

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00705/FPA
FULL APPLICATION DESCRIPTION:	Erection of 12 no. residential dwellings (phase 2) with associated access, parking and landscaping
NAME OF APPLICANT	Durham Villages Regeneration
ADDRESS:	Land At Colliery Road, Bearpark, Durham, DH1 3EP
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Allan Simpson allan.simpson@durham.gov.uk 0191 301 8704

DESCRIPTION OF THE SITE AND PROPOSALS

The Site and its Context

1. The site is a rectangular area of former grassland, around 0.25ha in area situated at Colliery Road, Bearpark
2. The rear gardens of the properties of Taylor Avenue and a smallholding frame the boundaries to the west and north, with the site fronting Colliery Road to the west, across which is a landscaped colliery reclamation site.
3. There is a difference in levels between the development site and the Local Authority built dwellings and the west boundary features a steep bank, which rises to those dwellings and their gardens, and a variety of boundary markers. A post and wire fence separates the boundary from Colliery Road, with the site which, having been used as a site compound for Phase I, is no longer grassed.
4. In addition to the sealed footpath running along Colliery road there a public footpath near the north-east corner of the site connecting to the village, a small industrial estate and the reclaimed recreational countryside to the north and east of the site.
5. The current proposal represents the second phase of a scheme previously approved as social housing at Committee in March this year.

6. The 9 no. units comprising phase I are physically complete and partly occupied, and represent one of the four schemes recently implemented as new Council housing.

7. The site abuts, but is out with the settlement boundary of Bearpark, which is identified as a 'larger' village in the City of Durham Local Plan 2004, and as one of the 'Villages most in need of regeneration' where there are special provisions to encourage residential development.

The Nature of the Proposals

8. The application proposes 12 no. new residential dwellings, directly comparable to the scheme already proposed for the site in terms of size, scale, position, residential relationships, parking provision and servicing. There are 12 units of 2 and 3 no. bedrooms, each with a small front garden, and an enclosed rear garden. 18 no. car parking spaces are provided, three accessed off Colliery Road, fifteen in a communal courtyard.

9. The main difference between the proposed scheme and that already approved relates to the tenure of the properties, being previously approved as 100% affordable Council Housing, the applicants now propose market housing.

10. The site is reported to Committee on the basis of the number of units proposed.

PLANNING HISTORY

11. Planning permission was granted in March 2010 for the erection of 21 affordable homes of which 9 have been built as a first phase. Prior to this the site had been in informal recreational use as maintained leveled grassland, accessed through a five bar gate.

PLANNING POLICY

12. NATIONAL POLICY:

Planning Policy Statement 1: 'Delivering Sustainable Development' sets out the Governments overachieving 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. This PPS3 sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities, land supply, and the need for 'balanced communities'.

Planning Policy Statement 4: 'Planning for Sustainable Economic Growth'. The recent guidance states that the Government's overarching objective is sustainable economic growth which it seeks to help achieve by improving economic performance of cities, towns regions and local areas both urban and rural.

Planning Policy Statement 7: 'Sustainable Development in Rural Areas', sets out sustainability issues as the key principal underpinning rural land use planning, setting out

criteria for development and conversion of buildings in the countryside and appropriate land uses.

Planning Policy Guidance Note 13: 'Transport'. This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Guidance Note 14: 'Development on Unstable Land' explains briefly the effects of land instability on development and land use. The responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process is emphasised. Methods of doing this through development plans and development control are outlined. The role of expert advice is highlighted and various causes of instability are explained and sources of information are given. Separately published Annexes on Landslides and planning and Subsidence and planning develop this advice with specific reference to those areas and include background information and good practice guidance on identification and assessment of these problems and how they are can be dealt within the planning system.

Planning Policy Guidance Note 15: 'Planning and the Historic Environment' lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system. These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

Planning Policy Guidance Note 17: 'Sport and Recreation' describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses the role of all levels of plan, planning agreements, and the use of local authority land and compulsory purchase powers. It discusses provision in urban areas, the urban fringe, the Green Belts, and the countryside and particular sports including football stadia, water sports and golf.

The above represents a summary of those national policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

13. REGIONAL POLICY:

The RSS has been re-established as a material consideration in planning decisions following challenge of the Government's decision to rescind it by CALA Homes, albeit this is being challenged by the Secretary of State. The following are those policies considered relevant:

Policy 1 (North-east Renaissance) seeks to deliver sustainable and inclusive economic prosperity and growth, and sustainable communities, capitalising on the Region's diverse natural and built environments, heritage and culture.

