

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

24th January 2007

REPORT OF THE HEAD OF PLANNING SERVICES

1. Reports for Information

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

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

- a) Appeal by Mr S Hackworth
Site at 20 Litchfield Road, Newton Hall, Durham, DH1 5QN
- b) Appeal by Mr G Brown
Site at 10 St Lawrence Road, High Pittington, Durham, DH6 1BA
- c) Appeal by Melorform Holdings Limited
Site at Builders Yard, land to rear of Providence Place, Gillesgate Moor, Durham

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

- a) Appeal by J D Seymour & R Hetherington
Site at 1 Grove Cottages, Coxhoe, Durham, DH6 4EQ
- b) Appeal by Mr & Mrs Rutherford
Site at Low Raisby Farmhouse, Kelloe, Durham, DH6 4PW
- c) Appeal by Mr S Carr
Site at 14 Scardale Way, Belmont, Durham, DH1 2TX
- d) Appeal by Utopian (One) Limited
Site at Unit 3, Walkergate, Durham, DH1 1SQ
- e) Appeal by Mr J Tipling
Site at Old Hall Farm, Sleetburn Lane, Langley Moor, Durham, DH7 8LQ

1.3 Planning Applications – Determined under Plenary Powers

1.4 Building Control Applications – Determined under Plenary Powers

1.5 Management Information

- a) Quarterly Reports – Building Control Local Performance Indicators

2. Decisions made by the County Council

Application No:	CM4/06/1013
Applicant:	Durham County Council
Location:	Durham Johnston Comprehensive School, Red Hills Lane, Durham, DH1 4SU
Proposal:	Enabling works in association with proposed new school including access roads, temporary buildings, storage containers, playground and car park.

The above application was considered by the City Council under delegated powers on 31 October 2006 when it was resolved to offer no objection.

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. 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
ITEM NO. 1			
06/00975/FPA Mr D Coleman	Land at Whitefriars to the rear of Chartwell, Hallgarth View, High Pittington, Durham	Erection of detached dwellinghouse & garage	Approve
ITEM NO. 2			
06/00993/FPA Mr J Penny	Land rear of Glens Flats, High Pittington, Durham	Erection of two storey pitched roof dwellinghouse with roof accommodation and erection of detached triple garage and alterations to route of public right of way (revised & resubmitted proposal)	Approve
ITEM NO. 3			
06/01010/FPA Emmanuel Church (The Durham Centre)	Formerly Esschem Europe, Unit 2, Belmont Industrial Estate, Belmont, Durham, DH1 1TN	Change of use, extension & alterations to building to create business centre containing offices and conferencing facilities, including 330/350 seat auditorium, also to be used for church service on a weekly basis	Refuse
ITEM NO. 4			
06/01070/FPA Kensington Associates	The Winnings, Esh Road, Ushaw Moor, Durham, DH7 7PT	Demolition of former club and erection of 12 no. apartments and 6 no. terraced houses with associated parking area	Refuse
ITEM NO. 5			
06/01092/FPA Durham Village Regeneration	Land at Lynn Crescent / Front Street, Cassop, Durham	Erection of 21 dwellings and associated garages, roads and footpaths and 15 replacement garages, including closure of existing road (amended description and amended plans)	Approve

ITEM NO. 1

06/00975/FPA Mr D Coleman	Land at Whitefriars to the rear of Chartwell, Hallgarth View, High Pittington, Durham Erection of detached dwelling house and garage
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SITE AND APPLICATION DESCRIPTION

The application site relates to land at the rear of 'Chartwell' in High Pittington. 'Chartwell' is a large detached dwelling constructed in recent years next to the crossroads in the centre of the village. The application site forms part of the approved garden area for that house although it has never been used as such. The rear of residential properties at Glens Flats are situated opposite the site to the North. The School playing field is located to the South of the site. The applicant wishes to erect a detached dwelling and a garage on the site. The dwelling would have accommodation on three storeys, the upper level being lit by dormer windows.

RELEVANT HISTORY

Planning permission was granted for 'Chartwell', the dwelling constructed at the crossroads, in September 2003 (Our Ref: 4/03/831/FPA). Permission for a dwelling on the current application site, involving alterations to the public footpath, was refused in December 2004 (4/04/1153/FPA). A revised scheme involving the erection of a detached dwellinghouse and garage and the formation of public footpath was approved in April 2005 (4/05/203/FPA). This permission has not yet been implemented. The applicant has explained that the current revised proposal has come about because he considers that the footpath shown on the approved scheme is superfluous. The house has now been slightly re-sited and a path has been created within the site from the garage to the house. However, the design of the dwelling is the same as the approved house.

A revised application for a dwelling and garage involving alterations to the footpath on an adjacent site to the West is being presented to the Committee at the same time as this application.

POLICIES

Planning Policy Statement 3 (Housing) underpins the delivery of the Government's strategic housing policy objectives to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. Explanations of affordable housing policy and an emphasis on the re-use of urban land and buildings are included. The creation of sustainable residential environments is also explored, highlighting the role of public transport provision, making the best use of land and the approach to any necessary greenfield development.

Policy H3 of the City of Durham Local Plan 2004 sets out that the development of previously developed land will be permitted within the settlement boundaries of villages provided that schemes are appropriate in scale, design, location and number of units to the character of the settlement and do not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlement's character. The limited development of greenfield sites of less than 10 units and under 0.33 hectares in size will be permitted in the coalfield villages most in need of regeneration provided that; there are clear, quantifiable regeneration benefits that will be achieved through the development of small greenfield sites; and these regeneration benefits could not be achieved through the development of previously developed land or conversions of existing buildings.

Policy H10 resists the development of backland sites unless a safe and satisfactory access and adequate parking can be provided; the amenities of both new and existing dwellings would not be adversely affected, and; the development is in keeping with the character, density and scale of surrounding or adjacent development.

Policy Q8 sets out the Council's standards for new residential development. Amongst other things, new residential development should be appropriate in scale, form, density, materials and character to its surroundings, whilst respecting the privacy and amenity of nearby and adjacent residents.

Policy T1 states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property. Policies Q1 and Q2 state that the layout and design of all new development should take into account the requirements of all users.

Policy T10 seeks to limit the amount of vehicle parking off the public highway in new development so as to promote sustainable transport choices and reduce the land-take of development.

Policy R11 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 route is found; the proposal accords with Policy T21.

Policy T21 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; and that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development that 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.

Policy U8a requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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 traffic and highway implications of the development. The current vehicular access will be adequate for the main access to Chartwell, this development and the proposed dwelling to the rear of Glens Flats together with the rear servicing of Glens Flats.

Northumbrian Water have made standard comments on foul and surface water discharges and connections to sewers. However, they have objected to the scheme on the basis that it would involve development within 3 metres of a public sewer, commenting that diversion may be possible at full cost to the applicant. Northumbrian Water had no objections to the previously approved application for development on the site.

The County Council's Rights of Way Officer needs need to be fully satisfied that footpath 23 is adequately catered for and that public amenity will not be adversely affected by any proposed development. The Rights of Way Officer has noted that the amended plan supplied assumes the width of the path to be 3 metres. He agrees that this width corresponds with the functional width of this section of footpath 23. However, the plan shows the definitive line of footpath 23 in relation to the site curtilage only up to the point where it

merges with the private access road serving the rear of Glens Flats. The Rights of Way Officer agrees that the curtilage of the proposed dwelling does not infringe upon the footpath up to this point, but the plan does not clearly show how footpath 23 would link with the realigned section of path between Chartwell and the school playing field.

The Rights of Way Officer considers that footpath 23 emerges from the rear of the garage serving Chartwell to follow a diagonal route in a North Westerly direction across land which would be occupied by the proposed double garage serving Whitefriars, to the point where the path merges with the private access road. In view of this, a further plan showing clearly how footpath 23 would be accommodated is required. This plan should include details of the proposed width and surfacing materials, between the point where the path merges with the private access road and the realigned section to the rear of the garage serving Chartwell. This information will also enable the Rights of Way Officer to ascertain whether a Diversion Order under section 257 of the Town and Country Planning Act 1990 would be necessary.

Concerns have been raised by the applicant regarding the route of the path shown on the application for the adjacent site. However, the Rights of Way Officer has commented that the altered route of the path shown on that application would appear to link with the definitive route of the path abutting the Northern curtilage of this application site.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : Pittington Parish Council offer no objections.

The Ramblers Association consider that the plan conflicts with Policy T21 of the Local Plan. The applicant's comments on the actual route of the right of way are considered to be inaccurate. It is thought that the existing path actually crosses through the site and that it is wider than thought. There are concerns about whether the alternative route is suitable and it is requested that the proposed route of the actual footpath 23 is clarified on the plans. Additionally, an order under Section 257 of the Town and County Planning Act 1990 to divert or close the existing path would be necessary. The Ramblers Association would be likely to object to that diversion. There are also discrepancies between the plans for this site and the proposed development on the adjacent land. It is highlighted that contrary to details on the original plans, the access road is not actually a right of way or an adopted highway and could be closed without legal process.

A letter has been received from the applicant for the adjacent site. He considers that the definitive map shows that the right of way runs through the application site, with the remaining part running through land in his own ownership. The writer would prefer an amicable agreement between the two parties so that matters can be progressed. Plans to show the land owned by both parties have been provided.

The agent for the applicant on the adjacent site is concerned that the applicant here is attempting to remove himself from any liabilities that he might have in respect of the right of way, which is considered to run through the application site. The writer contends that the developer of the adjacent site has taken account of his responsibilities in this matter and expects the applicant for this site to do the same.

The residents of a nearby property have two written letters of objection to this proposal. The writers are concerned about the proposed alterations to the footpath. The re-routing of the path through an unlit and narrow path between two garages onto a tarmac road for vehicles with no pavements is considered to be inadequate and would create a 'rat-run' around the development. The writers consider that the development should be refused permission for the same reasons that were given for the rejection of the previous scheme on the adjacent site. The first of these reasons would be that the dwelling would not be in keeping with surrounding development due to its location, scale, character and design. The second reason for refusal would be that the proposed diversion and alterations to the right of way would detract from its character and amenity value and the character of the area, and

increase the risk to personal safety for members of the public. Additionally, it is considered that the path has been blocked and blighted by earth deposited on the site during the construction of Chartwell and the alterations to the access road.

