



Area Planning Committee (Central & East Durham)

Date Tuesday 21 April 2009
Time 2.00 pm
Venue Committee Room No.2, County Hall, Durham

Business

Part A

1. Declarations of Interest (if any)
2. Applications to be determined by the Area Planning Committee (Central & East Durham)
3. Appeal Update
4. Appeal Decisions
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Lesley Davies

Head of Legal and Democratic Services

County Hall
Durham

8 April 2009

TO: Members of the Area Planning Committee (Central & East Durham)

Councillors J Blakey, G Bleasdale, D Boyes, R Burnip, D Freeman, A Laing,
J Maslin, M Plews, R Liddle, M Simmons, D Stoker, P Taylor, C Walker,
M Williams and B Wilson

Contact: David Walker/Joanne Collins

Tel: 0191 372 7657 / 527 4728

Email: david.walker@durham.gov.uk

joanne.collins@durham.gov.uk



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

AGENDA

21 April 2009

1. Notice of Planning / Enforcement Appeals which have been lodged with the Council

- a) Appeal by Mr W Morgan
Site at land south of Apex Cables, City West Business Park, St Johns Road, Meadowfield Industrial Estate, Durham, DH7 8ER

An appeal has been lodged by Mr W Morgan against the Council's refusal to grant planning permission for the variation of condition 2 of approval 08/00288 to extend opening hours until 11pm, Thursday to Saturday on land south of Apex Cables, City West Business Park, Meadowfield Industrial Estate, Durham, DH7 8ER.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

- b) Appeal by Mr And Mrs Walker
Site at land fronting Pit House Lane adjacent Lilac Cottage, Leamside, Durham

An appeal has been lodged by Mr And Mrs Walker against the Council's refusal to grant outline consent for the erection of detached dwellinghouse (all matters reserved) on land fronting Pit House Lane adjacent Lilac Cottage, Leamside, Durham.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

- c) Appeal by Mr P Smith
Site at 85 Gilesgate, Durham, DH1 1HY

An enforcement appeal has been lodged by Mr P Smith against the Council's issue of an enforcement notice in respect of the material change of use, without planning permission, from public house to ten bedroom house in multiple occupation, involving partial demolition with erection of single storey extension to the rear, at variance with approval granted for an 8 bedroomed single dwelling

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

- d) Appeal by Telefonica O2 UK Ltd
Site at Enfield Road Garage, Enfield Road, Seaham, Co Durham

An appeal has been lodged by Telefonica O2 UK Ltd against the Council's refusal to grant planning permission for installation of a telecommunications base station consisting of a 20m high monopole mast, associated antennae, an equipment cabin and ancillary development at Enfield Road, Seaham, Co Durham.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

- e) Appeal by Mr M Grufferty
Site at 56 Ambleside Avenue, Seaton, Seaham, Co Durham

An appeal has been lodged by Mr M Grufferty against the Council's refusal to grant planning permission to alter the hours of opening at 56 Ambleside Avenue, Seaton, Seaham, Co Durham.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

- f) Appeal by Mr T Singh
Site at G L Barber Hardware, Claxton House, 73 Seaside Lane, Easington Colliery, Co Durham

An appeal has been lodged by Mr T Singh against the Council's refusal to grant planning permission for a change of use from A1 (shop) to A5 (hot food takeaway) at G L Barber Hardware, Claxton House, 73 Seaside Lane, Easington Colliery, Co Durham.

The appeal is to be dealt with by way of written representations at the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

2. Notice of the Outcome of Planning / Enforcement Appeals which have been lodged with the Council

- a) Appeal by Mr G Maw
Site at Coalfield Lane Farm, Littleton, Durham

The above appeal against the Council's issue of an Enforcement Notice in respect of the unauthorised erection of an ancillary building comprising a domestic three car garage, offices and residential accommodation at Coalfield Lane Farm, Littleton, Durham has been withdrawn.

Recommendation:

That the report be noted.

- b) Appeal by Mr M Robinson
Site at 43 Luke Avenue, Cassop, Durham, DH6 4RD

The above appeal against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to front/side of existing dwelling and erection of porch to front at 43 Luke Avenue, Cassop, Durham, DH6 4RD has been dismissed in the Council's favour.

Recommendation:

That the report be noted.

- c) Appeal by Mr E Clark
Site at 20 Whinney Hill, Durham, DH1 3BE

The above appeal against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to side and rear of existing dwelling at 20 Whinney Hill, Durham, has been allowed.

Recommendation:

That the report be noted.

- d) Appeal by J Baldwin
Site at Crimdon Cottage, Coast Road, Blackhall, Co Durham

The above appeal against the Council's refusal to grant planning permission for the erection of 5 no. Holiday Chalets at Crimdon Cottage, Coast Road, Blackhall, Co Durham, has been dismissed in the Council's favour.

Recommendation:

That the report be noted.

- e) Appeal by Cumbrian Seafoods
Site at Unit 8, Foxcover Industrial Estate, Seaham, Co Durham

The above appeal against the Council's refusal to grant planning permission for the erection of 2 x 250 kW wind turbines at Cumbrian Seafoods, Unit 8 Foxcover Industrial Estate, Seaham, Co Durham, has been withdrawn.

Recommendation:

That the report be noted.

Appeal decisions are available to view online at www.durham.gov.uk or are available upon request to the relevant Area Office.

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 And Applicant	Location	Proposal	Recommendation
----------------------	----------	----------	----------------

ITEM 1

09/0062/OUT Mabey Hire Ltd	Mabey Hire Limited Depot Burn Street Bowburn Durham DH6 5AW	Outline application with all matters reserved for residential development of 36 dwellings (indicative), together with associated landscaping, car parking and access	APPROVED
-----------------------------------	---	--	-----------------

ITEM 2

PL/5/2009/0024 Mr D Scorer	Coldwell Burn Farm, Salters Lane, Haswell	Residential Development (Outline)(Resubmission)	REFUSED
-----------------------------------	---	---	----------------

ITEM 3

PL/5/2009/0029	Welfare Close Easington	12 No. Houses and 12 No. Flats	APPROVED
----------------	----------------------------	--------------------------------	-----------------

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 1

APPLICATION DETAILS

APPLICATION No: 09/00062/OUT

FULL APPLICATION DESCRIPTION: Outline application with all matters reserved for residential development of 36 dwellings (indicative), together with associated landscaping, car parking and access

NAME OF APPLICANT: Mabey Hire Ltd

ELECTORAL WARD: Durham South

DESCRIPTION OF THE SITE AND PROPOSALS

The rectangular application site of some 0.8 hectares is located centrally within the settlement of Bowburn and is currently used as a storage and distribution depot for ground shoring equipment used in the construction industry. The site is occupied by two flat roof buildings used as storage and offices, with the remainder used for open storage. Topographically, the site slopes up to the north east, while there has been artificial levelling to create two plateaux areas, effectively elevating the site some 3metres above surrounding ground levels. Limited vegetation exists within the site, but around the site's boundaries there are number of native and non-native species. The site is generally contiguous with residential development. Between 1937 and 1970, the site formed part of Bowburn colliery, and two mineshafts (one capped) are still present on the site. The colliery included much of the surrounding land which has subsequently been developed for housing and Bowburn South Industrial Estate.

