

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

20th April 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) Notice of Planning / Enforcement Appeals which have been lodged with the City Council

- a) Appeal by Miss S M Lord – Site at land adjacent Durham Road, Aldin Grange, Bearpark, Durham
- b) Appeal by Durham Constabulary – Site at land adjacent Sports Club Car Park, Aykley Heads, Durham

(ii) Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the City Council

- a) Appeal by Mr S Williams – Site at 3 & 4 South Terrace, Framwellgate Moor, Durham, DH1 5EN
- b) Appeal by Mr M Lau – Site at 4 Front Street, Framwellgate Moor, Durham

(iii) Applications – Determined under Plenary Powers

(iv) Building Control Applications

2. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment. I set out below a summary together with my Recommendations:

Number & Applicant	Location	Proposal	Recommendation
06/00066/FPA Broseley Homes Limited	Land at Browns Bus Depot New Brancepeth, Durham	Erection of 20 no. dwellings with associated garages, access and landscaping details	Approve
06/00140/OUT Durham City Coaches	Durham City Coaches, Brandon Lane, Brandon, Durham, DH7 8PS	Outline application for residential development	Approve
06/00195/FPA Anderson & Young Coachworks Ltd	Anderson & Young Coachworks, Old Station Yard, Langley Park, Durham, DH7 9TL	Erection of 12 no. dwellings with associated garages	Approve
06/00221/FPA Durham City Council	Abbey Sports Centre Abbey Road, Pity Me, Durham, DH1 1RH	Construction of outdoor skate park & multi-purpose sports pitch	Approve
06/00226/OUT Vestbrown Ltd	Land Adjoining 11 Parkfield, Parkhill, Coxhoe, Durham DH6 4LJ	Outline application for residential development consisting of 1 no. dwellinghouse	Approve
06/00238/FPA Head of Environment & Leisure Services	Belmont Recreation Ground Sunderland Road Gilesgate Moor Durham	Construction of outdoor skatepark	Approve

<p>06/00066/FPA</p> <p>Broseley Homes Limited</p>	<p>Land at Browns Bus Depot, New Brancepeth, Durham</p> <p>Erection of 20 no. dwellings with associated garages, access and landscaping details</p>
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SITE AND APPLICATION DESCRIPTION

The site proposed for the development of twenty dwellings is that currently occupied by Browns Bus Depot immediately north of New Brancepeth on the slopes of the Lower Deerness Valley. A level site, cut and filled into the slope, the Bus Depot is bounded by sporadic houses, a paddock and allotment gardens. The two notable features of the site as existing are a pair of mature trees on the eastern boundary of the site, and a retaining wall of around 3 metres in height that retains the northern boundary of the site.

The development of twenty houses, mainly two and three bedrooms is a mix of detached, semis and terraced properties with parking, gardens and garages sited around a standard hammerhead cul-de-sac. Intermittent landscaping is proposed on the site boundaries and street frontage.

RELEVANT HISTORY

The recent history of the site is restricted to the refusal of a telecommunications mast in 2001.

POLICIES

The principal of development is acceptable, the site being within the settlement boundary, and on previously developed (brownfield) land as required by Policy H3.

Policies Q1, Q2 and Q8 ensure a quality of layout and design, with accommodation of the needs of general and special needs users, whilst embodying the principles of sustainability.

Policy R2 requires developments of more than 10 units to provide on site amenity/play space, or a commuted sum in lieu of such.

REPRESENTATIONS

STATUTORY RESPONSES : A re-design of the proposed highways layout has overcome the majority of the County Highway Authority's comments, and allowed for the above mentioned existing trees to be retained. One objection still remains as to the proposed use of crushed aggregate on the driveways. This matter was still under consideration at the time of report writing, with a condition proposed to allow for the future resolution of this detail.

The Environment Agency offers no objection.

Brandon and Byshottles Parish Council offer no objection.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : There has been no written response to the extensive public consultation exercise.

PLANNING CONSIDERATIONS

The proposed development has the potential to both provide an attractive source of housing in New Brancepeth, and improve a prominent untidy site, which would usefully assist the regeneration of the village; as has happened in neighbouring Ushaw Moor.

Whilst higher density than immediately surrounding residential property, the recent consent for similar development on the nearby former school site, when implemented, will help the proposals offered here to better assimilate into the village.

At the officer's request the developer has negotiated with the County Highway Authority to alter the road layout to allow for the retention of the existing trees on the site, and the recommendation on this report includes a request for authorisation to serve preservation orders on trees to ensure their long term protection. Conditions to ensure the retaining wall on the northern boundary, both during building works, and against inappropriate tree planting are proposed to protect it for the benefit of the amenities of the neighbouring property.

Much of the detail that would usually be dealt with by way of condition is included on the plans for approval, and is accepted as appropriate, with the exception of the hardstanding materials for the driveways as noted in the statutory consultations section above.

