

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

29th March 2006

REPORT OF THE HEAD OF PLANNING SERVICES

1. Reports for Information

Members are asked to note that reports in relation to the following items are attached: -

(i) Applications – Determined under Plenary Powers

(ii) Building Control Applications

2. Decisions made by the County Council

Application No: CM4/05/1187, Durham County Council

Location: Former Hugh Mackay Carpet Factory, St John's Road,
Meadowfield Industrial Estate, Durham, DH7 8YQ

Proposal: Change of use and alterations to former carpet factory building to provide Service Direct offices, workshops, formation of new access, car parking and outdoor storage facilities.

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

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

Recommendation: That the report be noted.

3. Application Called In by the Secretary of State

Application for: Hay & Kilner Solicitors

Location: Land at Meridian Health & Fitness, Walkergate, Durham

Proposal: Proposed demolition of industrial shed containing health and fitness club and associated single storey buildings including those of former Mill in connection with the proposed erection of 93 apartments plus 6 living/workspaces, local heritage facility building, together with outdoor cultural space, resident amenity space and underground parking.

The above application was considered at Development Control Committee on 12th December 2005 where it was determined that the City Council approve the application.

The Secretary of State has now decided to call-in the application and a Public Inquiry will be held, the date of which is yet to be decided. Members will be informed of the outcome in due course.

Recommendation: That the report be noted.

4. 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
05/01109/FPA Mr G Sumner	Former Institute & Coach Depot, Front Street, Quarrington Hill, Durham, DH6 4QG	Erection of 14 no. two storey dwellings with associated access road, garages, car parking and landscaping.	Approve
06/00029/FPA Urban Land Securities Ltd	20 - 26 North Road, Durham, DH1 4SG	Change of use of existing offices to provide 12 no. 2 and 3 bedroomed apartments, giving a total of 29 no. beds with external additions of 19 no. rooflights.	Approve
06/00147/OUT EDD Leisure Ltd	Land Adjacent Durham City Amateur Football Club, New Ferens Park, Belmont, Durham, DH1 1GG	Outline application for erection of office, children's nursery, family entertainment centre/dance fitness studio, and (A1) retail unit and 207 car parking spaces associated with these buildings and Durham City FC, including details of siting and access.	Approve

<p>05/01109/FPA</p> <p>Mr G Sumner</p>	<p>Former Institute & Coach Depot Front Street Quarrington Hill Durham</p> <p>Erection of 14 no. two storey dwellings with associated access road, garages, car parking and landscaping.</p>
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SITE AND APPLICATION DESCRIPTION

The site of the former institute and coach depot is sited prominently at the crossroads on Front Street, in Quarrington Hill. An attractive, but dilapidated red brick and pantile former Institute building on the front of the site is adjoined by a variety of industrial and storage buildings of differing heights, materials and quality. The remaining boundaries are defined by various fences, gates and security measures. The development proposes to clear existing buildings from the site. This application proposes fourteen two storey dwellings with associated garages, gardens and landscaping.

RELEVANT HISTORY

Consent for a development of six houses on the site granted in 2001 was renewed in 2004.

POLICIES

Policy H3 of the City of Durham Local Plan (2004) states that new housing development comprising of previously developed land will be permitted within the settlement boundaries provided that it is appropriate scale, design, location and number of units to the character of the settlement and does not result in development of areas which possess important functional, visual or environmental attributes.

Policy Q8 of the City of Durham Local Plan (2004) states that the layout of new residential development will be required to have clearly defined road hierarchy; provide adequate amenity and privacy for each dwelling and minimise the impact of the proposal upon occupants of existing nearby and adjacent properties; provide adequate areas of safe, accessible and attractive open space in accordance with policy R2; take into account the need to retain existing features of interest; be appropriate in scale, form, density and materials to the character of its surroundings; as well as made the most efficient use of the land.

Policy T10 of the Local Plan (2004) states that vehicle parking off the public highway in new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development. On average, in residential developments, off-road provision should exceed not 1.5 spaces per dwelling.