PLANNING CONSIDERATIONS

The site lies within the settlement boundary of the village where new residential development can often be considered acceptable. Whilst it has never been formally incorporated as such, the site forms part of the approved site for the dwelling 'Chartwell'.

Nevertheless, this is a backland site, which would normally be resisted under Policy H10 of the Local Plan unless a safe and satisfactory access and adequate parking can be provided; the amenities of both new and existing dwellings would not be adversely affected, and; the development is in keeping with the character, density and scale of surrounding or adjacent development. In addition, the impacts of the development upon the public right of way must be considered.

The development is acceptable in terms of the access and parking implications. The County Highway Authority have no objections to the traffic and highway implications of the development. The current vehicular access would be adequate for the main access to Chartwell, this development and the proposed dwelling to the rear of Glens Flats together with the rear servicing of Glens Flats. Officers do not consider that the development and the proposed house on the adjacent site would generate levels of traffic that would have significant adverse impacts upon highway safety in the area or residential amenity. The development would have a satisfactory level of parking provision.

With regards to residential amenity, it is considered that the siting of the dwelling would meet the minimum facing distance requirements, as set out under Policy Q8 of the Local Plan. Therefore, the dwelling would not unacceptably overlook or dominate nearby properties. No other demonstrable harm would be caused to residential amenities. The site is compromised by its shape, but the level of amenity space that would be afforded to the occupants of the proposed house would be acceptable.

The design of the house is also compromised by the constraints of the site but the development would not detract from the character of the area. It is also relevant to note that the design of the house is the same as that approved under the existing planning approval for the site. The site is within private ownership and it has previously been approved as part of the area associated with the dwelling 'Chartwell', so it is not considered that the development could be resisted on the grounds that the site forms an important amenity space for local residents.

The main impact upon public amenity would arise from the impacts upon the public right of way. The footpath is a well-used and important amenity. Although it is part of a wider network, the path also offers an important link into the Priors Grange estate from the centre of the village. The impacts of this development upon the route of the right of way were initially unclear, because the plans showed no proposals to accommodate the footpath. Following initial comments from the Rights of Way Officer and the Ramblers Association, Officers requested a plan from the applicant to identify the route of the footpath in relation to the development site.

The applicant has responded by contending that the actual route of the footpath runs to the North of his site within land actually owned by the applicant for the adjacent site. The applicant contends that the development site does not infringe upon the footpath at any point. A revised plan has been provided to show this. The plan also shows the point at which the right of way would join land within the applicant's ownership adjacent to the development site. This revised plan also removes inaccurate references to the access road being a 'right of way'.

Officers had requested a single plan from the applicants for this site and the adjacent site to show how the footpath would be accommodated across both sites. Unfortunately, such a plan has not been provided. The lack of cooperation between the two parties involved is regrettable. Nevertheless, each application must be assessed on its own merits.

In this case, the Rights of Way Officer agrees with the applicant that the development site does not infringe upon the right of way, but only up to the point where the path merges with the access road serving the rear of Glens Flats. However, the proposed garage would appear to infringe upon the route of the existing path. Subsequently, the applicant has now shown an alteration within land in his ownership to accommodate the short section of the right of way at this point. A small change has also been made to maintain a path width of 3 metres between the garage at Chartwell and the proposed garage to avoid the creation of an unacceptably narrow pinch point in the path.

It would appear that an order under Section 257 of the Town and Country Planning Act 1990 to divert the footpath will be necessary in the event of planning permission being granted. The developer would need to take steps to apply for such a diversion before development commences if planning permission is granted. The granting of planning permission does not convey any rights to stop up, divert, obstruct or otherwise affect public rights of way.

The agent for the proposed development on the adjacent land to the West does not accept the applicant's assertion that the path does not cross through the greater part of the development site. He has suggested that the applicant should incorporate the path within his site. However, the response of the Rights of Way Officer to the application appears to suggest that the applicant is correct in his assumption that the right of way does not infringe upon the development site up to the point where the path merges with the access road serving the rear of Glens Flats. However, the agent for the applicant on the adjacent site contends that the developer would need to enter into a formal legal agreement with his client to relocate the path onto his land if the applicant does not include the path within this scheme. Such an agreement, if necessary, would be a matter between the two parties involved.

Northumbrian Water's letter raises concerns about the impacts upon a sewer. However, the plan provided by the Water Authority appears to contradict the written comments offered about the distance between the site and the sewer. Indeed, the Water Authority did not object to the previous scheme here for a house in a position slightly closer to the sewer. Officers are satisfied that drainage issues can be addressed through condition.

In conclusion, Officers consider that the access and parking implications of the proposal are acceptable. The development would not harm residential amenities and it would not detract from the character and appearance of the area. A scheme has been offered to accommodate the right of way, which would also need to be considered through an appropriate footpath diversion order. Officers therefore recommend that planning permission is granted, subject to conditions.

RECOMMENDATION

(a) 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. DT12 Windows in Reveal
5. DT23 Drainage Scheme

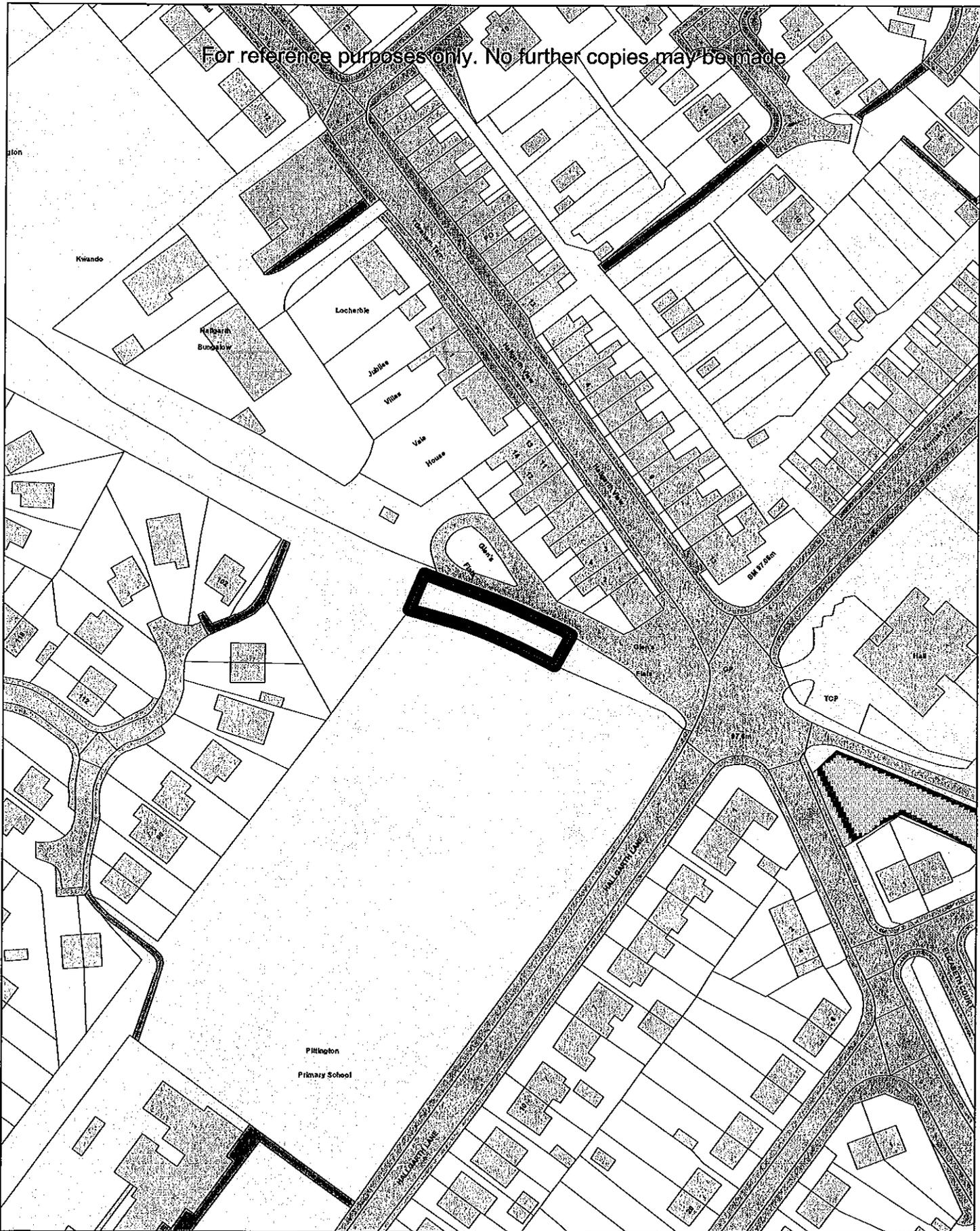
6. PD1 Removal of PD Garages
7. PD2 Removal of PD Outbuildings
8. PD4 Removal of PD Extensions

(b) 'That authority be given to the making of an order under Section 257 of the Town and Country Planning Act 1990 to the diversion of the public footpath, subject to the applicant paying the Council's administrative and advertisement costs.'

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
Previous Planning Applications
City of Durham Local Plan 2004
Response from County Highway Authority
Responses from County Council Rights of Way Officer
Response from Northumbrian Water
Response from Pitlington Parish Council
Public Consultation Responses
Response from Ramblers Association
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

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Application No. 4/06/00975/FPA

Land at Whitefriars, to the rear of Chartwell,
Hallgarth View, High Pitlington

Comments

Date

09 January 2007

Scale

1:1250

ITEM NO. 2

06/00993/FPA	Land rear of Glens Flats, High Pittington, Durham
Mr J Penny	Erection of two storey pitched roof dwellinghouse with roof accommodation and erection of detached triple garage and alterations to route of public right of way (revised & resubmitted proposal)

SITE AND APPLICATION DESCRIPTION

The application site is located to the rear of Glens Flats and Vale House near to the crossroads in the centre of High Pittington. Part of the site forms part of a wider vehicle turning area to the rear of Glens Flats. Trees and vegetation are located around the edge of the site adjacent to Vale House and on a small section within the vehicle turning area. A domestic garage structure is located on the land to the rear of Vale House. In addition, a public right of way runs through this area, with trees and vegetation adjacent to the path.