No amenity of play space has been designed into the scheme, so in accordance with Policy R2 of the Local Plan a condition requiring a sum of monies in lieu of such, to a formula set out in the Local Plan is proposed.

Given the potential wider benefits outlined in the introduction to this section, and the acceptability of the proposals offered, officers support the proposals with appropriate conditions.

RECOMMENDATION

- a) That the application be **APPROVED** subject to the following conditions:
1. T1 Time Limit [Full Approval] 2004.
 2. CL01 Contaminated Land Risk Assessment.
 3. CL02 Approved Method Statement.
 4. CL03 Addendum Method Statement.
 5. CL04 Remediation Report.
 6. Notwithstanding the information annotated onto the submitted plans the material and finish of the proposed private drives must be agreed in writing by the Local Planning Authority before development of the site commences.
 7. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, in accordance with BS 5837:2005 (not the former BS stated on the plans), until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
 8. 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. The scheme must also make provision for, and show full account has been taken of the potential for trees on the northern boundary to affect the structural integrity of the existing retaining wall. 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, 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.

9. 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.
 10. Elevation and sectional details of the proposed retaining wall and steps, to include materials, to the rear of plots 1-12 (inclusive) must be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented in accordance with the said scheme.
 11. The existing retaining wall on the northern boundary must be protected during construction, a survey of its condition submitted to the Local Planning Authority before development commences, with any subsequent repairs or alterations to it submitted to and agreed in writing by the Local Planning Authority before they are implemented.
- b) That authority be given to the serving of a Tree Preservation Order to secure the retention of those existing trees on the site considered to have significant value to the visual amenity of the area.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
City of Durham Local Plan 2004
Advertisement and Site Notices
Statutory Consultation Correspondence
Notes and Papers
Correspondence with Developer and Agent

06/00140/OUT	Durham City Coaches, Brandon Lane, Brandon, Durham
Durham City Coaches	Outline application for Residential Development

SITE AND APPLICATION DESCRIPTION

The application site comprises an existing coach depot within the settlement limits of Brandon. The site is 0.3ha in size and may be classed as brownfield for the purposes of assessing this planning application. There is an industrial building within the site, and the remainder is hard-surfaced. There is a small wooded area surrounding the site beyond which is public open space / recreation land. The site has a roadside frontage onto Brandon Lane.

Outline planning permission is sought for residential development of the site. All matters are reserved for future consideration.

RELEVANT HISTORY

Two previous planning applications have been received in respect of this site and its current use. They are not directly relevant to this application.

POLICIES

Policy H3 of the City of Durham Local Plan states that the development of brownfield sites within the villages for housing will be permitted provided that it is in accordance with other policies contained within the Plan.

Policy Q8 sets out a list of criteria and requirements needed to satisfy the requirements of the Council relating to the quality of new residential development, including transport layout requirements, provision of privacy and amenity space, provision of open space, means of enclosure, retention of appropriate site features, being appropriate in scale form, density and materials to the character of its surroundings and making the most efficient use of the land.

Policy R2 of the Local Plan seeks to achieve recreational and amenity space in new residential development. For smaller sites such as this, where it may be impractical to provide such space within the site, this policy suggests that it may be appropriate for the developer to provide a commuted sum in lieu of recreation space for the provision of off-site facilities.

Policy T1 places a presumption against new development which would have a detrimental impact on highway safety. Policy T10 seeks to limit off-street parking provision in the interests of sustainability.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority have raised no objection to the development of the site for housing subject to the internal road layout and parking provision being acceptable, and provided that adequate visibility splays are provided. These are matters for consideration at reserved matters stage. The Highways Authority also recommends that a 1.8 metre wide footway is incorporated along the whole site frontage. A condition is recommended accordingly.

The Environment Agency have raised no objection to the proposed development and have provided standard advice in respect of general surface water drainage issues.

Northumbrian Water have no objection to the proposed development and have recommended that the developer make early contact with their New Development Team.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : Neighbours have been notified individually in writing of the proposed development and the application has been advertised on site and in the local press. The Parish Council have objected to the application on the grounds that the site has been in industrial use for 30 years and adjoins open countryside and playing fields. Concern is raised about the increase in traffic.

No other objections have been received.

PLANNING CONSIDERATIONS

The main planning considerations are the principle of the development, residential and visual amenity, and highway safety.

The application site is a brownfield site located within the settlement limits of Brandon as identified within the City of Durham Local Plan. As such the development is considered acceptable in principle, provided that the requirements of other policies within the Local Plan can be met.

Policy R2 seeks to achieve recreational and amenity space in new residential developments. For smaller sites such as this, where it may be impractical to provide such space within the site, this policy suggests that it may be appropriate for the developer to provide a commuted sum in lieu of recreation space for the provision or enhancement of off-site facilities. This issue must be dealt with at outline stage, as it is not possible to impose such conditions upon approval of reserved matters. Whilst the number of dwellings is presently unknown, I recommend that a condition is imposed on any outline approval granted that in the event of insufficient space being provided within the site, the developer enters into a legal agreement or unilateral undertaking to provide a commuted sum of £405 per unit towards the provision of off-site recreational facilities.