Outline planning permission is sought, with all matters reserved for the residential redevelopment of the site. Indicatively, access would be provided via Runcie Road as existing, while the layout shows provision for some 36 dwellings with areas of landscaping, vehicular and pedestrian access and parking. Dwellings would not exceed 8.5m in height.

The application is supported by a Design and Access Statement, Planning Statement, Transport Statement, Phase I Desk Study Report, and a Phase II Interpretive Ground Investigation Report.

PLANNING HISTORY

There is no planning history of relevance to the application site.

PLANNING POLICY

NATIONAL POLICY:

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

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

Planning Policy Statement 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance note 13: Transport seeks 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.

Planning Policy Guidance note 14: Development on Unstable Land, explains the effects of land instability on development and land use and the responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process.

Planning Policy Statement 22: Renewable Energy, sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

Planning Policy Statement 23: Planning and Pollution Control, contains the policies and the advice in the accompanying Annexes which should be taken into account by Local Planning Authorities in preparing development plans. They are also material to decisions on individual planning applications and where proposals involve development on land likely to be contaminated, applications shall be accompanied by a survey of the site to assess the likely extent, if any, of contamination.

Planning Policy Statement 25: Development and Flood Risk, sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area, and at a County level, replaces the County Durham Structure Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Of particular relevance are the following policies:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralized or low-carbon sources.

LOCAL PLAN POLICY:

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals that would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

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

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. As far as possible, unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified.

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

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity.

Policy H12A (Type and Size of Housing) states that the Council will monitor housing supply and demand and negotiate with developers for an appropriate balance of dwelling type, size and density.

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

Policy EMP10 (Bad Neighbour Activities) states that permission will only be granted for such within settlement boundaries provided it would have no adverse impact on nearby occupants or be detrimental to the character and appearance of the area.

Policy EMP11 (Employment Outside Designated Centres) states that employment development within settlement boundaries but outside designated centres will only be permitted where it can be demonstrated that the proposals would significantly adversely affect neighbour manatee, the character and appearance of the area or be detrimental to highway safety.

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

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

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards.

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

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

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

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

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

LOCAL DEVELOPMENT FRAMEWORK:

Although progress by the City of Durham Council on its Local Development Framework has ceased in favour of a county-wide approach, the site has nonetheless been identified in the recently published Strategic Housing Land Availability Assessment (SHLAA). The site is not identified within the five year period as it was considered unlikely to be available in that time period; however, its suitability for residential development is recognised in view of the close proximity of a range of community facilities and good access to jobs, key services and infrastructure.

The recent Strategic Housing Market Assessment (GVA Grimley, 2008) recommends that the majority of new housing in County Durham should be two and three bedroom dwellings, while 30% of new housing in the City of Durham District should have four bedrooms or more. Demand for apartments in the County is limited to Durham City Centre only.

The above represents a summary of those policies considered most relevant in the Development Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Highway Authority raises no objection to the scheme finding that existing highway infrastructure can cater for the demand arising, that the layout of the site would enable it to be adopted and that car parking would be satisfactory. One area of consideration relates to the proposed footpath link through the site and the potential safety implications which may arise. An amended layout has sought to address such issues and to remove the extent of potentially unobserved areas.

Northumbrian Water Limited has no objection to the scheme subject to the imposition of planning conditions, relating to firstly, the treatment of foul flows from the scheme as a result of Bowburn sewage treatment works being at capacity, secondly, a redesign of the scheme to avoid building over a public sewer through the site, and finally, details relating to the disposal of surface water.

At the time of writing a response is waited from the Environment Agency with regard to the effect on controlled waters. However, Entec, have provided comments in respect of the potential contamination at the site as a precaution.

INTERNAL CONSULTEE RESPONSES:

The Council's Development Plans Section considers that the principle of residential development is acceptable.

The Council's Heritage and Design Section has no objection to the scheme subject to a number of conditions relating to trees and landscaping being imposed.

The Council's Ecologist considers that the findings of the submitted Ecological Walkover and Bat Risk Assessment are acceptable, and does not therefore object to the scheme.

Environmental consultants, Entec, have undertaken a review of the submitted Phase 1 and 2 site investigation and interpretation reports, and have identified some areas of concern in relation to end users and impost on ground waters. They consider that it would not be necessary to provide further information prior to determination, but propose a series of conditions relating to pre-development surveys, remediation, validation and future monitoring.

PUBLIC RESPONSES:

In January 2009, the applicants conducted a neighbour and community consultation exercise, to include all properties in the immediate vicinity of the site, together with Ward Councillors and the Parish Council. The Council has subsequently carried out its own consultation in accordance with Article 8 of the Town and Country Planning (General Development Procedure) Order 1995, and five letters of representation have been received.

Representations have been received from the occupiers of 2 Carey Close, which lies to the south of the site. Whilst not objecting to the proposals, they are concerned about the height of properties in relation to their bungalow and the impact of street lighting.

The occupiers of 2 Runcie Road comment that surface water and sewage flooding problems have occurred in the area, and that the traffic lights with the junction of the A177 are poorly timed leading to congestion in the area.

The occupiers of 36 Montaigne Drive are concerned that there are bats roosting in the buildings on site, and that three storey dwellings on the site will lead to a loss of privacy and loss of light.

The occupiers of 38 Montaigne Drive are concerned by a loss of privacy and light from the development, and that there will be a significant amount of additional traffic generated by the development.

The occupiers of 1 Carey Close are supportive of the redevelopment of the site, however, they have some concerns about privacy and light, surface water run-off levels and sewage capacity, and the impact of additional traffic at the junction with the A177, exacerbated by poor timing of traffic lights and unrestricted parking.

The occupiers of 3 Carey Close strongly object to the proposals on the grounds of loss of residential amenity, particularly in respect of the relationship between existing bungalows and prospective two storey dwellings, and resultant privacy loss. Issues of noise and disturbance are also raised in respect of vehicular and pedestrian movements around the site. Finally, highway safety concerns are raised in relation to existing congestion problems likely to be exacerbated and the impact upon the sensitive uses located between the site access and the A177.

Cassop Cum Quarrington Parish Council is supportive of the principle of the redevelopment of the site. However, they are concerned about the loss of the business if they are unable to relocate within Bowburn, and whether sufficient drainage capacity exists. Additional comments are made about the supporting information.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=09/00062/OUT>

PLANNING CONSIDERATIONS AND ASSESSMENT

The main issues concern the principle of development and whether there would be harm to visual/residential amenity or highway safety. Additional considerations include the provision of affordable housing provision, ground contamination, ecology, drainage, and energy conservation.