Policy R2 of the City of Durham Local Plan (2004) states that in new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with: Informal play space 0.4ha per 1,000 population - Amenity space 0.8ha per 1,000 population. Where appropriate a planning agreement will be entered into.

Policy E21 of the Local Plan (2004) states that the Council will preserve and enhance the historic environment of the district by encouraging the retention, repair and re-use of buildings and structures which are not listed but are of visual or local interest.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority note the proposed road layout is suitable for adoption and subject to the footway on Front Street being reinstated, with appropriate dropped kerbs to crossings, offer no objection. English Nature accept the findings of the submitted bat report, but suggest a precautionary condition regarding the timing of demolition of the existing buildings.

The Environment Agency suggest conditions to investigate and instigate the extent of any contamination from the previous uses of the site.

Northumbrian Water have technical requirements that can be dealt with by condition regarding foul and surface drainage.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : None.

PLANNING CONSIDERATIONS

The application provides for a prominent and potentially attractive development scheme that should both visually improve the village and potentially lead to further regeneration. The only substandard development distances proposed are across Front Street, where the relationship is comparable to existing residential properties.

The small amount of landscaping proposed is adjacent to the highway visibility splay of the crossroads and will need to be designed accordingly. The absence of amenity space/play space from the scheme means a financial contribution to provision of such in the vicinity will be required in accordance with Policy R2 of the Local Plan.

The loss of the former Institute building is regretted, however, the building is not formally protectable and the overall benefits of the scheme are accepted by officers. English Nature's request for a condition to restrict the timing of the demolition of the former Institute is not considered reasonable, given the standing legislation that covers this eventuality.

Subject to appropriate conditions the application is recommended approved by officers.

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. LA1 Landscaping Scheme (Outline Permission)
7. CL01 Contaminated Land Risk Assessment
8. CL01 Contaminated Land Risk Assessment

9. CL03 Addendum Method Statement
10. CL04 Remediation Report
11. CL06 Oil Interceptor
12. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide 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.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans

Bat Survey

City of Durham Local Plan 2004

Advertisement and Site Notice

Statutory Consultation Responses

Various File Notes

<p>06/00029/FPA</p> <p>Urban Land Securities Ltd</p>	<p>20 - 26 North Road Durham DH1 4SG</p> <p>Change of use of existing offices to provide 12 no. 2 & 3 bedroomed apartments, giving a total of 29 no. beds with external additions of 19 no. rooflights.</p>
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SITE AND APPLICATION DESCRIPTION

The application proposes the change of use of the upper floor of the office building above Durham Bus Station in North Road into a residential use. The floor would be divided into 12 no. flats, each with a kitchen, living/dining room and bathroom. The flats are accessed via the existing stair/lift shafts within the building. Externally an additional 19 velux rooflights are proposed to the roof of the building.

RELEVANT HISTORY

The bus station itself has been recently refurbished but there is no specific history relevant to the current proposals.

POLICIES

Policy H8 states that the use of upper floors of shops and commercial premises for residential purposes will be permitted provided that it accords with a series of identified criteria. Policy H7 states that the Council will encourage new housing development and conversions to residential use on sites within or conveniently close to the City Centre provided that it accords with an identified set of criteria.

Policy H2 states that new housing development comprising conversions will be permitted within the settlement boundary of Durham City provided that it accords with an identified set of criteria.

Policy E6 states that the special character, appearance and setting of the Durham City Centre Conservation Area will be preserved or enhanced through a series of identified criteria.

Policy E22 states that the Council will seek to preserve or enhance the character or appearance of the Conservation Areas within the City of Durham District in accordance with a series of identified criteria.

Policy CC1 states that the Council will seek to protect the vitality and viability of the City Centre by promoting residential development in accordance with Policies H7 AND H8.

Policy Q1 states that the layout and design of all new development should take into the requirements of users.

Policy Q8 states that the layout of new residential development will be required to accord with an identified set of criteria.

Policy R2 requires that in new residential development of 10 or more dwellings open space, or monies in lieu of such be provided to a formula set out in the Local Plan.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority note the lack of off-street parking facilities and the fact that no new parking permits for residential properties will be issued in the area. Conversely they also note the excellent access to public transport in the immediate vicinity.