The nearest residential dwellings to the application site are those to the north (The Riggs). They are separated from the site by Brandon Lane. Whilst new housing on the site will be visible from The Riggs, I consider that the site is of sufficient size so that adequate separation can be achieved and that the privacy and amenity of occupiers of those existing dwellings can be protected. Whilst traffic from the site may be increased, the degree of disturbance created by the existing use (and any future commercial uses) must be taken into consideration. In view of this, and the degree of separation created by Brandon Lane, I consider that the living conditions of occupiers of dwellings at The Riggs would not be adversely affected by the proposed development. Similarly, subject to appropriate siting, occupiers of new dwellings within the site could expect to enjoy reasonable living conditions. The proposed development does not conflict with the requirements of Policy Q8 of the Local Plan on this respect.

The application site is surrounded by open spaces serving a recreational function. The wooded area surrounding the site screens it from the playing fields, footpaths and cricket ground beyond. The wooded area is not located within the site and therefore would continue to screen any residential development of this site. The character of the surrounding area is largely residential and I consider that subject to appropriate scale and design that the residential development of this site would not harm the visual amenity of the surroundings in accordance with policies H3 and Q8 of the Local Plan.

Finally, I consider that the development proposed would not generate a level of traffic that would exceed the capacity of the road network in this location. The County Highway Authority have raised no objection to the proposed development on this basis. Taking into consideration the existing use of this site and the type of vehicles using the existing access, Brandon Lane is adequate to serve the scale of development proposed. Opportunity would be available during the consideration of reserved matters to consider the internal road layout and access details. Subject to this, I consider that the proposed development would not cause material harm to the safety or convenience of road users or pedestrians and that the application does not conflict with policies contained within the Local Plan in this respect.

In conclusion, the proposed development would not result in adverse effects upon the surroundings, and the residential amenity of occupiers of nearby dwellings would be protected. The proposal would not be detrimental to highway safety. Consequently the proposal is considered to be acceptable in principle, subject to the conditions listed below.

RECOMMENDATION

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

1. T2 Time Limit [Outline Approval] 2004.
2. Unless otherwise first agreed in writing by the Local Planning Authority, should the reserved matters application subsequent to this planning permission result in the development of ten or more units, the development shall not commence until a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (or any subsequent amendment of that 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.
3. Notwithstanding the information shown on the submitted application, no development shall commence until a 1.8 metre wide footpath is provided along the northern boundary of the site, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans

City of Durham Local Plan 2004

Responses from:

County Highway Authority

Northumbrian Water

Environment Agency

Brandon & Byshottles Parish Council

Various File Notes and Correspondence

<p>06/00195/FPA</p> <p>Anderson & Young Coachworks Ltd</p>	<p>Anderson & Young Coachworks, Old Station Yard, Langley Park, Durham</p> <p>Erection of 12 no. dwellings with associated garages</p>
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SITE AND APPLICATION DESCRIPTION

Anderson and Young Coachworks operates from buildings located at the former station yard to the east of Langley Park.

Wallnook Lane lies to the north, along land off which, are located a number of private houses. Open countryside lies to the east, south, and west of the coachworks.

Between Wallnook Lane and the site runs a public walkway that follows the route of the former railway line. Access to the coachworks for vehicles is taken from Wallnook Lane and across the walkway to the north east of the site.

Planning permission is being sought for the erection of 12 dwellings to replace the coachworks. The buildings would be designed and constructed in such a way as to have the appearance of a farm steading. A hierarchy of building sizes and types would stand along each side of a central and informal access road, devoid of accompanying footpaths but with grassed margins.

Entrance into this linea site from the east would lead to passage through a facsimile 'farmyard', reinforced by the presence of principal farm houses and a traditional yard surface treatment. Continuing westwards, the buildings would take the form of agricultural conversions and cottages, in both terraced and detached configuration.

A turning head at the western extremity of the site would incorporate the public footpath that runs south from Wallnook Lane and then cuts in a south westerly direction towards Langley Park.

All the proposed dwellings would be designed in a rustic manner with local vernacular references. Materials would include slate, sandstone rubble, brick, and render. Each unit would have private garden space, parking or garaging, arranged in a manner appropriate to a traditional agricultural steading.

Vehicular access to the site would continue to be taken from Wallnook Lane in the manner currently enjoyed by the coachworks.

RELEVANT HISTORY

An outline planning application seeking the establishment and acceptability of the principle of housing on this site was refused in 2002 on the grounds that such development constituted unjustifiable housing in the countryside, contrary to national, regional, and local planning policies.

Subsequently a full planning application for 14 dwellings was refused in 2004 on grounds similar to those leading to the 2002 refusal.