Principle of Development

In terms of the principle of redeveloping the site for housing, the land and buildings comprising the application site are entirely previously-developed land, and its redevelopment would accord with the aims of PPS3, RSS Policy 4 and Policy H3 of the Local Plan. Indeed the site has been identified in the Council's Strategic Housing Land Availability Assessment as being suitable for residential development, being in close proximity to a range of community facilities, jobs, key services and infrastructure.

Visual Amenity

Local Plan Policy H3 considers in more detail, the scale, design, location and number of units proposed. However, as an outline application with all matters reserved for detailed consideration, the submission only includes indicative information about the layout and form of development. The Design and Access Statement does, however, detail the issue of scale, and that having regard to the two storey nature of almost all of the housing contiguous with the site, proposed dwellings would be two storeys, not three as identified by one objector, and would not exceed 8.5m in height. This is comparable in height to dwellings on the adjacent Croxdale Park Estate, and in order to ensure the subsequent development retains this relative scale, a condition would be appropriate having regard to Circulars 01/06 and 11/95.

With regard to design of the proposed dwellings, this would be matter for further detailed consideration, and while indicatively the location of the units is shown within the site, this too would be matter for further consideration. The density of the scheme with 36 units indicatively provided would be around 45 dwellings per hectare (dph). PPS3 recommends a

minimum density of 30 dph, while the recently undertaken Strategic Housing Market Assessment recommends suburban densities of between 35 and 55dph, and as such, the scheme would accord with such parameters. The scheme would offer varying types and size of dwellings and the resultant density would be somewhere between the lower density development of detached dwellings in Montaigne Drive, for example, at around 26 dph and the higher density terraced dwellings at 80 dph in Newburn and Norton Avenue to the west of the site, for example.

Residential Amenity

Turning now to residential amenity, there have been some concerns expressed by residents living on the periphery of the site, in relation to the scale of proposed housing and in particular in relation to the levels. It is acknowledged that within the site the levels have been artificially raised to form two plateaux, and this is most evident along the western boundary of the site. As part of a more detailed application, the precise levels will be considered, particularly in regard to ground reclamation required at the site, and where the impacts upon amenity in terms of privacy and overshadowing can be addressed in more detail, and thereby satisfy objectors concerns about privacy and loss of light. An amended indicative layout has been submitted, which demonstrates that a scheme could be achieved where separation distances of at least 21metres between facing elevations of existing and prospective dwellings, and therefore ensure that the amenity of occupiers is safeguarded in accordance with Policy Q8. In addition, a relatively dense vegetation belt exists along the southern boundary of the site, which both contributes to the visual amenity of the area, and would assist in providing screening, and subject to a condition this can could be retained to form part of the scheme.

Concerns have been expressed about the potential noise and disturbance from increased vehicular movements associated with prospective residents. However, this must be considered against the existing vehicular movements associated with the site, which includes forklift trucks around the site, and HGVs entering, exiting and manoeuvring within the site. Whilst a residential scheme would be active beyond the hours of the existing use (although it could operate on a 24 hour basis without restriction) as an objector identifies, it is considered that this would be to a limited extent, and where the amenity of adjacent occupiers would not be significantly adversely affected, having regard to Policies H13 and Q8 of the Local Plan.

Highway Safety

In terms of highway considerations, there have been a number of objections to the scheme in respect of the additional traffic likely to be generated and that the existing infrastructure would not be able to cope with this additional demand. A Transport Statement submitted in support of the scheme, considers that there will be a reduction in comparative vehicular movements (measured in passenger car units) between existing and proposed uses of the site, and indeed the Highway Authority is satisfied that the likely traffic generated can be adequately catered for through existing infrastructure, and without detriment to highway safety. In addition, as the Transport Statement identifies, the sustainable location and regularity of bus services in close proximity of the site, reduces the extent to which prospective residents would be reliant on private cars to access employment, education or leisure facilities. Objections on this ground are considered to be unsubstantiated. The Highway Authority is concerned about the proposed footpath link through the site, and that it would be unobserved. An amended indicative layout plan has subsequently been provided, which reduces the extent to which the footpath would be unobserved. A more detailed

scheme would address this particular area of concern, and is considered insufficient to justify refusing the application in these circumstances.

Affordable Housing

In terms of affordable housing, the Council's Supplementary Planning Document to Policy H12 of the Local Plan, sets out that on sites where 25 or more units are to be provided, 30% of all units should be affordable. Therefore, the indicative provision of 36 units would yield some 11 affordable units, and in order to ensure that an appropriate level is delivered relative to a detailed scheme, a planning condition is proposed to secure the delivery of affordable housing at the site, together with requirements relating to the timing of the construction of affordable units, the criteria for ensuring affordability in perpetuity and the criteria to determine occupiers.

Contamination

Between 1937 and 1970, the site formed part of a colliery, and a capped mineshaft is still present on the site. A phase 1 and 2 desk study has been submitted with the application to identify potential contaminants. The submitted reports have been the subject of scrutiny by external consultants, who have concluded that generally the phase 1 desk study is suitable and sufficing in the context of the proposed development, however, they have a slight concern in relation to the identified end user and the associated level of risk apportioned to that end user, and as such, a revised desk study is required, and is the subject of a proposed condition. In relation to the phase 2 interpretive report, the consultants have expressed some concerns in relation to conclusions about groundwater, and the lack of detailed analysis of such. The submitted report identifies that there is no significant site contamination, and the consultants do not dispute this view. However, they do make recommendations, in relation to the two mine shafts identified, and that a specification and verification of stabilising work be produced, along with conditions relating to unexpected contamination and future validation of remediation, together with long term monitoring.

Ecology

Objectors raised queries in relation to the likely use of the existing buildings on the site by bats. In response to such concern, an Ecological Walkover report and Bat Risk Assessment have been submitted. The reports have found that the site is of low ecological value and that only the dense vegetation along the southern boundary of the site offers some opportunities for nesting birds. The vegetation along this boundary could clearly be retained, assisting privacy issues also, and is shown as being retained in the indicative site layout. Turning to bats, the detailed risk assessment undertaken, identifies that the structures do not offer significant bat roosting opportunities and there is a minimal/low likelihood that bat roosting will occur. The County Ecologist considers that the findings are reasonable and raises no objection to the scheme. In these circumstances, it is considered that subject to the vegetation along the southern boundary being retained, interests of nature conservation would not be adversely affected by the proposals, in accordance with both Policy E15 and PPS9.

Landscaping

As discussed above, there is an area of dense vegetation along the southern site boundary which provides a buffer between the public footpath and dwellings in Carey Close beyond. In addition to aiding privacy between existing and prospective occupiers, ecologists have identified the vegetation as being a potential habitat for nesting birds in a site of otherwise low ecological value. The indicative layout would comfortably enable the boundary vegetation to be retained, and a condition is proposed to that effect, coupled with the need for protection during construction. The proposed development would therefore satisfy the aims of Policies E14, E15, and E16 in this regard. In terms of soft landscaping, a detailed scheme would be required for a development of this nature, as would details of the surfacing for both public and private species, and again conditions are proposed to that effect.