The application proposes the erection of a detached dwelling house with an offset integral garage. Accommodation would be provided on three storeys, with the highest level being lit by rooflights and a dormer window. The application also includes a scheme to divert the public right of way which runs through the site in order to accommodate the dwelling. The plans allow for the retention of an access along the back of Glens Flats and into Vale House.

RELEVANT HISTORY

A planning application for a dwelling on the site was refused in late 2005 (Our Ref: 4/05/00904/FPA). That application was refused for three reasons. The first of these reasons was concerned with the location, scale, character and design of the dwelling. The second reason for refusal related to the impacts upon the amenity of the residents of an adjacent dwelling. The third reason was concerned with the poor standard of amenity for the residents of the proposed dwelling.

Subsequently, a revised proposal involving a house and garage was presented to the Committee in 2006. The scheme overcame some of the previous concerns but was nevertheless considered to be unacceptable, particularly in the light of new comments from the Rights of Way Office. The application was refused for the following reasons (Our Ref: 4/06/00298/FPA):

1. The proposed dwelling, by virtue of its location, scale, character and design, would not be in keeping with the scale, character and form of surrounding development. The proposal is therefore contrary to Policies H3, H10 and Q8 of the City of Durham Local Plan 2004.
2. The proposed diversion and alterations to the public right of way would detract from its character and amenity value and the character of the area, and increase the risk to personal safety for members of the public. The proposal is therefore contrary to Policies T21, R11, H3 and H13 of the City of Durham Local Plan 2004.

A further revised proposal was submitted late last year but was withdrawn by the applicant (06/00882/FPA). The latest application proposes further revisions to the scheme which was previously refused, including alterations to the design of the proposed dwelling and garage. An access to Vale House would also be retained. However, the main change involves the inclusion of a scheme to divert the public right of way through the site.

Planning permission was granted for 'Chartwell', the dwelling constructed at the crossroads, in September 2003 (Our Ref: 4/03/831/FPA). Permission for a dwelling at the rear of

Chartwell, involving alterations to the public footpath, was refused in December 2004 (4/04/1153/FPA). A revised scheme involving the erection of a detached dwellinghouse and garage and the formation of new public footpath was approved in April 2005 (4/05/203/FPA). This permission has not yet been implemented. A further revised application for that site (4/06/975/FPA) is being presented for consideration at the same time as this application.

POLICIES

Planning Policy Statement 3 (Housing) underpins the delivery of the Government's strategic housing policy objectives to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. Explanations of affordable housing policy and an emphasis on the re-use of urban land and buildings are included. The creation of sustainable residential environments is also explored, highlighting the role of public transport provision, making the best use of land and the approach to any necessary greenfield development.

Policy H3 of the City of Durham Local Plan 2004 sets out that the development of previously developed land will be permitted within the settlement boundaries of villages provided that schemes are appropriate in scale, design, location and number of units to the character of the settlement and do not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlement's character. The limited development of greenfield sites of less than 10 units and under 0.33 hectares in size will be permitted in the coalfield villages most in need of regeneration provided that; there are clear, quantifiable regeneration benefits that will be achieved through the development of small greenfield sites; and these regeneration benefits could not be achieved through the development of previously developed land or conversions of existing buildings.

Policy H10 resists the development of backland sites unless a safe and satisfactory access and adequate parking can be provided; the amenities of both new and existing dwellings would not be adversely affected, and; the development is in keeping with the character, density and scale of surrounding or adjacent development.

Policy Q8 sets out the Council's standards for new residential development. Amongst other things, new residential development should be appropriate in scale, form, density, materials and character to its surroundings, whilst respecting the privacy and amenity of nearby and adjacent residents.

Policy T1 states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property. Policies Q1 and Q2 state that the layout and design of all new development should take into account the requirements of all users.

Policy T10 seeks to limit the amount of vehicle parking off the public highway in new development so as to promote sustainable transport choices and reduce the land-take of development.

Policy R11 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 route is found; the proposal accords with Policy T21.

Policy T21 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; and that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development that 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.

Policy U8a requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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 traffic and highway implications of the development. The current vehicular access will be adequate for the main access to Chartwell, this development and the proposed dwelling to the rear of Glens Flats together with the rear servicing of Glens Flats.

The County Council's Rights of Way Officer has commented that he needs to be fully satisfied that footpath 23 is adequately catered for and that public amenity will not be adversely affected by any proposed development. As far as this proposal is concerned, although the alteration shown to the route of footpath 23 on drawing P0102.2/E is acceptable, the exact route that the path would follow to the immediate east of the site should the application on the adjacent site be successful is unclear. It is therefore preferable that the route of the full length of footpath 23 in relation to this proposed development and the one proposed on the adjacent site is marked on a single plan.

The Rights of Way Officer has also commented that the width of the path where it passes through the development area should not be less than 1.8 metres. The path should also be hard surfaced. The submitted drawing indicates that the fencing / hedging would only run alongside a relatively short mid section of the path, although the use of fencing along any other part of the path would be discouraged so as not to compromise the open aspect of the path. This is particularly the case where the path passes through and beyond the western part of the development site. In this area, the footpath is significantly wider than as depicted on the submitted plan, and the existing width of the path should be preserved as far as possible, although it would only be necessary to surface to a width of 1.8 metres. A diversion order will be necessary under Section 257 of the Town and Country Planning Act 1990. If planning permission is granted the existing route must be kept open until the footpath is diverted and an alternative is available.

Northumbrian Water have confirmed that they now have no objections to the proposals, having initially raised concerns about the proximity to a sewer.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : The Ramblers Association comment that the revised route of the path is preferable to that shown on the previously refused scheme. There are fewer twists and turns and the route is more direct. However, it is suggested that the route is splayed at the western end of the site to meet the broader width of the existing path. Comments are also offered on the width of the path to the south and east of the proposed house. A gate shown on the plans should also be removed (the proposed route has subsequently been revised and the gate has been replaced with a drop down bollard). There are also concerns about discrepancies between this proposal and the scheme proposed on the adjacent site to the east. The plans also fail to acknowledge the existence of the dwelling 'Chartwell'.

Letters of objection have been received from five local residences. Many of the comments relate to the proposed diversion of the footpath. It is thought that the path would be unacceptably narrowed and altered. Consequently, it would become a threatening and unusable route. The route of the path is thought to contradict guidance on public rights of way. Writers have also pointed out that the plans fail to recognise the erection of 'Chartwell'.

The associated removal of trees and shrubs would be detrimental to the area and the privacy of the school, the community open space and residences in Priors Grange. These areas would be overlooked due to the elevated position of the path. The dormer window on the proposed dwelling would also overlook houses in Priors Grange. The scheme would also be a barrier to the future improvement of the area for residents. Additionally, there are concerns about the commitment to undertaking landscaping works and the tidiness of the site if works are undertaken. It is also thought that significant wildlife interests would be adversely affected.

The development is considered to represent a danger to road safety. The existing access is onto a dangerous blind corner so further development should not be allowed. Access and manoeuvrability would now be further compromised for vehicles including refuse vehicles and fire engines accessing the rear of Glens Flats, the substation and the playing fields. It is also thought that the dwelling and the garage would be located in an inappropriate location and that the size and design of these buildings would be out of keeping with the locality. Additionally, some of the writers comment that there are several inaccuracies in the submission.

The residents of one particular property contend that the development is inferior to the previously refused scheme, and conclude that permission should be refused for the same reasons that were given for the rejection of the previous application. However, if approval is granted, there should be conditions to ensure the provision of a wider footpath and the maintenance of hedgerows.

A further writer has supplied information which suggests that part of the site area is within the ownership of the Council. Officers have since requested and received plans to confirm the details of the area of land registered to the applicant. The applicant has also supplied a plan of the route of the right of way as he claims it was established with the County Council a number of years ago.

The occupiers of the garage on the site have written to state that they now have no objections to the proposal.

PLANNING CONSIDERATIONS

The site lies within the settlement boundary of the village where new residential development can often be considered acceptable. Whilst open in nature, the site is previously developed by virtue of the existence of a garage and a large surfaced area on the land. Nevertheless, this is a backland site, which would normally be resisted under Policy H10 of the Local Plan unless a safe and satisfactory access and adequate parking can be provided; the amenities of both new and existing dwellings would not be adversely affected, and; the development is in keeping with the character, density and scale of surrounding or adjacent development. In addition, the impacts of the development upon the public right of way must be considered.

The development is acceptable in terms of the access and parking implications. The County Highway Authority have no objections to the traffic and highway implications of the development. The current vehicular access would be adequate for the main access to Chartwell, this development and the proposed dwelling to the rear of Chartwell together with the rear servicing of Glens Flats. Officers do not consider that the development and the proposed house on the adjacent site would generate levels of traffic that would have significant adverse impacts upon highway safety in the area or residential amenity. The development would have a satisfactory level of parking provision.

With regards to residential amenity, there are no conflicts with the minimum habitable room facing window distances set out in the Local Plan between the proposed dwelling and Vale House. Whilst there would be visual impacts and some overshadowing of the garden area at Vale House, particularly if planting along the boundary is removed, it is not considered that the impacts upon the garden are severe enough to warrant refusal. The dwelling would have

more generous relationships with other houses and no demonstrable harm would be caused to residents in Priors Grange. The layout of the site is compromised by its size, but the level of amenity space that would be afforded to the occupants of the proposed house would be acceptable.

In design terms, the massing of the dwelling has been broken up compared to previous schemes for the site to mitigate against creating a 'block' appearance. The siting of the dwelling in comparison to other built developments nearby initially appears to be uneasy, but this concern is mitigated because the development would primarily look back into the area at the rear of Glens Flats similar to other adjacent properties. This would afford a greater degree of integration with the form of surrounding development that might otherwise have been the case. The site is within private ownership and provided that the public amenity of the right of way can be accommodated, it is not considered that the development could be resisted on the grounds that the location or design is unacceptable or that the site forms an important amenity space for local residents.