Later in 2004 a third application was lodged, this time for 13 detached dwellings on the site of the coachworks. This too was rejected, the refusal reasons cited being:-

1. The proposal, by virtue of the application site's location outside any established settlement boundary, would constitute unjustified new housing in the countryside. Such development would be in conflict with Government advice contained within PPG3, PPG7, and PPG13; Durham County Structure Plan Policies 4, 9 and 14; and Adopted City of Durham Local Plan 1988 Policy C10, and Revised Deposit Draft City of Durham Local Plan (incorporating Inspector Changes and Modifications) 2003 Policy 5.
2. The proposed development, by virtue of its suburban form and design, and absence of reference to rural character and local vernacular, would adversely impact upon the appearance and character of the countryside, in conflict with Revised Deposit Draft City of Durham Local Plan (incorporating Inspector Changes and Modifications) 2003 Policy Q8.

The applicants subsequently appealed against this decision by the City Council. In her report, the appointed Planning Inspector upheld ground 2 of the refusal notice, agreeing that the form and design of the proposed development was inappropriate to its rural setting. However, she did not agree with the rejection of the principle of the site's redevelopment for housing, and she stated:

"I conclude that the combined benefits of a removal of a 'bad neighbour' use, improved overall site appearance, and compliance with PPG3 sustainability objections, outweigh the objection to the proposal in respect of development plan countryside SP (Structure Plan) 4, 9, and 14, and LP (Local Plan) Policy H5."

POLICIES

Government advice in respect of new housing, as contained within PPG3, encourages new development to take place within existing settlements. There is an acknowledgement that on occasion some housing may have to be built outside settlements, but this is dependent upon housing land supply within the area. Where housing takes place outside settlements there must be good links with shops and employment, while PPG13 requires good public transport availability to reduce reliance on the private car.

PPS3 is emerging to replace PPG3 but is based upon the same principles.

PPG 7 contains Government policy in regard to rural areas and the countryside with, amongst other things, the expressed aim of respecting the character of the countryside and achieving good quality development.

County Structure Plan Policy 4 emphasises that, wherever possible, new development should be accommodated within the physical framework of towns and villages, and that the countryside should be protected from development which does not need to be there.

Policy 14 states that new housing should only be allowed in the countryside where there is an essential full time agricultural or forestry employment justification.

Policy 7 identifies the housing land allocation requirement for Durham City.

Policy 9 states that, when identifying locations for new housing, priority should be given to the redevelopment of derelict or redundant sites.

Policy H5 of the City of Durham Local Plan 2004 resists non-essential new housing in the countryside.

Policy Q8 sets our acceptable design criteria for new residential development.

Policy R2 requires developments of more than 10 units to provide on site amenity/play space or a commuted sum in lieu of such.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority agrees to access being taken from Wallnook Lane to the site provided that the link between the land and the site itself is brought up to adoptable standard.

There has been no response from Derwentside District Council as the adjoining Local Planning Authority.

The layout of the site and parking provision is accepted, provided that the right of way via public footpath across the western turning head is maintained.

The Environment Agency has drawn attention to the likely contaminated nature of the site, given its previous uses, and states that this must be addressed. There is also a concern regarding potential pollution to controlled waters, with the River Brownley lying within 50 metres of the site boundary to the north beyond Wallnook Lane. This too should be addressed, it is stated, by a risk management strategy.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : A neighbouring resident has expressed concern about traffic associated with this proposal crossing the Lanchester Valley walkway, which uses the former railway line, to gain access to the site on safety grounds. Whilst it is accepted that commercial traffic associated with the coachworks currently gains access across the walkway, this is said to occur mainly during the week when usage of the walkway is not high.

Residential traffic movement would, it is said, occur also at weekends when usage of the walkway is at its highest.

A letter of objection has been received from the occupant of Station House who is concerned about the impact of plots 1 & 4 on his privacy.

A number of residents forming the Wallnook Residents Association have stated their support for the scheme.

Esh Parish Council have expressed reservations relative to the development and its impact upon the walkway and footpaths/recreation links.

PLANNING CONSIDERATIONS

In recent years the City Council has maintained steady and consistent opposition to the redevelopment of this site for housing due to its countryside location and subsequent conflict with long established and widely recognised planning policies aimed at protecting such areas from inappropriate development.

However, in view of a recent Inspector opinion that the benefits of replacing a 'bad neighbour' coachworks with sensitively designed housing outweigh policy objections, I am obliged to reconsider my advice to Members in this regard.

In recent years the coachworks has given little cause for concern in regard to adverse impact upon neighbours. However, previously, complaints were received and dealt with by both my enforcement staff and Environmental Health officers. Therefore, as the Inspector has observed, there is the potential for bad neighbourliness to occur, a prospect compounded by the fact that other industrial activities within the same planning land use class could

theoretically replace the coachworks without necessarily the need for any further planning consents.