Drainage

Bowburn Sewage Treatment Works (STW) is at full capacity and could not currently cater for the additional foul flows that would be generated by a development of the scale proposed. However, an upgrade of Bowburn STW has been designed and is expected to be commissioned during the period of April 2010 to March 2011. In the interim period where foul flows could not be accommodated, Northumbrian Water Limited have proposed a planning condition seeking details for the treatment of foul flows from the development, recognises that developers elsewhere in Bowburn have been able to provide interim solutions. In any event, the current economic climate, coupled with the need for a later reserved matters application, and allowing for the current site occupiers to relocate their business to alternative premises, is such that the site is unlikely to be developed in the near future (identified in the 6 to 15 year land supply), by which time the increased capacity is likely to be available.

A number of residents and the Parish Council have commented on existing flooding problems and question whether sufficient drainage capacity exists. While Northumbrian Water Limited has identified a capacity issue in terms of foul flows, they have only sought details of a scheme to ensure that flood risk is not increased from the disposal of surface water, and as such, it is considered, that capacity to deal with surface water exists and an appropriate scheme to meet the requirements of the proposed condition could be achieved satisfactorily, thereby ensuring flooding does not occur and alleviating concerns expressed by those having made representations. It is considered that the proposed development accords fully with Policy U8a in this regard.

Sustainable Construction

Policy 38 of the RSS aim to promote greater use of local renewable energy in new development, and in the absence of local targets being set, major new developments of more than 10 dwellings should secure at least 10% of their energy supply from decentralised and renewable low-carbon sources. The policy also advises that the feasibility or viability of meeting this requirement may be restricted having regard to the type of development and its design. However, Officers experience of major housing schemes suggests that the scheme should be entirely capable of meeting the requirements of a condition proposed to secure this provision.

Public Art and Open Space

As the development proposed will clearly generate more than 10 dwellings, the requirements for open and play space provision and public art provision will apply, in accordance with Policies R2 and 15, respectively. In terms of public and open space, Policy R2 requires informal play space at a rate of 100sqm per 10 dwellings, and amenity space at a rate of 200sqm per 10 dwellings. In lieu of such provision, the Council will seek a financial contribution from the developer to provide an equivalent amenity or open space facility in the locality. In terms of public art, the developer will be required to provide a form of artwork within the scheme or contribute to an appropriate one in the locality, in accordance with Policy Q15 and the Council's Supplementary Planning Document, Provision of Public Art as Part of Major New Development Schemes. Both aforementioned requirements are the subject of proposed planning conditions.

CONCLUSION

In conclusion, it is considered that the principle of redeveloping the site for residential purposes would be entirely consistent with national, regional and local planning policies. As an outline application with all matters reserved, the precise detail of a scheme for the site is yet to be provided, however, the indicative layout and Design and Access Statement provided indicate that a scheme could be provided which is of a scale, design and density which would sit comfortably with the residential development contiguous with the application site, and where the amenity of both existing and prospective occupiers could be adequately safeguarded. The redevelopment of the site would lead to valuable contributions to affordable housing provision in the area, and would represent the redevelopment of a site in a sustainable location in central Bowburn, further contributing to the village's ongoing regeneration.

Although, Officers share the Parish Council's view that the retention of Mabey Hire Limited as an employer is important to Bowburn, it would be outside of the remit of planning control to condition that they relocated to a site within Bowburn. However, there are currently and likely to be in the future a number of sites and units available within both Bowburn North and South Industrial Estates which could accommodate Mabey Hire Limited.

Whilst the scheme has been the subject of a number of objections, it is considered that the concerns raised are unsubstantiated, and where their interests can be adequately addressed these can be incorporated into a detailed scheme and secured through appropriate planning condition, and accordingly Officers recommend the approval of the application.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping of

the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, other than the decontamination of the site, is commenced.

3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. The existing trees along the southern boundary of the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
8. The existing trees along the southern boundary of the site shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
9. Prior to the commencement of development, a scheme showing existing and proposed site levels, means of ground retention structures and ground slab levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
10. Prior to the commencement of the development a scheme to minimise energy

consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.

11. Before the development the development hereby permitted is commenced, details of an artistic feature designed in accordance with the Council's Supplementary Planning Document: Provision of Public Art as Part of Major New Development Schemes, shall be submitted to and approved by the Local Planning Authority. The feature shall be provided as part of the development and before completion of 75% of the dwellings.
12. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
 - a) The numbers, type and location of the site of the affordable housing provision to be made;
 - b) The timing of the construction of the affordable housing;
 - c) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - d) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
13. The development hereby permitted shall not be commenced until a scheme providing for appropriate informal play space and amenity space associated with the residential development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
14. No building on any part of the development hereby permitted shall exceed 8.5 meters in height as identified in the submitted Design and Access Statement.
15. The development hereby permitted shall not exceed a density of 55 dwellings per hectare.
16. Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. The development shall not be occupied until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.
17. Development shall not commence until a detailed scheme for the redesign of the

proposals to avoid building over a public sewer by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details.

18. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details.
19. Notwithstanding the submitted phase 1 and 2 reports, an investigation and risk assessment, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and shall include a specification and verification for the location and treatment of the on site mine shafts. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report findings must include:
 - a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites; and, ancient monuments;
 - c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

20. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
21. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

23. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

REASONS FOR THE DECISION

1. The principle of the proposed development together with the impacts upon visual and residential amenity, highway safety, ecology and interests of flora and fauna are judged acceptable, having regard to Policies E14, E15, E16, H3, H13, T1, Q5, Q8, and U8a of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 4, 7, 8, 24 and 38 North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to consideration of issues of development principle, highway safety, visual and residential amenity, flora and fauna and disposal of foul and surface water.
3. Grounds of objection relating to residential amenity, and in particular privacy loss, together with highway safety, drainage and flooding were considered to not be sufficient to lead to reasons to refuse the application, in view of the developments accordance with relevant development plan policies, and the ability for a subsequent reserved matters scheme to satisfactorily address areas of concerns combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Transport Statement