Indeed, the main impact upon public amenity would arise from the impacts upon the public right of way. The footpath is a well-used and important amenity. Although it is part of a wider network, the path also offers an important link into the Priors Grange estate from the centre of the village. In this case, a scheme has been offered to accommodate the right of way through the land within the applicant's ownership. The details of the path have been further amended since it was initially submitted to acknowledge the comments of the Ramblers Association. The County Council's Rights of Way Officer considers that the route offered through the site is now acceptable. Officers do not consider that the privacy of residents in Priors Grange would be adversely affected.

However, the Rights of Way Officer has commented that the route that the path would follow to the east of the site is unclear. Following information submitted in relation to the application on the adjacent site to the east, it now appears that the path would leave the site and continue along its present definitive route through land within the ownership of the applicant to the north of the adjacent site. The developer has therefore taken account of the need to accommodate the right of way where it runs through land within his ownership.

Officers had requested a single plan from the applicants for this site and the adjacent site show how the footpath would be accommodated across both sites. Unfortunately, such a plan has not been provided. The lack of cooperation between the two parties involved is regrettable. Nevertheless, each application must be assessed on its own merits.

An order under Section 257 of the Town and Country Planning Act 1990 to divert the footpath will be necessary in the event of planning permission being granted. The developer would need to take steps to apply for such a diversion before development commences if planning permission is granted. The granting of planning permission does not convey any rights to stop up, divert, obstruct or otherwise affect public rights of way.

The submitted location plans do not show 'Chartwell', but this dwelling is located outside the site and any land controlled by the applicant. The applicant therefore has no control over the route of the path at this point, so the omission of 'Chartwell' from the location plans is not considered to be crucial to the consideration of this particular application.

The applicant's agent does not accept that the path does not cross through the greater part of the development site proposed to the east. He has suggested that the applicant for that site should incorporate the path within his site. However, the response of the Rights of Way Officer to that application appears to suggest that the developer of the adjacent site is correct in assuming that the right of way does not infringe upon that land up to the point where the path merges with the access road serving the rear of Glens Flats. However, the applicant's agent for this site contends that the developer of the adjacent site would need to enter into a formal legal agreement with his client to relocate the path onto his land if the path is not

accommodated within the scheme for the land to the east. Such an agreement, if necessary, would be a matter between the two parties involved.

Officers do not consider that this is a site which requires a full ecological survey. Furthermore, a condition can be applied to any planning permission to require the implementation of a landscaping scheme, which could negate any negative short-term impacts upon wildlife that might exist in the area.

Northumbrian Water now have no objections to the application after they initially raised concerns about the proximity to a sewer. The position of the sewer relative to the development has now been clarified.

In conclusion, Officers consider that the access and parking implications of the proposal are acceptable. The development would not harm residential amenities and it would not detract from the character and appearance of the area. A scheme has been offered to accommodate the right of way, which would also need to be considered through an appropriate footpath diversion order. Officers are therefore able to support the application, subject to conditions.

RECOMMENDATION

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

- (a)
1. T1 Time Limit Full Approval 2004
 2. DT4 External Materials
 3. DT8 Enclosure Details to be Agreed
 4. DT10 Hardstanding Surface Materials
 5. LA2 Landscaping Scheme Full Reserved Matter
 6. DT12 Windows in Reveal
 7. DT23 Drainage Scheme
 8. PD1 Removal of PD Garages
 9. PD2 Removal of PD Outbuildings
 10. PD4 Removal of PD Extensions
 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission, shall at any time be erected without the grant of further specific permission from the Local Planning Authority.
 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no additional windows, rooflights, doors or other openings (other than those expressly authorised by this permission) shall be inserted at any time without the grant of further specific permission from the Local Planning Authority.
 13. That notwithstanding the information shown on the submitted plans the obscured windows to the North East elevation hereby approved shall be

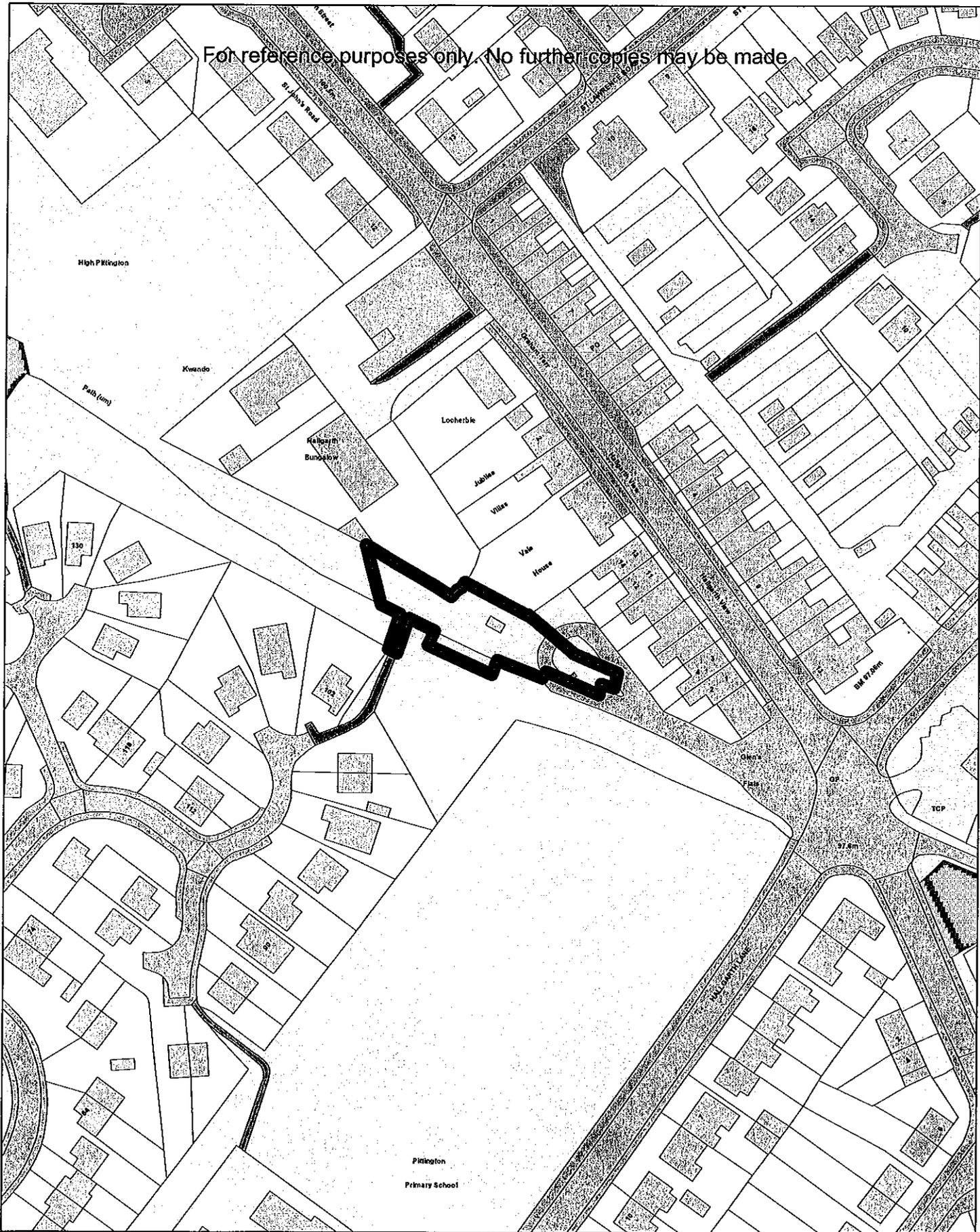
obscure glazed to the satisfaction of the Local Planning Authority and shall remain so thereafter in accordance with the approved scheme.

- (b) 'That authority be given to the making of an order under Section 257 of the Town and Country Planning Act 1990 to the diversion of the public footpath, subject to the applicant paying the Council's administrative and advertisement costs.'

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
Previous Planning Applications
City of Durham Local Plan 2004
Response from County Highway Authority
Responses from County Council Rights of Way Officer
Response from Northumbrian Water
Response from Pitlington Parish Council
Public Consultation Responses
Response from Ramblers Association
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/06/00993/FPA

Land rear of Glens Flats, High Pitington

Comments

Date

10 January 2007

Scale

1:1250

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ITEM NO. 3

06/01010/FPA Emmanuel Church (The Durham Centre)	Formerly Esschem Europe, Unit 2, Belmont Industrial Estate, Belmont Change of use, extension and alterations to building to create business centre containing offices and conferencing facilities, including 330/350 seat auditorium, also to be used for church service on a weekly basis
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SITE AND APPLICATION DESCRIPTION

The application site relates to the former Esschem premises on the Belmont Industrial Estate. The site consists of a large former offices building which is currently unoccupied, along with existing parking areas and an area of land to the west. The forecourt to the front of the building is shared with Microchem. The access road into this part of the Industrial Estate is shared with several other businesses.

The applicant's agent describes the proposals as being a 'business centre with offices and mixed conferencing within an existing office / warehouse environment to include D1 (Non-residential institutions) classification'. The facility would be called 'The Durham Centre'.

The proposals include the creation of an auditorium to seat approximately 330/350 people within the existing building. At most times, it is envisaged that the facility would be used for conferences and subdivided for smaller gatherings. However, it is also intended to hold worship services in the auditorium, although it is envisaged that the facility would only be fully used for this use on Sundays for 3-4 hours.

The existing building would also be adapted to accommodate some offices, a reception area, a crèche and ancillary facilities. External alterations would be made to the building to make it suitable for its use, with window openings added. It is proposed to undertake these works as a first phase.

The second phase of works involves constructing an extension to the west side of the existing building which would primarily consist of offices with a central circulation area. Facilities would also be provided at first floor level within both the existing building and the new extension.