I must further acknowledge the truth in the Inspector's conclusion that housing, in the right form, offers an opportunity to significantly improve the appearance of the site. Accordingly, I now consider there to be compelling and site specific reasons to set aside the countryside related policy objections to the residential redevelopment of this site.

The layout and design of the housing has been carefully and sensitively considered, and the result is a development of agricultural and rural appearance appropriate to a countryside location.

The impression that the group of buildings has grown over time in an organic manner results from an attention to detail, some appearing as purpose-built dwellings whilst other appear as conversion of agricultural units. This is in stark contrast to suburban and alien forms of the previously rejected proposal.

Therefore, on the clear understanding that this would not set any precedent for further housing in the countryside, unless equally exceptional circumstances can be demonstrated, I am able to support this application subject to appropriate conditions.

I have taken into account the neighbour concerns regarding traffic flow across the public walkway associated with residential development, but must give due weight to the Highway Authority's acceptance of the proposals. However, I have added a requirement for warning signage to the Highway Authority's requested planning condition.

I have also considered concerns expressed by the gentleman living at Station House. Plots 1 & 4 would stand close to Station House, but ground floor windows would be protected by an existing hedge, and first floor window distances measure 21.2 metres. Accordingly, I do not consider privacy to be compromised.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. TL1 Time Limit (Full Approval)
2. DT4 External Materials
3. DT5 Materials Sample
4. DT8 Enclosure (Details to be Agreed)
5. DT10 Hardstanding/Surface Materials
6. DT12 Windows in Reveal
7. DT16 Dry Pointed Verges
8. DT18 Schedule of Joinery Details
9. DT23 Drainage Scheme
10. PD1 Removal of PD (Garages)
11. PD2 Removal of PD (Outbuildings)

12. PD3 Removal of PD (Fences/Gates/Walls)
13. PD4 Removal of PD (Extensions)
14. LA2 Landscaping Scheme (Full/Reserved Matter)
15. CL01 Contaminated Land Risk Assessment
16. CL02 Approved Method Statement
17. CL03 Addendum Method Statement
18. CL04 Remediation Report
19. No dwelling hereby approved shall be occupied until a road built to adoptable standards has been constructed between Wallnook Lane and the new development, and until a scheme of warning signs protecting those using the public walkway crossed by the access road is implemented, after first being agreed in writing by the local Planning Authority.
20. The development permitted by this permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)-(a)-(d) of the Town & Country Planning Act 1990 in relation to 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, Drawings and Supported Planning Statement
PPG's 3, 7, and 13
PPS 3 (Consultation Draft)
Appeal Decision Letter relative to 2004 Applications
Durham County Structure Plan 1999
City of Durham Local Plan 2004
Statutory & Public Consultation Responses

<p>06/00221/FPA</p> <p>Durham City Council</p>	<p>Abbey Sports Centre, Abbey Road, Pity Me, Durham</p> <p>Construction of outdoor skate park and multi-purpose sports pitch</p>
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SITE AND APPLICATION DESCRIPTION

The application relates to land to the South of the main building at the Abbey Sports Centre. The vehicular access to the sports centre is taken from Ryelands Way and runs around the building, continuing on to the Indoor Bowling Club to the East. The sports centre is bordered to the West by its car park. An existing skatepark is located to the East of the building, beyond which there is open grassland. Residential properties in Kira Drive and Ryelands Way are located to the North of the sports centre. Houses on Bolton Close and Finchale Road are located on the opposite side of the road to the South.

Planning approval has recently been granted for a new community centre and a bowling green on land to the East and South East of the sports centre. The implementation of these works will necessitate the relocation of the existing skatepark.

This application proposes to create a new skatepark on land to the South of the sports centre. The skatepark would include some of the same equipment from the existing skatepark but there would also be some further equipment including a 1.8 metre high concrete bowl. The proposals also include the creation of a new multipurpose sports pitch between the sports centre building and the skatepark. There would be metal palisade perimeter fencing around the new facilities and a footpath link to the front of the sports centre.

RELEVANT HISTORY

The existing skateboard park was granted planning permission in March 2003. Planning permission was granted in March of this year for the erection of the new community centre and the bowling green.

POLICIES

Government advice contained within Planning Policy Guidance Note 17 seeks to safeguard playing fields and to ensure an adequate supply of quality pitches to satisfy both current and estimated future demand within the area.

Policy R6 states that the development of further leisure / sports facilities at Abbey Sports Centre will be permitted provided that any intensification in usage will not adversely affect residential amenity or result in vehicular parking problems in the vicinity of the centre; and the appearance and use of the development will not be detrimental to the character of the area.

Policy R8 states that the location of any new recreational facility will be dependent upon the need to ensure that its appearance is not detrimental to the character and amenity of the area; and it is accessible for public transport, cyclists and pedestrians; and satisfactory car parking can be provided.

Policy H13 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 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 states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy U8a 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 have no objections to the application.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : A number of written representations have been received including petitions of opposition to the proposal.