Phase I Desk Study Report

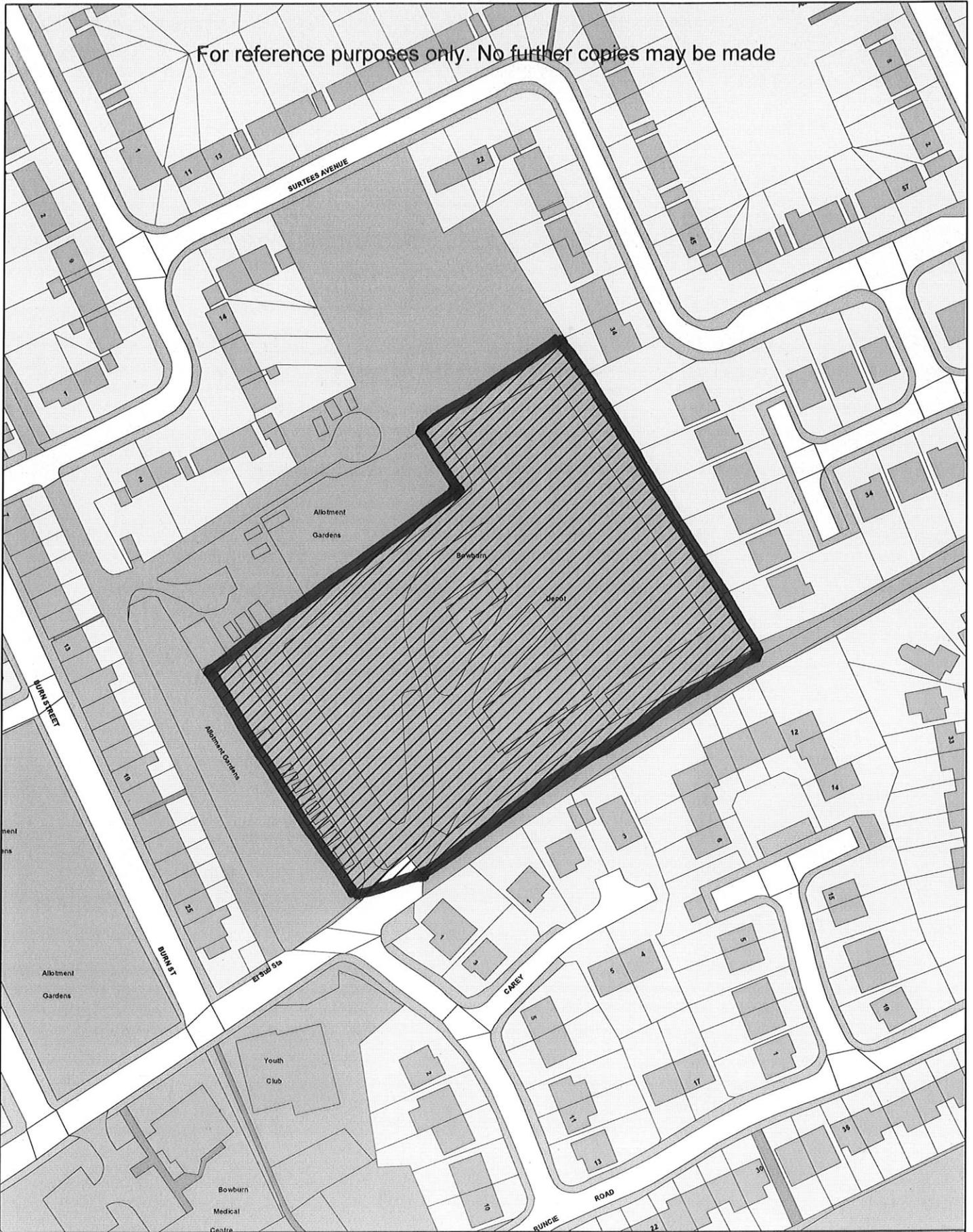
Phase II Interpretive Ground Investigation Report

Planning Policy Statements: PPS1, PPS3, PPS9, PPS22, PPS23 and PPS25

Planning Policy Guidance notes: PPG13 and PPG14
North East of England Plan Regional Spatial Strategy to 2021 (RSS), July 2008
City of Durham Local Plan 2004
Circular 01/06: Guidance on Changes to the Development Control System
Circular 11/95: Use of conditions in planning permission
City of Durham Local Plan 2004
SPD: Provision of Public Art as Part of Major New Development Schemes
SPD: Provision of Affordable Housing
Responses from Highway Authority and Northumbrian Water Limited
Internal responses from Heritage and Design and Development Plans Sections and Entec
Public Consultation Responses
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



4/09/0062/OUT

Mabey Hire Limited Depot, Burn Street, Bowburn

Comments ITEM 1

Date 06 April 2009

Scale 1:1250



Planning Services

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council (Durham City Area Office) Licence No. 100022202 2005.

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 2

APPLICATION DETAILS

APPLICATION No:	PL/5/2009/0024
FULL APPLICATION DESCRIPTION:	RESIDENTIAL DEVELOPMENT (OUTLINE) (RESUBMISSION) at COLDWELL BURN FARM SALTERS LANE, HASWELL
NAME OF APPLICANT:	MR DAVID SCORER
ELECTORAL WARD:	Haswell & Shotton

DESCRIPTION OF THE SITE AND PROPOSALS

The application site consists of the Coldwell Burn Farm and associated grounds. The total site area is 1.37 hectares. The application site is bounded to the west by the B1280 Salter's Lane, and to the north, east and south by agricultural fields. Coldwell Burn Farm is situated approximately 200 metres to the north of Haswell Village as outlined on the District of Easington Council's Local Plan Proposals Map.

The application represents the re-submission of a previously refused application (see planning history). The current proposal has seen the application site amended, with the proposed development moved approximately 20 metres southwards towards the village of Haswell.

The proposal is for Outline Planning Permission for a residential development. This application deals purely with the principle of development on this site. The layout of site, scale of buildings, appearance of buildings, access to site, and landscaping of site are reserved matters and would be subject to a subsequent detailed application if planning permission were to be granted.

The applicant has submitted a statement with the application in support of the proposed residential development. He has acknowledged that as the site is clearly not within a defined settlement, the assumption would be that it would be inappropriate to grant planning permission for residential development. However, it is argued that existing and emerging planning policy does not automatically rule out such development. The applicant considers the key issues to relate to: site sustainability; the need for housing; and, economic

considerations.

Site Sustainability: it is argued that further development in Haswell is necessary to support the retention and ongoing vitality and viability of the village facilities. Although the application site lies outside the adopted settlement limits of Haswell, it is argued that the site is within easy walking distance of all the main facilities, and that it is and has always been functionally part of the settlement and this perception will not change as a result of its redevelopment for housing. It is suggested that as a housing site it is not appreciably further away from services within the village than some of the existing dwellings on the outer periphery of Haswell, for example on Blossomfield Way or indeed any housing in Haswell Plough.

The Need for Housing: it is suggested that in the light of the recent Growth Point status for Easington District, the Council is going to have to work very hard to deliver the scale of additional housing development envisaged. The applicant has suggested that the recent draft Strategic Housing Land Availability Assessment (SHLAA) does not adequately provide for new housing development in Haswell and that the application site could help to meet a need. It is acknowledged that the SHLAA has provided for a five-year housing land supply, but it is suggested that this is reliant on allocated sites coming forward for development. The applicant has argued that guidance from the Housing Green Paper states that achieving such a supply should be seen as a starting point and not the end of the process, as such, it is not considered a reason in itself for refusing planning permission for housing development on additional sites so long as they represent a sustainable development option like the application site. Overall, the applicant has argued that there are quantitative (meeting housing targets and supporting local facilities), and qualitative (providing higher value/lower density residential development and creating sustainable development), reasons why the District Council should grant planning permission for the current application.