It is proposed to provide 43 parking spaces although the applicant's agent envisages that only nine or ten vehicles would visit each day. Cycle parking and disabled access and parking would also be provided. It is envisaged that eight staff would be employed with a possible five or six staff being employed at a later date. The weekday opening hours would be 9.00 to 17.30, although there would be some late evening work on a very occasional basis involving 'mini-conferences'. The premises would only be open for four or five hours on weekends.

The applicant, Emmanuel Church, is part of the New Frontiers church network, which is a worldwide family of new church organisations, many of which are involved in the world of business and commerce. Examples of other similar organisations and their commercial successes with other projects have been provided. The centres offer a variety of services to business as well as the local community, including counselling, training, meeting room facilities, office space and conference facilities.

The applicant's agent has explained that the operations of the applicant are currently fragmented and so it is difficult to sustain development and grow the operation. It is

proposed to make significant financial investment into the property, entirely privately funded, to support the development.

A business plan and details of financial projections have been submitted with the application to show how the business would grow. The facilities would be advertised through methods including a major launch event, direct marketing, promotions and the development of a website. It is envisaged that educational establishments such as the University would use 'The Durham Centre' along with counsellors, support groups, charities, publicity groups, IT companies and government bodies. The applicant's agent considers that the local area does not offer a great deal of choice with regard to conference / business facilities. Many conference facilities locally are expensive, whereas the proposal here would be aimed at the mid range market. The main auditorium could be subdivided to offer smaller venues for a variety of purposes.

An outline for a Green Travel Plan has been included with the application. Car sharing would be encouraged on Sundays when church services take place. Free mini buses would also be provided to limit the number of cars visiting the site. Additionally, there are existing bus stops nearby close to the entrance to the industrial estate. There would also be cycle parking provision at the site.

The applicant has been looking for suitable premises for over ten years. It is felt that the current site is ideal because it is well served by good road and rail networks. Details of other properties considered have been provided to demonstrate the efforts that have gone into finding a suitable location. Sites have not been progressed for various reasons, with some buildings ultimately considered to be of the wrong size or too expensive. Some other sites were sold on before they could be fully considered.

The applicant's agent contends that the scheme would enhance the whole area and offer facilities which are not already available. It is noted that some units nearby are empty and detract from the appearance of the estate. It is also felt that the locality is being developed for very diverse usages in any event, with commercial and leisure facilities such as the Travel Inn, bar and restaurant, car showrooms, indoor soccer pitches and commercial outlets.

The applicant's agent has stated that 'this is not a church in the usual term, and meaning' and that the proposal involves 'delivering a service to the community through conferences, IT, under the umbrella of a religious based organisation, interacts with people from all environments'.

RELEVANT HISTORY

None relevant.

POLICIES

Planning Policy Statement 1 (Delivering Sustainable Development) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance Note 4 (Industrial and Commercial Development and Small Firms) takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

The objectives of Planning Policy Guidance Note 13 (Transport) are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport,

walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Policy EMP5 of the City of Durham Local Plan 2004 designates the site within a Prestige Industrial Site. Business Use (Class B1) will be permitted in such sites. General industry (Class B2) will be permitted provided there is no significant detrimental effect on the environment or on the amenities of the occupiers of adjoining or neighbouring properties and the development of neighbouring areas. New development proposals will be required to be of a high standard of design and landscaping in accordance with Policies Q5, Q6 and Q7.

Policy Q7 states that the siting, design and external appearance of all new industrial and business development will be required to be of a standard appropriate to the designated area in which it is located. Regard should also be had to the requirements of Policies Q1 and Q2.

Policy T1 states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property. Policy T10 seeks to limit the amount of vehicle parking off the public highway in new development so as to promote sustainable transport choices and reduce the land-take of development. Policies Q1 and Q2 state that the layout and design of all new development should take into account the requirements of all users.

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

Policy Q5 sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping. Policy Q6 requires all new developments on the edge of settlements or exposed sites to include peripheral structural landscaping within the site in order to minimise any adverse visual impacts.

Policy C8 states that new community facilities including places of worship will be permitted provided that they are located within settlement boundaries and are well related to residential areas and local facilities; and they are of flexible design which could serve more than one use; and they would not adversely affect the amenity of occupiers of nearby or adjoining land or property; and they allow access to people with disabilities; and they do not create or contribute to a traffic hazard; and they are accessible to users of all modes of travel including public transport, cycling and walking in accordance with Policy Q2.

Policy U8a requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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 note that there is little experience of the likely traffic generation or car parking requirements that would be required for the proposed uses. Church services on Sundays are likely to be the major traffic generator and this would not have a severe effect on the highway network as traffic levels are usually light at this time. Car parking would, however, be important. The 43 car parking spaces would at first sight be inadequate for a 350 seat auditorium. The applicant has submitted details of coach and minibus use which should reduce the number of private cars requiring parking. The car occupancy is also likely to be high as they would frequently be

used by family groups. There is additional parking, unused on Sundays, in the vicinity of this property and the Highway Authority are satisfied that the Sunday use can be accommodated without creating unacceptable car parking on the highway.

Weekday use is likely to be limited to conference and business purposes. The accompanying documents to the application include a list of items, which could be included within a Green Travel Plan. The Highway Authority recommend that a draft of a travel plan is submitted for approval before any construction work starts and that a full travel plan is submitted for agreed and implemented before the expiry of six months from the date of opening of the development. This plan should include measures to restrict the use of private cars visiting the site. The centre should have sufficient parking space during most of the week but large conferences will require special measures to control vehicular activity, as there would be limited spare parking space in the area. Subject to these requirements being met, the Highway Authority have no objections to the development proceeding.

The Environment Agency comment that flood risk standing advice applies.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : Belmont Parish Council have objected. They are concerned that the Belmont Industrial Estate is designated as a prestigious site for Class B1 and B2 uses. The proposed use would be an inappropriate use of prestige industrial land. The proposal is therefore in conflict with the intentions of Policy EMP5 of the Local Plan. The Parish Council are also concerned that the level of parking proposed is inappropriate for the use, and that the access to the area is limited given that it is used by various other establishments.

A well-constructed objection has been received on behalf of the occupants of one of the adjacent units. They have objected on the basis that there would be insufficient parking for the scale of development proposed.

The writer notes that the County Council do not have parking standards for the proposed use. However, Teesside have standards for places of worship and public halls, which is thought to be the closest land use to a conference facility. Based upon the Teesside calculations, a copy of which has been provided, 55-58 spaces would be needed for the auditorium, with an additional 3-5 spaces for staff.

The writer speculates that this requirement could be an underestimate because the Belmont Industrial Estate is likely to attract a higher than unusual number of car borne trips given its location close to the motorway. Since insufficient parking would be provided within the site, parking would spill out onto adjacent roads or the rest of the industrial estate, causing considerable inconvenience to other users of the industrial estate.

PLANNING CONSIDERATIONS

This is a complex and unusual case involving a form of development of which there are no other local examples. The main issues involved concern the acceptability of the land use and the loss of prestige industrial land, the acceptability of the design of the proposals, and the traffic related impacts of the development.

In terms of land use, Policy EMP5 of the Local Plan identifies the site as forming part of a Prestige Industrial Site. In such an area, business uses (Class B1) will be permitted. General industry (Class B2) will be permitted provided there is no significant detrimental effect on the environment or on the amenities of the occupiers of adjoining or neighbouring properties and the development of neighbouring areas.

The justification text for Policy EMP5 states that Prestige Industrial Sites are, by their very definition, high quality, strategically located, major industrial sites, capable of competing against sites at both national and regional level. The Belmont Prestige Industrial Site in

particular provides a high quality environment for businesses and industry with good communication links to the motorway network.

In view of the scarcity of land for Prestige Industrial Development within the District, it is important that the limited supply available is reserved for Class B1 and Class B2 uses. Proposals which require large sites but provide few jobs such as warehousing (Class B8) will be resisted without special justification. Those types of industries which would have a detrimental effect upon the amenities of adjoining occupants or require outside storage facilities would also not be permitted on Prestige Industrial Sites.

Part of the current proposals involves offices (Class B1), which are one of the preferred uses for the site. However, a significant element of the proposals relates to the auditorium / conference facility, which would hold 330 / 350 people. This element of the proposals does not accord with the preferred land uses for the Belmont Prestige Industrial Site which are set out in Policy EMP5 of the Local Plan. The proposed land use is therefore in conflict with Policy EMP5 of the Local Plan.

Nevertheless, Officers acknowledge that the proposed scheme is not one which benefits from any land use allocation in the Local Plan, so the proposal is always likely to encounter land use allocation problems wherever it is sited. In order to find where the balance in determining the proposal lies, it is therefore important to consider whether, despite the conflict with Policy EMP5, there would be any problems associated with the use in this location in terms of design or traffic impacts.

In design terms, the extension and the alterations to the building are appropriate to the setting of the site. The change in levels and the existing screening along the boundary with the A690 would mitigate the visual impacts of the large extension in wider views.

The most noticeable impacts of the development would involve the impacts of the traffic generated and the level of parking provision. Officers are cautious on this issue, because there are no local experiences of this form of development to refer to. However, a considered objection has been received on behalf of the occupiers of one of the nearby units, who has submitted evidence to contend that the amount of parking provision on the site would be deficient. However, Officers attach primary weight to the views of the Highway Authority. The Highway Authority have no objections to development proceeding on the basis that a Green Travel Plan would be provided to minimise the impacts of traffic arrivals and departures.

The County Highway Authority believe that the Church services on Sundays are likely to be the major traffic generator. However, this would not have a severe effect on the highway network as traffic levels are usually light at this time. Car parking would, however, be crucial and whilst the amount of parking provision would initially appear deficient, the outline provided for a Green Travel Plan would mitigate the concerns of the Highway Authority. This approach accords with the Government's transport objectives as set out in Planning Policy Guidance Note 13. Consequently, the Highway Authority are satisfied that the Sunday use can be accommodated without creating unacceptable car parking on the highway.