Concerns are expressed that the new skatepark would be much larger and closer to the houses on Finchale Road and that the development would be detrimental to the amenities of themselves and other residents in the vicinity.

It is noted that Finchale Road is busy and as such a safety risk would be posed to children gaining access to the facilities. The loss of a landscaped area to accommodate the fenced skatepark is also of great concern. Additionally, it is thought that there would be a greater risk of noise and anti-social behaviour in the area because there would be 24-hour access to the facilities and no security cameras. The potential for increased numbers of people to visit the site from Newton Hall and the resulting impact for neighbouring residents is also cited. A more suitable location is suggested.

PLANNING CONSIDERATIONS

In principle, the formation of a skatepark and multi-purpose sports pitch within an area already dedicated to recreation is acceptable. Indeed, there is an existing skatepark adjacent to the sports centre. It is necessary to find a new position for the skatepark now because of the proposal to build the new community centre on that site.

The skatepark and sports pitch would be well related to the local area which they would serve. The combination of the new facilities next to the existing sports centre is logical and is consistent with the Council's concept of developing fully flexible linked centres for both outdoor and indoor recreational activities, referred to in Policy R6 of the City of Durham Local Plan 2004.

The facilities, proposed in an area dedicated to recreation, would be visually appropriate to the character of the area. Properties on Finchale Road and Bolton Close look out over the site but there is some existing planting close to the boundary of the recreation field with Finchale Road. Although this planting is not dense, it does help to soften the visual impacts of the sports centre facilities. However, in view of the new developments that are proposed, Officers consider that it would be appropriate to require further planting to help screen some of the visual impacts of the new facilities. A suitable landscaping condition can therefore ensure that the developments are not visually intrusive to local residences.

Residences in the Rosemount area are located further away, and the existing sports centre building and the new community centre would screen many of the visual impacts of the developments from those houses. Therefore, the proposals would be visually compatible with their surroundings, in accordance with Policies R6 and R8.

Given the distances across the road to the nearest residences and the proposed additional screening, Officers do not consider that the amenities of nearby residents would be harmed by way of noise or disturbance. The perception of anti-social behaviour is not sufficient to warrant refusal of the application. Overlooking from the viewing platform around the 1.8 metre high concrete bowl would be mitigated by the screening and the high position of the fence on the embankment around the bowl. This is demonstrated on a sectional drawing which has been submitted. The developments would not, therefore, cause demonstrable harm to the amenities of nearby residents and the proposals are therefore consistent with Policies C8, R6, R8 and H13 in this regard. Indeed, the proposed facilities would be to the benefit of local residents by offering new and improved recreational opportunities.

The developments are capable of being accessed by a number of different modes of transport. The site is within walking distance of much of Newton Hall and Rosemount and there are good pedestrian links to the site. There are also bus stops in close proximity. Adequate parking is available at the sports centre. The County Highway Authority have confirmed that they have no highway safety related objections to the application. The development therefore accords with the relevant provisions of Policies T1, T10, R6 and R8 relating to access, traffic and highway safety.

In conclusion, Officers consider that this proposal would provide flexible new facilities that would be consistent with the Council's concept of developing fully flexible linked centres for both outdoor and indoor recreational activities. The proposals would provide an enhanced recreational opportunity for local residents. The designs of the facilities are appropriate to the local area. The developments would not cause demonstrable harm to the amenities of local residents. The parking and access arrangements are acceptable. The proposal is therefore consistent with the relevant policies of the Local Plan and Officers offer their support, subject to appropriate conditions.

RECOMMENDATION

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

1. T1 Time Limit [Full Approval] 2004
2. DT8 Enclosure (Details to be Agreed)
3. DT23 Drainage Scheme
4. LA2 Landscaping Scheme (Full/Reserved Matter)
5. Notwithstanding the information shown on the submitted plans, precise details of the skatepark equipment shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved details.
6. Notwithstanding the information shown on the submitted plans, details of the surface treatment of the skatepark and the multipurpose sports pitch shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans

City of Durham Local Plan 2004
Previous Application Reference 4/05/1130
Previous Application Reference 4/02/950
Planning Policy Guidance Note 17
Response from County Highway Authority
Public Consultation Responses
Various File Notes and Correspondence

<p>06/00226/OUT</p> <p>Vestbrowm Ltd</p>	<p>Land adjoining 11 Parkfield, Parkhill, Coxhoe, Durham</p> <p>Outline application for residential development consisting of 1 no. dwellinghouse.</p>
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SITE AND APPLICATION DESCRIPTION

The application site lies to the north - west of Parkfield, a row of relatively modern semi-detached dwellings constructed in the mid-late 1990s. Currently it is grassed, and contains several small saplings.

Outline planning permission is sought for the erection of 1 no. dwelling. A commuted sum is offered in respect of off-site community facilities.

RELEVANT HISTORY

Planning permission was granted on 20th November 1995 for the erection of 11 dwellings south east of the site (reference 4/1995/668, numbers 1-11 Parkfield).