Economic Considerations: the applicant has stated that the main driving force behind this application is the declining health of the current owner and his desire to see Holcrofts business, which he has nurtured for over 30 years, grow and expand in Easington District under the control of some of its existing locally based employees, rather than selling the business to an outside company who would close the Coldwell Burn Farm operation and transfer the business to other premises outside the district with a resulting loss of jobs and impact on the local economy. The existing business serves some 200 businesses across the northeast, and more importantly has four principal suppliers based in the local area. These local links and expenditure streams would be lost if Holcrofts were to be bought out by one of its competitors and the businesses transferred. All current staff currently live in the local area. It is proposed that the business is to be gifted to a management team of existing employees, who subject to planning permission being granted will transfer the business to new premises within Easington District. The applicant has proposed that a S.106 legal agreement could be used to make this a condition of granting planning permission. It is suggested that if planning permission is not approved, the business would be sold to an existing competitor located outside Easington District, and that the local jobs and economic benefits would be lost to the local area.

The applicant has suggested that the key material policy considerations that need to be taken into account and balanced in the planning decision, are:

- The application will involve the beneficial re-use of previously developed land.
-

- The site is in a sustainable location adjoining a service village with a good range of shops, services, and accessibility to public transport.
- There is an on-going need to identify sites capable of delivering additional new dwellings in Easington District.
- There is an explicit need to continue to provide housing in settlements such as Haswell to support their vitality and viability.
- There is an acknowledged need to rebalance the housing stock in Haswell through the provision of higher value/lower density executive dwellings.
- The development will improve visual amenity in this gateway location in Haswell.
- The development will secure the future of a successful indigenous local business and retain local control of that business.
- The development will directly protect 14 existing jobs for local residents.
- The development will indirectly protect the vitality and viability of a number of local businesses that supply Holcrofts and the jobs in those companies.
- The development will provide the opportunity for this business to grow and increase employment levels.
- The development will have lower impact on the environment in terms of CO2 emissions and other vehicle pollutants than the alternative because it will eliminate unnecessary journeys and food miles.

The applicant has also noted that the Council has previously approved planning permission for residential development on other Brownfield sites beyond settlement boundaries where there has been a good reason, for example Crossways Hotel, Thornley; the garage site at Cold Hesledon, the garage site close to Easington Dog Track, Wingate Council Depot and Little Thorpe.

PLANNING HISTORY

PLAN/2008/0507 – Residential Development (Outline) – Refused 04/11/2008

The above application was refused for the following reasons:

1. The proposal represents the development of a site outside the established settlement boundaries as outlined on the District of Easington Local Plan Proposals Map. The proposal is therefore considered to be contrary to national planning guidance contained within Planning Policy Statements 3: Housing and 7: Sustainable Development in Rural Areas, and policies 3, 35, and 67 of the District of Easington Local Plan and should be refused.
2. Insufficient information has been provided to allow the Local Planning Authority to consider whether or not the proposed development would have an adverse effect on species especially protected by law. The proposal is therefore considered to be contrary to Policy 18 of the District of Easington Local Plan.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the

Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 7: Sustainable Development in rural Areas (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

GEN01 - General Principles of Development

Due regard will be had to the development plan when determining planning applications.

Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

ENV03 - Protection of the Countryside

Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

ENV35 - Environmental Design: Impact of Development

The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

HOU67 - Windfall housing sites

Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

The above represents a summary of those policies considered most relevant in the Development Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Durham Bat Group:

- It is accepted that the existing buildings on the site are unsuitable for bats, however concerns are raised in relation to Bats using the surrounding area.

Natural England:

- Based on the information provided, Natural England advises that the proposal is unlikely to have an adverse effect in respect of species protected by law.

Environment Agency:

- No objections.

Northumbrian Water:

- No objections.

Haswell Parish Council:

- Notwithstanding the fact that the site is a 'brownfield' site it is nevertheless outside the Haswell settlement area and a development of this scale will erode the greenbelt buffer between Haswell and South Hetton and result in the whole buffer being opened for residential development. A previous application has been rejected by the District Council for these same reasons and a different decision would not be consistent.
- Access from the proposed development onto the adjacent highway, even based on the fact that the applicant intends to relocate it 20 metres, would still be dangerous given the fact that it leads directly into a 60 mph road with poor visibility.
-

INTERNAL CONSULTEE RESPONSES:

Planning Policy Officer:

- The application proposes a residential development of 9 no. executive houses on a site situated outside of the settlement boundaries and in the open countryside. The site is unsuitable and unsustainable when considered in terms of local, regional and national planning policy. It is considered that other material considerations put forward by the applicant would not outweigh these fundamental policy concerns, and therefore the application should be recommended for refusal.

Environmental Health officer:

- A full Contaminated Land Risk Assessment should be approved by the Council prior to works commencing on site. In order to minimise noise during construction hours, times of construction work should be controlled.

Highways Authority:

- In principle the proposed new access for the residential development and the internal road and footways design would appear reasonable. No objections raised on highway grounds, subject to conditions relating to visibility splays and the agreement of an internal road layout plan.

East Durham Business Service:

- Holcrofts is a long established business in East Durham and employs 14 staff, based at Coldwell Burn Farm, Haswell. Following discussions with the applicant, the Business Service are happy that the re-located business as proposed as part of this application has a good prospect of trading successfully on one of the Peterlee Industrial Estates.

PUBLIC RESPONSES:

A site notice has been erected on the application site and a press notice has been used to advertise the application. Neighbouring properties have also been consulted. Six letters of representation have been received in support of the proposal. Support has been offered on the following grounds:

- Coldwell Burn Farm is currently unsightly, a development such as that proposed would be to the benefit of the area.
- The proposed new houses will help to sustain and improve village facilities and local transport links.
- The development of the site will allow the existing business to move to a more suitable site, vans would no longer create disturbance by travelling through the village.
- The proposed development will allow the retention of jobs in the local area, this issue is considered to be particularly important in the current economic climate.

In addition to the letters of support, a petition containing 87 no. signatures has also been received by the Local Planning Authority. Reasons for support are as outlined above.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=103000>

PLANNING CONSIDERATIONS AND ASSESSMENT

The main issues to consider in assessing this proposal are:

- National Planning Policy
- District of Easington Local Plan Policy
- Regional Spatial Strategy
- Protected Species
- Responses to the Applicants submission

National Planning Policy

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning Authorities should strictly control new house building in the countryside, outside established settlements or areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special justification for planning permission to be granted. Special justification could, for example, relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. One of the main aims of PPS7 is to promote sustainable patterns of development within rural areas. The document identifies the need to strictly control new house building in the countryside, away from established settlements. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as a possible exception to policy.

Planning Policy Statement Note 3: Housing (PPS3) is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement Note 3: Housing. PPS3 also requires Local Planning Authorities to have an up to date five-year supply of deliverable sites. It has been found that the Council does indeed have this 5-year supply. Any residential development could therefore not be justified on this site through a lack of housing land supply.

District of Easington Local Plan

The District Council considers that housing development should normally only be approved on sites within the towns and villages of the District. There are a number of reasons for this: firstly, new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities. Redevelopment of “Brownfield” sites within settlement boundaries should take priority over sites that are outside the village boundary such as the current proposal. Indeed, development of sites outside of the settlement boundary can undermine the regeneration of the villages, as such developments can lead to sprawl and the de-lineation of the urban form.