However, if the application was to be considered acceptable, a condition would be necessary to restrict the use of church services to Sundays so that traffic and parking problems were not caused when industrial traffic is present on the estate throughout the week. The applicant has said that church services would be limited to Sundays, but there can be no surety that the demand for church services might not increase at a later date. In this respect, Officers are concerned that the success of the development could ultimately be reliant upon its use by the Emmanuel Church group, because elements of the business plan appear to be optimistic, in terms of the likely customer base and the competition with existing well-established and more accessible conference facilities. For example, many of the suggested key public sector clients already have their own office and conference facilities. Additionally, some of the offices would compare unfavourably with other facilities locally because they

would have no natural daylight. The industrial estate location of the conference facility use also has locational disadvantages compared to other existing local facilities.

However, Officers cannot see how an effective condition could be worded which would successfully restrict church functions to Sunday mornings and meet the six tests for conditions identified in Circular 11/95 (Use of conditions in planning permission). Without such a condition, church services could take place more frequently without recourse to the planning system because the use of the auditorium as a church would fall into the same planning use classification (D1) as the proposed conference facility. Indeed, it could even be contended that a 'conference', defined in one dictionary as being a 'meeting for consultation or deliberation', could include church services within its meaning. It is also impossible to produce an exhaustive list restricting the full range of possible church functions which would have incompatible users patterns with industrial traffic on the estate.

Given the potential for the increased regularity of church services and the lack of an effective mechanism to control this eventuality, Officers are unable to support the application on the grounds that the use could cause harm to highway safety due to the potentially inadequate amount of parking provision on the site and the potential conflicts with industrial traffic. As well as adversely impacting upon highway safety, these effects could ultimately affect the desirability and success of the designated prestige industrial site.

If the church use became more frequent, then the development would conflict with the requirements of Policy C8 because it would not be well related to residential areas and local facilities, it would contribute to a traffic hazard, and it would adversely affect the amenity of occupiers of nearby industrial properties.

Officers are also uneasy about the proposed phasing of the development. Phase 1 would primarily involve the creation of the auditorium along with some offices. The majority of the offices, the preferred land use for the site, would not be undertaken until Phase 2. The applicant's agent has contended that there is a strong commitment to undertaking Phase 2 and has provided a letter from a bank to indicate the possibility of funding for the works. However, this letter is not a firm commitment to funding and undertaking the works and it does not represent a formal guarantee that the offices would be constructed. Officers are concerned that if Phase 2 does not occur, then the preferred land use of offices would not take place.

The applicant has clearly considered other sites for the use and it is acknowledged that there is a difficulty in finding a suitable site for such an unusual set of proposals. For example, City Centre sites can often be expensive and there are limitations there on the size of buildings and sites which are needed to accommodate the development.

However, Officers ultimately consider that the proposed scheme would be potentially inappropriate in the chosen location, primarily due to its failings from a sustainability viewpoint and consequently to the potential traffic and parking problems. The proposed land use is also in conflict with the preferred land uses set out in the Local Plan. Whilst officers have some sympathy for the applicants needs and circumstances they are unable to support the proposal on the basis of the submitted details.

RECOMMENDATION

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

1. The proposed development would have the potential to generate traffic that would adversely affect highway safety, due to the amount of traffic, the potentially inadequate parking provision and the potential conflicts with industrial traffic. The potential traffic and parking related problems would also impact adversely upon the occupiers of nearby industrial premises and detract from the desirability of the

Belmont Prestige Industrial Site. The proposal is therefore in conflict with Policies EMP5, Q7, T1 and Q2 of the City of Durham Local Plan 2004.

2. A significant part of the proposals would involve the creation of a conference facility (Use Class D1). Policy EMP5 of the City of Durham Local Plan 2004 states that land uses B1 (Business Use) and in some circumstances B2 (General Industry) are permitted on the Belmont Prestige Industrial Site. The proposed development would therefore involve a land use which would not be preferred in this location because it would restrict the scarce land in supply for prestige industrial development. The proposal is therefore in conflict with Policy EMP5 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Guidance Note 4 (Industrial and Commercial Development and Small Firms)

Planning Policy Guidance Note 13 (Transport)

Circular 11/95 (Use of conditions in planning permission)

City of Durham Local Plan 2004

Response from County Highway Authority

Response from Environment Agency

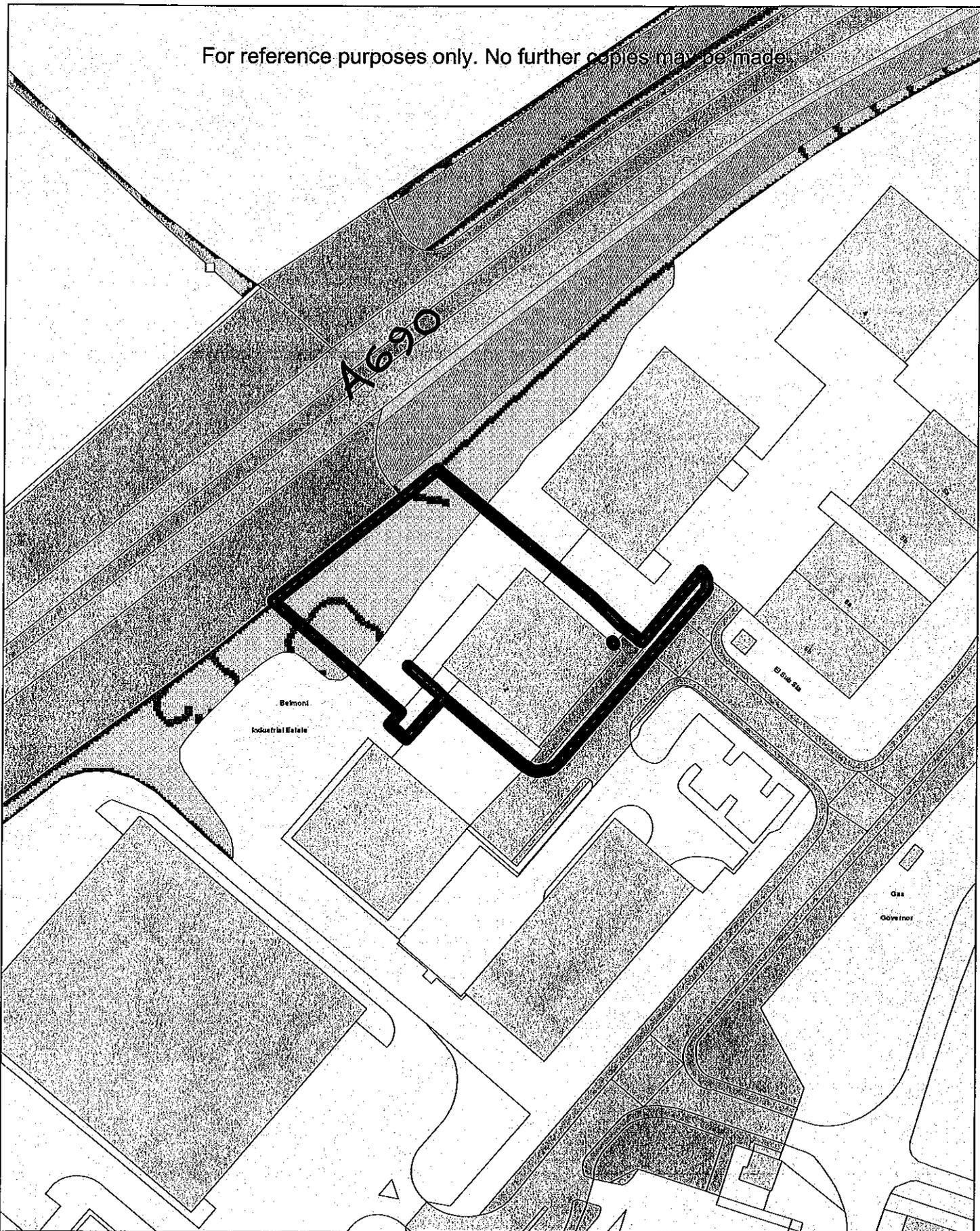
Responses from Belmont Parish Council

One Public Response

Collins Dictionary and Thesaurus (1995) Harper Collins Publishing

Various File Notes and Correspondence

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City of
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Planning Services

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Application No. 4/06/01010/FPA

Formerly Esschem Europe, Unit 2, Belmont
Industrial Estate, Belmont

Comments

Date

10 January 2007

Scale

1:1250

ITEM NO. 4

<p>06/01070/FPA</p> <p>Kensington Associates</p>	<p>The Winnings, Esh Road, Ushaw Moor, Durham</p> <p>Demolition of former club & erection of 12 no. apartments & 6 no. terraced houses with associated parking area</p>
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SITE AND APPLICATION DESCRIPTION

This application relates to a site comprising 'The Winnings'- originally built as a picture house, and latterly a snooker hall, and the adjacent dwelling. Whilst the location of a prominent corner house site and an important community facility it was originally graced by an attractively designed period frontage, the main buildings are now in a poor state of repair, with the dwelling an unfortunate example of under designed over extensions.

The applicants propose clearance of the site, and a new development, aimed at the affordable end of the market, providing 6 terraced houses, a Victorian Terrace of two storey properties, and 12 new two bedroomed apartments in a block of a scale to replicate the existing building. Parking and servicing will be from the rear of the buildings. The application was subject to extensive pre-submission consultation.

RELEVANT HISTORY

There is no planning history on the site relevant to the current application.

POLICIES

Planning Policy Statement 3 includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the 'plan, monitor and manage' approach to housing provision.

Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and planning necessary greenfield development.

The site is within the settlement boundary of Ushaw Moor, and within an area designated as a Local Centre in Policy S5 of the Local Plan. Whilst the Local Plan Policy itself seeks only to control the types of retail and service outlets within it, the policy justification allows for infill housing where the supply of shopping and community facilities is not eroded.

The development of new housing schemes in the villages is, through Policy H3, restricted to small windfall sites on brownfield land, with caveats that the development must be appropriate in scale, design, location, and number of units. The potential for such developments to contribute to the growth and regeneration of the villages is noted in the accompanying text of that policy.

