dwellings to the west of the site. A distance of 21 metres is provided from these properties to any habitable room windows. As previously mentioned the topography leads to the development being elevated above the detached properties to the north on Orchard Drive. The minimum 21 metre distance specified in the Local Plan policy Q8 is met apart from the distance between the rear elevation of 59 Orchard Drive and the apartment block to apartments 2, 5 and 8 where a reduced distance of 20 metres is achieved. The relationship between these properties is at off set angles leading to little material loss of residential amenity. Officers therefore assess the impact of the development on residential amenity to be acceptable. Balconies are positioned on the apartments and generally achieve a distance of 21 metres except to property 59 Orchard Drive as previously mentioned. This is similarly considered to be an acceptable relationship.

83. A small communal garden is available to the north of the site on an area that is steeply sloping. Access to this area is via steps and the suitability for use is considered to be limited. Small decked areas are proposed with two ground floor apartments, and balconies on the remainder of the apartments. Although the provision of amenity space is limited it is considered to be in accordance with Local Plan policy Q8.

84. Overall officers consider that the development is acceptable in terms of its impacts upon residential amenity for both existing and prospective occupiers.

Highways Issues

85. Matters regarding parking and highway safety have been a concern within the public responses to the application.

86. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF seeks to promote sustainable transport choices. With regards to plans and decisions paragraph 32 of the NPPF advises that safe and suitable access to a site should be achieved for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

87. The County Highways Officer has carefully considered the application and has raised no objection to the application. The car parking to the west of the application site provides a parking layout for ten vehicles which the County Highway Officer considers is a satisfactory number in this location for the ten residential units. The layout provides sufficient space for cars to turn round within the car park and considers the access from a minor residential road leading from Carrville Link Road is satisfactory.

88. As such the proposed development is considered to be acceptable from a highway perspective.

Landscape and Trees

89. Policy E14 states that the Council will require development proposals to retain areas of woodland and trees where possible and will require a tree survey to accompany planning applications when development would affect trees. The applicant has submitted an arboricultural survey. It states that 6 trees will be lost by the development and 6 will be affected by landscape work. The Council's Landscape Architect has considered the application and does not object to the proposed work. A planting scheme is proposed to compensate for the loss of the trees and shrubs and a condition is proposed to ensure this is undertaken and maintained for 5 years.

Ecology

90. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through Part 11 of the NPPF most notably at paragraphs 118 and 119. A bat risk assessment was submitted with the application which did not find any evidence of bats and this finding was accepted by the County Council's Ecologist.

Other Issues

91. The development proposes less than 15 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard legal agreement to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 would also be addressed in a proposed legal agreement.

92. Residents have raised concerns that the apartments may be occupied by students. The proposed apartments are two and three bedroom apartments which have a smaller number of bedrooms and a larger floor space than the usual private market student accommodation. The agent has clarified that the apartments are intended to provide accommodation for the applicant and retired people or young professional couples and not provide student accommodation. The planning consent would be for a dwelling which would allow the apartments to be occupied by residents living together with shared facilities.

93. Residents have also raised concerns about the stability of the site which the agent has responded to with the following comment 'The site currently holds a dwelling without subsidence issues. Stabilising the new proposal on the land is a simple technical issue that will be dealt with by the building regulation application. A site investigation report will be commissioned to assess ground conditions and then foundation solution designed by a qualified structural engineer.' In accordance with the advice in the NPPF it is the developer's responsibility to ensure the development is structurally secure.

CONCLUSION

94. The proposed development seeks the development of 10 apartments to replace an existing residential development within the settlement boundary in an existing residential area and in the Conservation Area. Such a development is in principle considered to be in accordance with the provisions of the Local Plan and having regards to the aims of sustainable development running through the NPPF.

95. Officers recommend approval for the application for 10 apartments. The design, materials, and siting of the development are considered acceptable in this elevated location. The height of the building has been kept generally the same as the existing building and the development is considered to preserve or enhance the Conservation Area.

The positioning of the habitable room windows is not considered to be detrimental to the residential amenity of the area and the impact on the trees and landscaping is generally considered acceptable subject to the landscaping condition proposed.

96. As a result approval of the application is recommended subject to the successful completion of a Legal Agreement to secure money for % for art and the provision of recreational amenity space.

RECOMMENDATION

That the application be **approved** subject to the successful completion of a legal agreement that secures:

A scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of the buildings, open spaces or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.

A financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.

And subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and details:

Site Plan 7305 A2-51 Rev E validated 11th June 2014
Site Plan 7305 A2-52 Rev E validated 11th June 2014
Site Plan and Car Parking Layout 7305 A2-100 Ref F validated 11th June 2014
Lower Level Site Plan 7305 A2-101 Rev F validated 11th June 2014
Lower Level Site Plan 7305 A2 – 105 Rev D validated 11th June 2014
Ground Floor Plan 7305 A2 – 106 Rev D validated 11th June 2014
First Floor Plan 7305 A2 – 107 Rev D Validated 11th June 2014
South and East Elevation 7305 A2 – 201 Rev B validated 11th June 2014
North and West Elevation 7305 A2 – 202 Rev B validated 11th June 2014
Sections EE, FF, and GG 7305 A1 – 203 Rev A validated 11th June 2014
Footprint of existing and new buildings 7305 A2- 500 validated 11th June 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to relevant Policies E14, E15, E16, E22, H2, H13, T1, T10, T21, Q1, Q2, Q5, Q8 and U8A of the City of Durham Local Plan 2004

3. Notwithstanding any details of materials submitted within the application no development shall commence until full details of the make, colour and texture of all walling, roofing and hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

4. Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

5. Details of any fences, railings, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site 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.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

6. Notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and sill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme. This must include in particular construction and elevational details of the proposed dormer windows.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

7. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal from the exterior elevation of the building.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

8. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

9. Notwithstanding the information shown on the submitted application details of all external lighting, including type, position, size, elevation and level of illumination 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.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

10. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. Surface water drainage should be developed through the 'Hierarchy of Preferences' with surface water drained to a soakaway or infiltration system where possible.

Reason: In the interests of satisfactory sustainable drainage in accordance with Policy U8a of the City of Durham Local Plan 2004.

11. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. 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.

Reason: In the interests of visual amenity in accordance with Policies E14 and E15 of the City of Durham Local Plan 2004.

12. No development works shall be undertaken outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

13. The building shall not be demolished before a contract for the carrying out of works of redeveloping the site in accordance with this planning consent has been agreed and the redevelopment works shall commence within 6 months of the completion of demolition of Magdalene Heights.

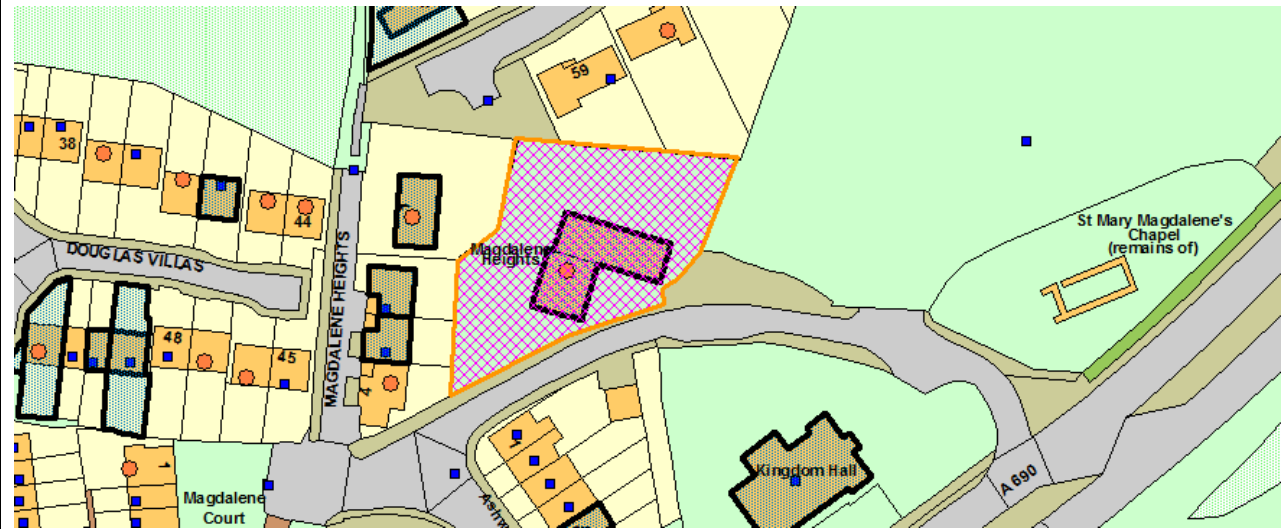
Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance
Emerging County Durham Plan



Planning Services

Demolition of existing building in association with the erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping

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Date 21st October 2014