Policy 67 of the Local Plan states that housing development will be approved on previously

developed sites within settlement boundaries of established towns and villages. The application site is situated outside the village of Haswell and is considered to be contrary to policy 67 of the Local Plan.

Local Plan Policy 3 severely restricts development in the countryside. Policy 3 deals with development in the countryside in general and states that it will not be approved. It is therefore considered that the proposal is contrary to the relevant development plan policies.

Regional Spatial Strategy

The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient land for development; indeed the applicant has referred to it in his supporting statement. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas.

The Council can clearly demonstrate an adequate supply of sustainable sites for development within the urban area and as such, consideration of new sites in the countryside is not required. The site would therefore fail the sequential approach for development, were it to be applied to this application.

Protected Species

The previous application for the development of this site was refused for two reasons (see planning history). One of the reasons for refusal related to the impact the development may have on species protected by law (bats). The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. Natural England and Durham Bat Group have been consulted on the application, and although concerns were raised previously, no objections have been raised to the current proposal. However, if planning permission were to be approved for the development a condition should be attached to ensure that the mitigation measures outlined in the submitted ecology report are followed during any subsequent construction works.

Responses to the Applicant's submission

The arguments put forward by the applicant in support of this proposal are not considered sufficient to outweigh the policy objections outlined previously.

With regard to sustainability, the application site is located away from any established settlement and within a countryside setting. The proposal is not therefore considered to represent a sustainable form of development. Relevant development plan policies aim to provide new housing development within established urban areas, well connected to services such as shops and community facilities, and adjacent to transport nodes. The Council has clearly identified an adequate supply of such sites for development. It is not

considered that the current proposal relates to such a site. For the reasons outlined previously the proposal is not considered to accord with the relevant development plan policies.

The applicant has also argued that the application should be approved due to housing need. This issue has been discussed previously in the report; the Council can clearly demonstrate a 5-year Housing Land Supply, and development could not be justified based upon a lack of housing land supply. The applicant has also referred to the recent Growth Point status for Easington District, and suggested that the number of houses that need to be built will increase as a result, and that therefore development such as that currently proposed should be supported in order to meet the increased housing needs.

The Durham New Growth Point is based on a number of major settlements in South and East Durham. The Government requires Growth Point proposals to be based upon the original approval of Expressions of Interest. In East Durham, the approved Expression of Interest is based on the emerging Local Development Framework Core Strategy for the Peterlee and Seaham areas. As a result, a Programme of Development has been submitted to Government for approval, based on these settlements. The programme of Development identifies and programmes housing delivery on identified sites in these two areas. The programme does not therefore concern the Haswell area, and there is no shortage of sites available in Peterlee and Seaham to deliver the Programme of Development. This application must therefore be considered under 'normal' planning criteria, and not as part of the Growth point agenda.

The applicant has outlined various economic benefits that the re-development will bring to the local area and district as a whole. East Durham Business Service has confirmed that it has no objection to the planning application and that it is happy that the existing business would remain viable if re-located to make way for the proposed residential development. It is accepted that the existing business supports 14 jobs and has linkages to local suppliers. However, it is not accepted that the retention of the jobs is dependent on planning permission being granted. In any event, if planning permission were granted, the planning system could not guarantee that the business would continue to operate and/or retain the current levels of employment.

The applicant has highlighted other decisions made by the Council, suggesting that a precedent has been set for development of previously developed sites outside settlement boundaries. The Council has consistently resisted inappropriate development in the countryside. It should be noted that each planning proposal is assessed on its individual merits and that in this case the proposal is not considered to be comparable to other decisions made. The proposal is not considered to be acceptable for the reasons outlined above.

With regard to letters of representation and the petition received by the Local Planning Authority, it is clear that there is public support for the proposed development. However, public support for the proposal does not change the strict policy objection to the proposed housing development.

All other issues raised by the applicant have been discussed in the report, or are not considered sufficient to warrant a departure from the relevant development plan policies.

Other Considerations

The Highways Authority has been consulted in relation to this application; no highway objections are raised to the proposal.

Easington District Council, Environmental Health Officers, have suggested that contaminated land and hours of construction should be a condition of any grant of planning permission if the application is approved.

CONCLUSION

The proposed development of residential properties on the application site clearly contravenes relevant national, regional and local policies and in principle planning permission should be refused.

The applicant has submitted information in support of the proposals but this does not outweigh the fundamental objection to the development of an inappropriate site. He states that redevelopment will have economic benefits for the locality, and ensure that the existing business is retained within the district. However, no information has been provided to demonstrate the continued viability of the business and future retention of jobs.

The application represents the resubmission of a previously refused application. It is not considered that the changes made to the proposal are significant enough to overcome the previous planning policy reasons for refusal, as stated in the planning history section earlier in this report. The previous refusal also included concerns in relation to species protected by law (bats): however, Natural England and Durham Bat Group have not raised any objections to the current proposal.

The Council's policy is to prioritise the development of previously developed land within existing settlements for residential development. The current proposal relates to an application outside the established settlement boundaries and therefore should not be supported.

RECOMMENDATION

That the application be REFUSED for the following reason;

The proposal represents the development of a site outside the established settlement boundaries as outlined on the District of Easington Local Plan Proposals Map. The proposal is therefore considered to be contrary to national planning guidance contained within Planning Policy Statements 3: Housing and 7: Sustainable Development in Rural Areas, and policies 3, 35, and 67 of the District of Easington Local Plan and should be refused.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Associated Documents.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3

APPLICATION DETAILS

APPLICATION No:	PL/5/2009/0029
FULL APPLICATION DESCRIPTION:	12 NO. HOUSES AND 12 NO. FLATS at WELFARE CLOSE, EASINGTON COLLIERY
NAME OF APPLICANT:	ISOS DEVELOPMENT
ELECTORAL WARD:	Easington Colliery

DESCRIPTION OF THE SITE AND PROPOSALS

The application site, which is approximately 0.62 hectares, lies within the settlement boundary of Easington Colliery on a site previously occupied by local authority flats and garages, as such the land is considered to be brownfield. The land is now grassed over and several small trees are planted around the site, which slopes steeply upward from north to south. Residential properties surround the site on all sides.

This application proposes twelve flats and twelve houses with private gardens that would be Housing Corporation funded and would be available for social rent. The development would be comprised of six pairs of semi detached houses, situated either side of a group of twelve flats, all of which would be two storeys high to match the existing dwellings that surround the site. As there is a difference in ground levels of approximately 5 metres across the site from north to south, level access would be provided to the front and rear using sloping ramps, which would be suitable for wheelchair users. The main materials used would be brick, tile and render and parking would be provided in accordance with Durham County Council Parking Guidelines. The dwellings would be built to Code for Sustainable Homes Level 3 standard and would include the installation of solar panels on the south facing roof slopes. The Code is intended to make homes more sustainable and it measures the sustainability of a home against design categories, rating the 'whole home' as a complete package. The design categories included within the Code are energy, pollution, water, health and well-being, materials, management, surface water run-off, ecology and waste.