Northumbrian Water have specific technical requirements that can be addressed by way of condition.

The Environmental Health Section suggests a scheme of sound insulation and reduction and that a larger area of bin store is needed for the number of people proposed.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : None.

PLANNING CONSIDERATIONS

The proposals are in accord with government and Local Plan policies encouraging the residential use of upper floors in commercial areas. The visual effects on the Conservation Area are limited to the proposed rooflights, which set upon a modern building with a low pitch asymmetrical roof is considered acceptable. The absence of parking is, officers consider, wholly justified given the immediate availability of public transport.

Housing development for this type of accommodation in the City is often compromised by the form of building proposed, or the reaction of existing residential communities to it.

Development of new housing of the numbers proposed requires provision of open space facilities within the scheme. Whilst this application relates to the change of use of a City Centre building rather than new build, the spirit of the Policy should be equally applied in this instance.

The proposals relate to an existing City Centre building in the central commercial area. Subject to conditions to ensure a scheme of noise attenuation to ensure the amenity of prospective residents and provide an enlarged bin store, the merits of the scheme in providing City Centre rented accommodation without disturbance to existing communities are welcomed and the application is recommended accordingly.

RECOMMENDATION

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

1. T1 Time Limit [Full Approval] 2004
2. DT23 Drainage Scheme
3. The use hereby permitted shall not commence until a scheme for sound insulation and the control of noise to stop the transmission of sound to the approved residential properties has been submitted to and approved in writing by the Local Planning Authority, and the approved insulation works and equipment have been installed.
4. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide 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.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
City of Durham Local Plan 2004
Site Notice and Advertisement
Various File Notes
Consultation Responses

<p>06/00147/OUT</p> <p>SEDD Leisure Ltd</p>	<p>Land Adjacent Durham City Amateur Football Club, New Ferens Park, Belmont, Durham.</p> <p>Outline application for erection of office, children’s nursery, family entertainment centre/dance fitness studio, and (A1) retail unit and 207 car parking spaces associated with these buildings and Durham City FC, including details of siting and access.</p>
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SITE AND APPLICATION DESCRIPTION

Durham City Football Club and the associated Soccarena indoor soccer facility lie within the south west segment of Belmont Industrial Estate and Business Park.

The land owner has lodged an outline planning application to establish the principle of a mixture of developments on land adjoining these football provisions. These would be served by a reconfiguration and expansion of existing car parking at the site.

The development would consist of 13,500 sq ft (1255 m²) of net office space, arranged over two floors, at the north east corner of the site, to be positioned between the eastern end of the football pitch and the western edge of the industrial estate's central spine road. Fifty one car parking spaces would be arranged to the west and south of the building.

Immediately to the north of the offices a children’s play barn and dance fitness studio would be located. This would take the form of 10,000 sq ft (930 m²) of ground floor space, with an additional 5,000 sq ft (465 m²) provided by a mezzanine floor. Soft play and activity equipment would be housed within the building for the use of pre-school and school children, plus those with special needs. Fifty parking spaces would be provided to the west and north of the building.

A children’s nursery site measuring 0.15 acres (0.101 hectares) would be reserved on land adjoining the south western edge of the football stadium, whilst a 1,000 sq ft (93 m²) retail unit, which would provide sandwiches, hot and cold drinks, and limited hot food for those employed at the nearby office and industrial businesses would be located at the south eastern edge of the stadium.

To compensate for parking spaces displaced by some of the proposed development, 100 spaces would be provided between the northern boundary of the football club and the northern edge of the stadium, this being made possible by a slight reduction in size of the pitch. These spaces, together with the provision of 6 next to the proposed retail unit, the aforementioned 50 associated with the children’s play facility and the 51 associated with the office proposal, total the 207 hereby applied for.

Access to all these additional facilities would be via the existing New Ferens Park entrance from the central estate spine road.

The application is supported by a Sequential Site Assessment that seeks to demonstrate that the leisure aspects of this proposal cannot be located in a more central position within the city and that there is a demonstrable need for them.