Discussions ensued in respect of a landscaping scheme proposed to the rear of the site. This was not enforceable as it was outside of the application site and not in the applicant's ownership. Following difficulties in respect of a license to use the land for landscaping, the applicant chose not to landscape this area and instead an agreement was reached with the City Council to landscape land to the west (the current site) in lieu of the aforementioned scheme.

POLICIES

Policy H3 of the City of Durham Local Plan states that the development of brownfield sites within the villages for housing will be permitted provided that it is in accordance with other policies contained within the Plan. Exceptionally, the development of small greenfield sites may be in accordance with this policy where they relate to a specific list of coalfield villages most in need of regeneration, and where there are quantifiable regeneration benefits. Parkhill is not included within the list of villages identified for regeneration.

Policy Q8 sets out a list of criteria and requirements needed to satisfy the requirements of the Council relating to the quality of new residential development, including transport layout requirements, provision of privacy and amenity space, provision of open space, means of enclosure, retention of appropriate site features, being appropriate in scale form, density and materials to the character of its surroundings and making the most efficient use of the land.

Policy H13 of the Local Plan seeks to protect the character and appearance of residential areas.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority have raised no objection to the proposed development.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : Neighbours have been notified individually in writing of the proposed development and the application has been advertised on site. At the time of writing this report, one objection was received from the Parish Council.

The Parish Council consider that the development is piecemeal and consequently out of character with the surroundings. Concern is also raised that access to the playing area would be restricted highlighting safety issues.

Any additional representation received prior to the Committee but after this date will be reported verbally.

PLANNING CONSIDERATIONS

The main planning issue is the principle of the development. Other material considerations include visual amenity and the loss of landscaping, surveillance in respect of the play area to the west of the site, highway safety, and residential amenity.

The application site is a greenfield site within the settlement limits of Parkhill as identified within the City of Durham Local Plan. This policy states that the development of greenfield sites within the coalfield villages listed in the latter part of the policy may be acceptable where there are quantifiable regeneration benefits.

Parkhill has not been included in Policy H3 within the list of villages most in need of regeneration. However, there is no question that Parkhill is a coalfield village in some need of regeneration, and in terms of its origins and location shares many similarities with neighbouring Coxhoe and Bowburn. Case law suggests to us that consideration should be given to the intention of policies within the Local Plan, as well as their literal interpretation. It is therefore considered that provided that there are regeneration benefits in respect of the proposal, the proposed development does not conflict with the overall aims of Policy H3 of the Local Plan.

In respect of the regeneration benefits of the proposal, the applicant has provided a unilateral undertaking to offer a commuted sum in order to fund a community facility through the Parkhill Community Association. This would appear to meet the tests of Policy H3 in that it is a 'quantifiable regeneration benefit'. It should be noted that whilst this is considered acceptable in this instance due to the circumstances of this case, any future proposals for other sites would be judged on their own merits and this therefore gives rise to a requirement for further clarification in respect of the mechanisms involved in Policy H3.

The site lies within a residential area, and shares a close relationship with number 11 Parkfield. It is separate from the neighbouring area of open space and visually distinct in character. Whilst the area has been planted, the planting does not contribute significantly to the amenity of the street scene and the land is fenced off and in private ownership. It is my view that there are more significant and visually dominant areas of structural landscaping in the immediate locality and that a dwelling in this location would appear as a continuation of the built development of Parkfield and the adjacent houses on Park Avenue. For these reasons, the development proposed would not materially harm the visual amenity of the street scene.

The site presently allows views of the play area to the west from neighbouring dwellings. However, in terms of surveillance, it is only visible by a small number of dwellings. The play area is well overlooked from the rear of dwellings on Parkfield and Park Avenue and this would remain the case. An access to the play area would be retained. It should be noted that the applicant could erect a 2m high timber fence to the west boundary of the site without the need for planning permission. This is therefore a consideration that cannot be afforded significant weight in the determination of this proposal.

The County Highway Authority have raised no objections to the proposal and I consider that the development would not harm the safety or convenience of road users or pedestrians. The

site has a roadside frontage, and its access could adequately serve the development proposed.

Policy Q8 requires adequate separation between new houses and existing dwellings. These separation standards can be achieved within the site and the amenity of occupiers of existing neighbouring dwellings would therefore be protected. The small windows of number 11 Parkfield which face the site are considered to be secondary and relate to non-habitable rooms. The situation proposed is repeated down the street. Occupiers of a new dwelling on the site would also enjoy adequate levels of amenity.

To conclude, it is considered that the proposal meets the intentions of policies contained within the Local Plan and is broadly acceptable in principle. Subject to the appropriate design and agreement of siting, the visual amenity of the street scene would not be adversely affected and the living conditions of occupiers of neighbouring dwellings would be protected. For the above reasons, the development is considered to be in accordance with the City of Durham Local Plan.