Policy Q8 seeks to ensure a quality of design and protect the amenities both of existing and proposed residents, with policies T1 and T10 seeking to ensure highway safety and appropriate parking and servicing.

REPRESENTATIONS

STATUTORY RESPONSES : The County Highway Authority have written to say that as part of the scheme protruded over the adopted public highway the development could not be

carried out without a stopping up order, and it was unlikely this would be agreed. Further problems with parking spaces and retaining walls were identified.

Northumbrian Water object to the application as affecting both public water mains and public sewers.

INTERNAL RESPONSES : None.

PUBLIC RESPONSES : An extensive public consultation exercise of nearby fifty letters, along with site notices and advertisements in the local press was carried out. The Parish Council fully support the proposed development, and the City of Durham Trust note the site is brownfield. No other correspondence has been received.

PLANNING CONSIDERATIONS

As noted above, the planning application was subject to extensive pre-submission consultation. The principles of the scheme, elevational treatment, scale and character have all been altered to officer's suggestion. The scheme presents a high density, potentially low cost development of residential accommodation that is in scale and character with the existing buildings on site, in a village where regeneration as a result of development is readily apparent.

Unfortunately despite advice to the applicants to consult statutory consultees for their advice, objections from the County Council and Northumbrian Water indicate that further work is needed before this scheme can be considered for approval. The applicants have provided amended plans, without explanation, to address the County Highways concerns, apparently without contacting highways engineers. The applicant's agents have subsequently missed meetings and not returned officer's messages.

The scheme potentially presents an opportunity for further visual and regenerative improvement for the village of Ushaw Moor, but in its current form the developers have more work to do before the scheme can be recommended for approval.

The applicants have failed to undertake negotiations with key stakeholder consultees that ought to have occurred at a pre-submission stage and in these circumstances officers regret that they are unable to support the scheme at this stage.

RECOMMENDATION

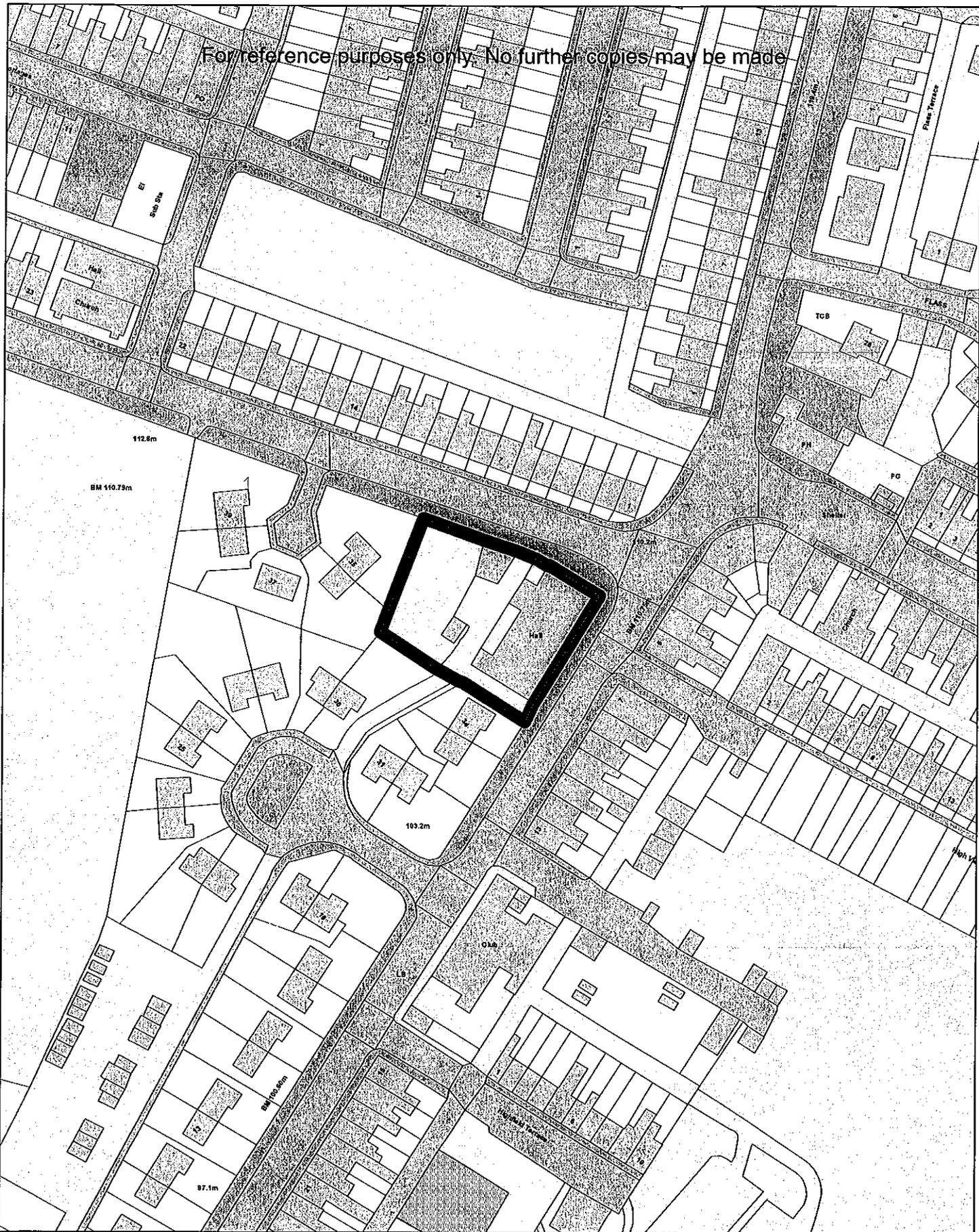
That the application be **REFUSED** for the following reasons:

1. The development proposals as submitted encroach onto the public highway, and include unsatisfactory parking and servicing arrangements, contrary to Policies T1 and T10 of the City of Durham Local Plan, 2004.
2. The proposals as submitted have not been shown to take into account the presence of public water mains and drainage across the site, contrary to Policy U8a of the City of Durham Local Plan, 2004.

BACKGROUND PAPERS

City of Durham Local Plan 2004
Submitted Planning Application Forms and Plans
Advertisements and Site Notices
Consultation Responses and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/06/01070/FPA
The Winnings, Esh Road, Ushaw Moor

Comments

Date

10 January 2007

Scale

1:1250

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ITEM NO. 5

06/01092/FPA Durham Village Regeneration	Land At Lynn Crescent / Front Street, Cassop, Durham Erection of 21 dwellings and associated garages, roads and footpaths and 15 replacement garages, including closure of existing road (amended description and amended plans)
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SITE AND APPLICATION DESCRIPTION

The application site is a flat piece of land that lies within a central area in the village of Cassop. The site currently consists of part of a grassed area with trees on the western part of the site. A further grassed area lies outside the application site to the north of the site and will be retained as an open grassed amenity area.

A row of semi detached properties on Lynn Crescent currently have their rear elevations facing onto the green. An access road flanks the north of the site and was used as a bus turning facility. The eastern part of the site is partly grassland and partly domestic garages that serve adjacent residential properties. An access road runs through this area to serve the garages and provide vehicular access for some of the residential properties.

Existing residential properties surround the site and are a mixture of terraced, semidetached and detached properties. The properties have associated gardens, and vehicular accesses.

The village of Cassop is a small attractive former coalfield village set within open countryside. It supports a shop, school, community centre and various public houses.

The planning application is to introduce a mixture of terraced and semi-detached properties to the north of Lynn Crescent fronting onto the retained green and Front Street. To the east of the site an amended access road is proposed to serve a new garage court five detached dwellings and a pair of semidetached dwellings.

The applicant, Durham Villages Regeneration Company, is a joint-venture public / private partnership between the City Council and Keepmoat.

The partnership's objectives are to create economic regeneration through the provision of affordable housing for sale, the provision of recreational facilities, and some commercial development. To promote employment and training programmes, crime prevention schemes, small business development, and community awareness; and to provide safe, well balanced, and sustainable environments where people's aspirations will be raised by community spirit.

RELEVANT HISTORY

There is no relevant planning history on the site. However it is noted from the submitted archaeological report submitted with the application that terraced housing that has now been cleared occupied the site from the 1850s.

POLICIES

National Plan Policies

PPS1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

PPG3 Housing includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision.

Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and planning necessary greenfield development.

Local Plan Policies

Policy H3 allows new housing development comprising of previously developed land within the settlement boundaries provided that it is in appropriate scale, design and location to the character of the settlement and does not result in the development of areas that possess important visual, functional or environmental attributes which contribute to the settlement's character.

Policy H13 states that planning permission will not be granted for new development that will have an adverse effect on the character or appearance of the residential area or the amenities of residents within them.

Policy E14 considers the impact development will have on existing trees and hedgerows.

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

Policy T10 seeks to limit the amount of vehicle parking off the public highway to promote sustainable transport choices and reduce the land-take of development.

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

Policy U8a requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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 raises no objection to the application.

Northumbrian Water - No adverse comment received.

Environment Agency - The site lies within the area of standard advice for flood risks.

INTERNAL RESPONSES : Design and Conservation - Support the application and consider the terrace row fronting onto Front Street will enhance the character of the area which is entirely appropriate to a Durham Village.

PUBLIC RESPONSES : Cassop Cum Quarrington Parish Council raised concerns about:

1. The drainage system opposite Lynn Crescent being able to cope with new development.
2. Four trees on the green may be lost and should be replaced elsewhere.
3. Footpath 24 runs near the development and should not be restricted by the new development.

Three letters of objection from local residents on the grounds that:

1. The submitted plans do not clearly identify the existing properties which make it difficult to comment on the application.
2. Access still needs to be available to existing properties, garages, and for bin collections.
3. Housing is unlikely to improve the current resources in the village.
4. The additional traffic will cause further congestion.