PLANNING HISTORY

The site was formerly used for local authority flats and garages which have recently been demolished. There is no relevant planning history.

PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3:** Housing underpins the delivery of the Government's strategic housing policy objectives and our goal 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.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021

- Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

District of Easington Local Plan

- **Policy 1** Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
 - **Policy 35** The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
 - **Policy 36** The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
 - **Policy 38** The design and layout of development should have due regard to personal safety and security of property, particularly in hours of darkness.
 - **Policy 66** Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make
-

provision at the development site.

- **Policy 67** Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

The above represents a summary of those policies considered most relevant in the Development Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Parish Council – no response.

Highways – informal advice given relating to adoption of footpaths and stopping up order. Also requested further provision of visitor parking spaces, plans have been amended to meet this requirement.

Northumbrian Water – no objections.

Police Architectural Liaison Officer – informal advice given.

INTERNAL CONSULTEE RESPONSES:

Landscape – Trees that are to be retained should be appropriately protected.

Environmental Health – no objections.

Policy – The proposal is generally in accordance with relevant policy. However, policy 66 of the District of Easington Local Plan requires developers to provide recreation and play space within a housing development site. As an alternative, the Council has generally been prepared to negotiate a financial contribution towards the provision of such facilities elsewhere in the locality. No such facilities or financial contribution are being offered in this instance. However the policy allows the Council to take into consideration the characteristics of the proposed development and relevant economic factors.

Housing – A section 106 legal agreement to secure the affordable housing in perpetuity is not required in this case as any changes to the use of the accommodation would be subject to grant claw-back and can only be achieved with the express permission of the Homes and Communities Agency and the Local Authority. In addition, the proposed development has a marginal financial business plan and the requirement for a financial contribution will make the agreed level social housing provision unfeasible. It is considered that the strategic relevance of affordable social housing provision on this site, in the wider context of the Area Development Framework for Easington Colliery and enabling future decanting of tenants in later stages of the ADF development plan, outweighs the need for off-site play provision.

PUBLIC RESPONSES:

The proposal has been advertised by way of a site notice, press notice and by individual letters to surrounding residents.

No responses have been received from the public.

PLANNING CONSIDERATIONS AND ASSESSMENT

The main planning issues are considered to be the design, scale and layout of the development, highways issues and compliance with the relevant policies, in particular, policies relating to affordable housing, play space and renewable energy.

Design, scale and layout

The design, scale and layout of the development are considered to be generally acceptable. There is no consistent design or use of materials surrounding the site that could influence this scheme and as such the proposed materials are acceptable. The scale of the development is considered to generally reflect the surrounding buildings and the layout is also considered appropriate given the constraints involved with the steeply sloping site. The scheme achieves the distancing standards set out in the appendix of the District of Easington Local Plan. Informal advice has been given from the police architectural liaison officer relating to designing out crime, this will be passed to the applicant.

The application does not include information as to how the development will take account of the steep slope. It is considered appropriate to attach a condition requiring of these details, to ensure that the development will relate well to its surroundings.

Highways

The plans have been amended to reflect changes suggested by the Highways Authority in relation to parking provision and as such the proposals are considered acceptable from a highways perspective. Informal advice has been offered in relation to adoption of footpaths and stopping up orders, this will be passed to the applicant.

Policy – affordable housing

The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. This application proposes 100% affordable housing, which would be provided through a housing corporation. Normally the developer would be required to enter into a Section 106 legal agreement in order to secure the affordable housing in perpetuity. However, the Head of Housing has stated that “the grant funding regime from the Homes & Communities Agency being accessed to substantially enable the proposed development at Welfare Close, Easington, requires that the housing built with the grant is utilised for social housing only as per the original bid by the Housing Association concerned. Any future changes to the use of the accommodation is subject to grant claw-back and could only be achieved with the express permission of both the Homes & Communities Agency and, as part of this process, by the Local Authority. With this protection in place I would consider the use of the s106 condition of social housing in perpetuity to be an unnecessary burden on the developing Housing Association given the current financial climate and restricted access to private finance funding that they will be using as their own contribution to this development scheme.” As such, it is accepted that a Section 106 legal agreement is not appropriate in this instance.

Policy – play space

Saved policy 66 of the District of Easington Local Plan states that developers should provide

adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. As such, it would usually be necessary in such circumstances to make a financial contribution towards that provision. However, the applicant, ISOS Housing Association, have submitted information that seeks to justify non-payment of a financial contribution towards offsite recreation space, stating that a contribution would make the scheme unviable due to abnormal building costs. This has been agreed with the Head of Housing who states that “the proposed development has a marginal financial business plan and the requirement for a financial contribution will make the agreed level social housing provision unfeasible; essentially the Housing Association could be driven to provide less affordable housing and more housing for outright sale to make up the cost of the commuted sum. I believe this to be a counter-productive measure. In this case I would consider that the strategic relevance of affordable social housing provision on this site, in the wider context of the Area Development Framework for Easington Colliery and enabling future decanting of tenants in later stages of the ADF development plan, outweighs the need for off-site play provision.” As such it is considered in this instance, due to the need for affordable housing in this location, that a financial contribution should not be required in this instance.

Policy – renewable energy

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. This application would be built to Code for Sustainable Homes level 3 which includes the provision of solar panels on the south facing roof slopes. However, in order to ensure that 10% of energy produced comes from a renewable source, a suitable condition should be imposed.

CONCLUSION

Taking all relevant planning matters into account it is considered that the proposal is acceptable. The scheme generally accords with the relevant development plan policies and would provide much needed affordable housing in the area. The proposals are of good quality design and would have no adverse impacts to surrounding occupiers or the street scene. It is concluded that no section 106 legal agreement is necessary in order to secure the affordable housing in perpetuity as the use of the accommodation can only be agreed with the express permission of the Homes and Communities Agency and the Local Authority. Moreover, the requirement for a financial contribution to off-site play space is not considered appropriate in this instance as the scheme would no longer be financially viable and refusal would potentially lead to the loss of much needed affordable housing in this area.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

2. The development hereby approved shall only be carried out in accordance with the submitted application, as amended by the following plans: 785/001/Roof and 785/001A

3. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

5. In relation to the development hereby permitted; no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site between the hours of 0800 hours and 1800 hours Monday to Friday, nor between the hours of 0800 hours and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays unless approved in writing in advance with the Local planning authority.

6. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.

7. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

REASONS FOR THE DECISION

1. The development is considered acceptable having regard to the following development plan policies:

PPS1, PPS3, RSS policy 38 and policies 1, 35, 36, 38, 66 and 67 of the District of Easington Local Plan.

2. In particular the development is considered acceptable having regard to consideration of issues of layout and design, highways issues and affordable housing.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement

- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3
- Consultation Responses
- DCLG Circulars