RECOMMENDATION

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

1. T2 Time Limit [Outline Approval] 2004
2. Unless otherwise agreed in writing by the local planning authority, and in accordance with information submitted, no development shall commence without prior compliance with the submitted unilateral undertaking (date) which forms part of this permission.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
Unilateral Undertaking on Behalf of Applicant
City of Durham Local Plan 2004
Responses from County Highway Authority
Public Consultation Responses
Various File Notes and Correspondence

<p>06/00238/FPA</p> <p>Head of Environment & Leisure Services</p>	<p>Belmont Recreation Ground, Sunderland Road, Gilesgate Moor, Durham</p> <p>Construction of Outdoor Skatepark</p>
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SITE AND APPLICATION DESCRIPTION

This part of the Belmont Recreation Ground is owned by Belmont Parish Council, who operate from the community centre adjacent to the recreation field. The recreation area as a whole is well used by residents, and includes facilities such as sports pitches, a children's play area and a BMX track. Residential properties lie beyond the large recreation field to the West of the community centre. To the East of the field, beyond Sunderland Road, lies Bannatyne Health & Squash Club with properties on Eden Terrace beyond the health club.

The application seeks approval for the formation of a skatepark on land to the North East of the community centre near to the planting belt along Sunderland Road. The facility would measure 23 metres by 15 metres in area. It would run parallel with the footpath around the perimeter of the playing field. The skatepark would incorporate a 2.4 metre deep bowl at the top of the slope, connecting into a smaller 1.2 metre deep bowl at the lower end of the slope.

RELEVANT HISTORY

Planning permission was approved in September 2003 for the construction of a skatepark on land at the recreation ground, but the consent has not been implemented. The current application has been submitted because the design proposed now differs from that which was approved. The successful application in 2003 followed a submission earlier in the same year for a skatepark on the site of a children's play area which was withdrawn to allow consideration of other sites following local objections.

POLICIES

Government advice contained within Planning Policy Guidance Note 17 seeks to safeguard playing fields and to ensure an adequate supply of quality pitches to satisfy both current and estimated future demand within the area.

Policy R8 states that the location of any new recreational facility will be dependent upon the need to ensure that its appearance is not detrimental to the character and amenity of the area; and it is accessible for public transport, cyclists and pedestrians; and satisfactory car parking can be provided.

Policy H13 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 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 states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy U8a 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 have no objections.

Sport England have also raised no objection.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : No written representations had been received when this report had been completed. Any representations which are received will be reported verbally to the Committee.

PLANNING CONSIDERATIONS

In principle, the formation of a skatepark within an area already dedicated to recreation is acceptable. Indeed, there is an existing planning permission for a skatepark at the recreation field. However, the design of the skatepark has changed necessitating a new application.

The skatepark would be well related to the local area which it would provide for. Additionally, the combination of the new recreational facility close to the existing community centre and recreation facilities is logical and assists in delivering a fully flexible linked centre for both outdoor and indoor recreational activities.

The facility, located in an area dedicated to recreation, would be visually appropriate to its surroundings. Substantial existing planting by Sunderland Road would screen the development from the main road. The facility would be located a generous distance away from dwellings to the west of the community centre, with well over 150 metres separating the proposal from those properties. The skatepark would not, therefore, be visually intrusive to nearby residences. The appearance of the proposal is therefore compatible with its surroundings in accordance with Policy R8 of the City of Durham Local Plan 2004.

Given the position of the proposed skatepark and its relationship with nearby residential dwellings, Officers do not consider that the development would give rise to unacceptable noise and disturbance. The nearest residential dwellings, on Eden Terrace, lie over 70 metres away. Additionally, there is substantial existing screening, two roads and a health club in between the proposal and these houses. The development would not, therefore, harm the amenities of nearby residents and so it is consistent with the aims of Policies R8 and H13 in this respect.

The site is accessible by various different means. Adequate parking is available at the community centre and the site is also within walking distance of a large well-established residential area. There are also public transport links closeby, with a bus stop located adjacent to the site on Sunderland Road. The County Highway Authority have confirmed that they have no highway safety related objections to the application. The development therefore accords with the relevant provisions of Policies T1, T10 and R8 relating to accessibility, traffic and highway safety.

In conclusion, Officers consider that the development would provide a real recreational benefit to the area, and an addition to an existing and well-established leisure facility. Accordingly, Officers are able to offer the application their support.

RECOMMENDATION

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

1. T1 Time Limit [Full Approval] 2004
2. DT8 Enclosure (Details to be Agreed)
3. DT23 Drainage Scheme
4. Notwithstanding the information shown on the submitted plans, precise details of the skatepark equipment shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved details.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
City of Durham Local Plan 2004
Previous Skatepark Application Reference 4/03/107
Previous Skatepark Application Reference 4/03/787
Planning Policy Guidance Note 17
Statutory Consultation Responses
Various Internal Memoranda