PLANNING CONSIDERATIONS

One of the main issues relates to the principle of development. The site is allocated as lying within the settlement boundary of Cassop where Policy H3 in the Local Plan is relevant. This allows the limited development of up to 10 dwellings on small Greenfield sites in the former coalfield villages most in need of regeneration. Cassop is classified as one of these sites. The proposed scheme does satisfy a number of the criteria identified in the requirements for quantifiable regeneration benefits referred to Cabinet as an Explanatory Note in Background Papers and recently adopted by the Council (December 2006).

This proposal is for a residential development on both previously developed land with regard to the garage site and greenfield land. The greenfield land is of a similar size to that specified in Policy H3 however proposes 17 dwellings which is over the 10 dwellings specified in Policy H3. However this increased number of houses is in accordance with National Government guidance as it makes the most efficient use of land. It is also considered there that there are clear, quantifiable regeneration benefits that can be achieved by the redevelopment of this site and this can not be achieved through the development of other previously developed land in the area or conversion of existing buildings. It is also noted that the Village Appraisal of Cassop in 2004 identified this site for housing to help support the community facilities within the village and visually improve this central location within Cassop.

The application site lies within a central area within the village. Rear elevations of the properties on Lynn Crescent face onto the green amenity area and Front Street, the main distributor road which passes through Cassop. Although the properties on Lynn Crescent are well maintained the public face of this central location within the village centre is characterised by the usual paraphernalia within rear gardens. The application to put a well designed row of houses fronting onto the green would visually upgrade this central location by providing an attractive vernacular street scene in this central location.

The submitted scheme is considered to be of a good layout, and the scale and massing of the proposed dwellings are appropriate to this location. Particular attention has been given to obtaining a street scene facing Front Street that enhances this central position in the village. House types have been amended from the first submission to gain more balanced elevations with a stronger vertical emphasis to the windows and provide an interesting variation of roof heights. Walls are proposed to be constructed from brick.

The privacy and amenity issue within the site and the impact of the development on the occupants of the nearby and adjacent properties has been carefully considered. In general the application has been carefully designed to comply with the required distance standards in Policy Q8 of the Local Plan. The scale, form and density of the development are considered to be appropriate within Cassop. The proposal is for a mixture of terraced dwellings, semi-detached and detached dwellings which provides a mixed and balanced development. All the properties are proposed to be for private sale.

The residential layout of the development removes the existing former road that dissected the amenity space facing Front Street. A new access is proposed to serve the properties to the north of Lynn Crescent, and an amended road layout is proposed to serve the properties and garage court to the east. The County Highway Officer has raised no objections to the proposed road layout.

Adequate space is provided to protect the existing residents' amenity space and provide adequate amenity space for the new residents. A minimum distance of 27 metres is achieved from window to window between the existing properties on Lynn Crescent and the new properties to the north. A distance of 13 metres is achieved between the existing property on Front Street and the blank two gable wall on plot 15 which again meets the minimum policy requirement.

Garden areas, parking and garaging are provided with each of the dwellings. In addition 15 replacement garages are proposed to replace the existing garages that are on site. These garages provide a facility for local residents. The existing garages are in a mixed state of repair and the application to provide a garage court will visually improve the appearance of the garages.

Policy R2 requires amenity and informal play space to be provided on residential schemes of over 10 dwellings. In this case the mechanism of the Durham Villages Regeneration ensures that a proportion of the land value and profit on the houses is invested in the regeneration of the village. In this case the Council will then have the discretion to allocate the funding to the most appropriate needs within the village. As such the play space policy requirements are met indirectly, and the normal request for a contribution to off site play provision need not apply to this Durham Villages Regeneration site.

Trees are existing on the green to the north of Lynn Crescent and are shown as being retained in the rear gardens on the new development. There will be little amenity gained from the trees if they are able to be retained in this location as they will not be easily viewed and it is likely that the trees would be lost in the course of the residential development. Discussions have taken place with the developer to compensate for the loss of the trees on site with tree planting to the south of the site and from the enhancement of the village green which is outside the application site and to the north of the site. As this green area to the north of the site is within the blue line denoting other land within the applicants ownership (City Council) a condition is proposed for a landscaping scheme on this site.

The Parish Council have raised some concerns about drainage problems. Policy U8a of the Local Plan is clear that where satisfactory drainage arrangements are not submitted with proposals, then development may be approved subject to the submission of a satisfactory scheme, to be implemented before the development is brought into use.

Local residents have also raised concerns about clarity of the plans and amended plans were submitted to show a clearer layout and the location of the existing dwellings. Concerns were also raised by local residents about the access to existing properties and bin storage facilities. Again these matters have been addressed on the amended plans.

In conclusion, the application for 21 dwellings generally provides a well designed layout with the scale and massing of the properties in keeping with the surroundings. The enhancement

of the village green area by a well designed row of vernacular dwellings is welcomed and is considered to help the regeneration of the area.

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. DT12 Windows in Reveal
6. DT23 Drainage Scheme
7. LA2 Landscaping Scheme Full Reserved Matter
8. Before the development commences full details of a street lighting scheme shall be submitted to the Local Planning Authority and approved in writing. Unless otherwise agreed in writing with the Local Planning Authority the street lighting shall then be implemented before / when the development is 75% complete.
9. Before the development commences full details of the bin storage areas including the external appearance and materials of these areas shall be submitted to the Local Planning Authority and approved in writing. The bin storage areas shall then be provided before the development is occupied and retained as such thereafter.
10. Before the development commences full details of a landscaping scheme on land to the north west of the application site facing Front Street and annotated 'village green' on the submitted application shall be submitted to the Local Planning Authority and approved in writing. The details of the landscaping scheme shall be in accordance with the requirements of Condition 7 of this decision notice.
11. Before the development commences full details of the materials proposed on the footpaths shall be submitted to the Local Planning Authority and approved in writing. The materials shall then be implemented in accordance with the approved scheme.
12. Before the development commences a report shall be submitted to the Local Planning Authority and approved in writing detailing the timescale for the removal of the existing garages and the development of the new garage court approved on the submitted plans. The removal of the existing garages and development of the new garage court shall then be implemented in accordance with the approved details.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans

PPS1: Delivering Sustainable Development

PPG3: Housing

PPG4: Industrial and Commercial Development and Small Firms

Regional Planning Guidance for the North East

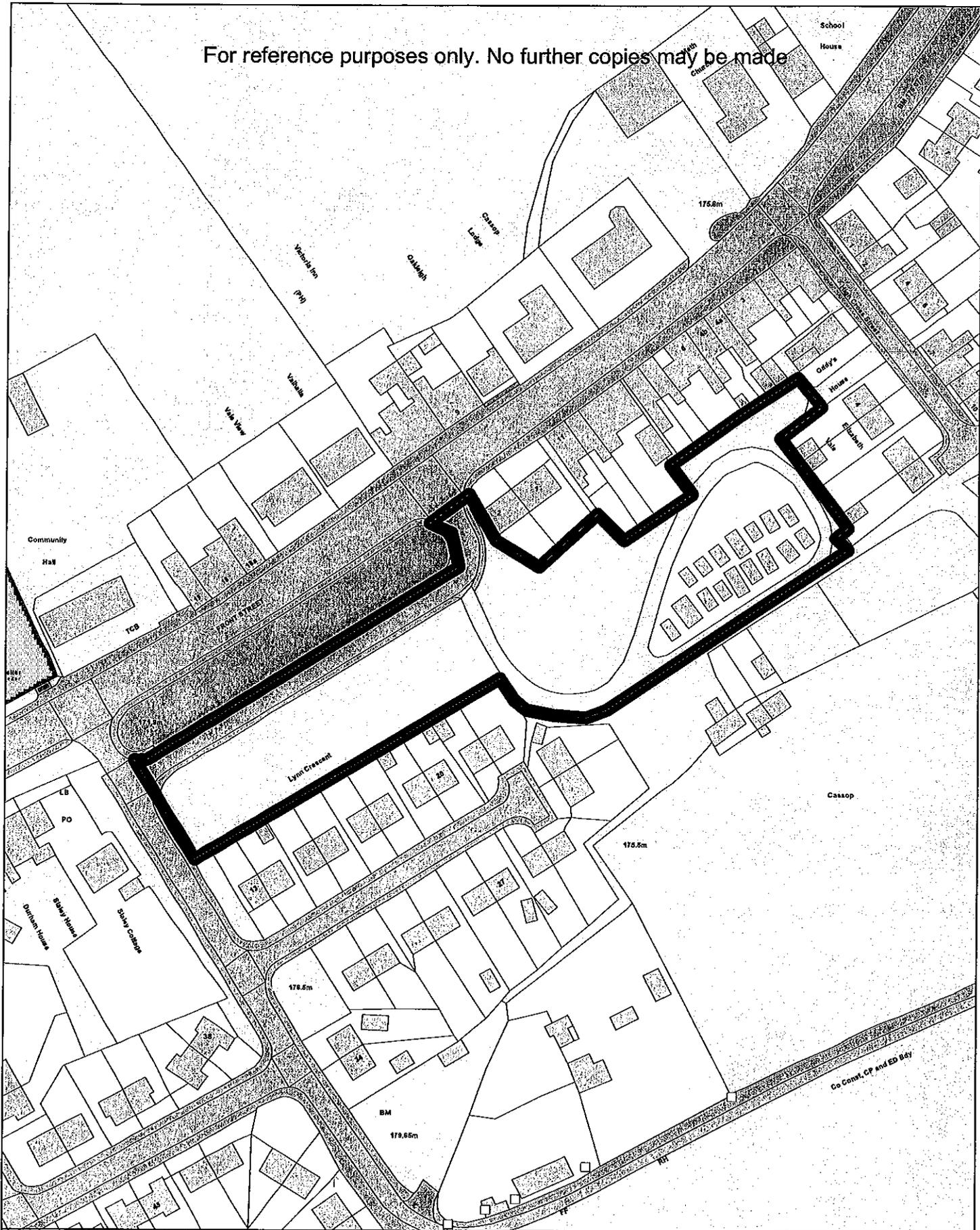
County Durham Structure Plan 1998

City of Durham Local Plan 2004

Statutory Responses

Public Consultation Responses

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/06/01092/FPA

Land at Lynn Crescent / Front Street, Cassop

Comments

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