RELEVANT HISTORY

Durham City Football Club relocated to Belmont in 1994 from the original Ferens Park at the Sands. Since then the site has been developed for football related activities while the land around

it, in common with the rest of the industrial estate and business park, has been developed for office and industrial use.

Land immediately to the south of that occupied by the football club and owned by it has outline planning permission for office, general industry, as well as storage and distribution use, while further to the south lie a public house and hotel, a car dealership and a planning consent for a secondary dealership. An outline planning permission for offices relates to adjoining land in the south west corner of the estate.

POLICIES

Government policy as contained in Planning Policy Statement (PPS)6 requires a sequential approach to site selection for leisure, entertainment and retail land uses. Accordingly, these are viewed as being town centre based activities, therefore to be acceptable elsewhere it must be demonstrated that there is no sequentially preferable location available.

The application site is unallocated within the City of Durham Local Plan 2004, however, a number of Local Plan Policies apply to these proposals.

Policy EMP14 states that office development on sites outside where specifically allocated by the plan will be allowed only where no significant impact on the amenity of neighbouring occupiers of property, where the site can be accessed by a choice of means of transport, and where traffic generated can be safely accommodated by the road network.

Policy S7 allows individual shops within settlement boundaries provided that there is not adverse impact on the vitality and viability of any other local centre or village, or on road safety. Generally such shops should not exceed 100m².

Policy R8 states that the acceptability of any new recreational facility is dependant upon a need to ensure its appearance and use would not be detrimental to the character and amenity of the area, has satisfactory parking, and is accessible to users of all modes of travel, including public transport.

Policy C8 states that new community facilities proposals must be judged in a manner similar to recreational proposals.

REPRESENTATIONS

STATUTORY RESPONSES : No objection is raised by the County Highway Authority. However, any approval should be conditional, the Authority requests, upon occupation not taking place until the proposed improvements to the estate road - Belmont Road junction, which are to include traffic lights, are completed.

The Environment Agency raises no objections subject to any planning approval being subject to a condition requiring an oil interceptor to be installed within parking areas and hardstandings to prevent pollution of the water environment from dropped oil from motor vehicles.

INTERNAL RESPONSES : The City Council's Environmental Health Officer offers no objections.

PUBLIC RESPONSES : Belmont Parish Council does not object to the application.

PLANNING CONSIDERATIONS

Taking each of the proposed developments in turn, the shop, at less than 100m², is compliant with Local Plan Policy S7 as it would fail to undermine the vitality or viability of any local shopping centre due to its restricted size. Furthermore, it raises no highway safety issues and would have no adverse impact on its surroundings. Indeed, it would potentially serve a local need, thus

avoiding those working on the industrial estate always having to journey some distance to the nearest shops in Belmont, Gilesgate Moor and Dragonville.

The offices are appropriate to the location, given the close proximity of others on the adjacent business park, while the children's nursery also has the potential to fulfil a local need despite its location some distance away from residential areas.

The Sequential Site Assessment that accompanies the family entertainment centre/dance fitness studio advances the argument that there are no available sites that are suitable for this type of development in or on the edge of Durham City Centre, or in any of the City's two District Centres. A list of those sites examined has been supplied and it is therefore concluded that this aspect of the overall proposal complies with local and national planning policy.

I have examined this assessment and would not argue with any of the conclusions reached regarding each site examined. Accordingly, I accept its overall findings, and support this element of the proposal.

The car parking displaced by those proposals, and that required by them, has been provided to the satisfaction of the County Highway Authority, as has the access.

I am unaware of any other issues raised by these proposals that could lead to demonstrable harm. Therefore, subject to appropriate planning conditions, I support the application's approval.

RECOMMENDATION

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

1. T2 Time Limit [Outline Approval] 2004.
2. The occupation of any land or building hereby approved shall not take place until the planned improvements to the estate road-Belmont Road junction are substantially completed.
3. Prior to any development commencing, a scheme for the management and protection of trees along the south eastern boundary of the red edged application site shall be submitted to and approved in writing by the Local Planning Authority.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
Sequential Test Analysis
PPS6
City of Durham Local Plan 2004
Consultation Responses