Policy 2 (Sustainable Development) sets out a series of environmental objectives, social objectives and economic objectives to address climate change issues.

Policy 4 (The Sequential Approach to Development) seeks a prioritized approach to development of sites based on previously developed land, protection of nature and heritage sites, and relation to existing homes, jobs, services and modes of transport.

Policy 6 (Locational Strategy) seeks to maintain sustainable market towns, service centres and villages whilst preserving their historic fabric and character.

Policy 7 (Connectivity and Accessibility) seeks to reduce the impact of travel demand by promoting public transport, travel plans, cycling and walking, and making the best use of existing resources and infrastructure.

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 9 (Tyne and Wear City Region) gives a priority to regeneration in the River Wear corridor.

Policy 11 (Rural Areas) supports the development of a vibrant rural economy that makes a positive contribution to regional prosperity whilst protecting the region's environmental assets from inappropriate development, aspiring to economic prosperity and creating Sustainable Communities.

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 utilize previously developed land wherever possible.

Policy 30 (Improving Inclusively and Affordability) seeks to make provision for a range of dwelling type, size and tenure, assessed against the needs of the local community, considering elements of the housing stock currently under-represented.

Policy 38 (Sustainable Construction) requires planning proposals to ensure that the design and layout of new dwellings must minimise energy consumption, and encourage best practice for achieving high energy efficiency.

14. LOCAL PLAN POLICY:

Policy H3 (New Housing Development within the Villages) addresses the Council's approach to new housing development in the villages, Bearpark being identified as a 'larger' village. New housing development in addition to that formally identified in the Local Plan comprising previously developed land will be permitted, providing it is appropriate in scale, design, location, and number of units, with such site likely to be limited in number in smaller villages. The area proposed to be developed must not possess important functional, visual or environmental attributes which contribute to the settlement's character. There is exceptional opportunity for the development of small greenfield sites in identified villages, up to 0.33ha in size where clear and quantifiable regeneration benefits can be demonstrated, and cannot be achieved on brownfield land. Bearpark is an identified village.

Policy H5 (New Housing the Countryside) sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.

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. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

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 E5a (Open Spaces within Settlement Boundaries) does not permit proposals which would detract from the functional, visual and environmental attributes they possess will not be permitted.

Policy E7 (Development in the Countryside) advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.

Policy E10 (Areas of Landscape Value) is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.

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.

Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

Policy E19 (Wildlife Corridors) sets out criteria for ensuring that key habitats maintain their quality and range of species, and the council will seek to ensure that the integrity of wildlife corridors and the type of species are taken into account.

Policy E26 (Historic Parks and Gardens) protects designated Parks and Gardens from inappropriate development.

Policies T1 and T10 (Highways) of the Local plan relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

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. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

Policy R14 (Browney Valley) identifies the site as within the informal recreation area around the River Browney.

Policies Q1 and Q2 (Quality of Development) sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, minimising conflict between pedestrians and vehicles and so on.

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 Councils standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.

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.

Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

15. STATUTORY RESPONSES:

The Highway Authority note they have previously commented on this layout, and are currently processing an application for adoption under s.38 of the Highways Act 1980 for the scheme. The layout and point of access are considered acceptable.

Natural England Advise the proposals are unlikely to have a detrimental effect on species protected by law, but recommend that the mitigation detailed within the submitted 'Extended Phase I Protected Species Survey and CSH Assessment of land at Colliery Road, Bearpark, Durham, E3 Ecology, R02 final, 21.01.10', be adhered to.

Northumbrian Water note they have entered into design approval for the adoption of 24 units on the site, and offer no objection to the scheme.

The Environment Agency state they have no comment to make on the application.

16. INTERNAL CONSULTEE RESPONSES:

The County Ecologist has no objection to the scheme.

The Heritage and Design Section offer advice suggesting changes to layout and house-types.

17. PUBLIC RESPONSES:

One adjacent resident has written in objection to the scheme. He notes the original scheme for the whole site was for 'affordable housing'. He claims that whilst adjacent residents were not completely in favour of the scheme, the fact they new housing was not private, but open to Bearpark residents to apply to live made the development acceptable. He objects that the tenure was the reason why a Greenfield site outside the settlement boundary was previously approved. The housing is now private market housing going to the highest bidder who is unlikely to come from the village. There is no mention of the previously agreed recompense for the loss of the informal recreation space. The design alterations making the houses less energy efficient than originally proposed, and therefore further less affordable to younger residents.

The objector's objection letter to the original scheme is appended which he requests is repeated. In that he complained of the potential for land stability problems on the steeply sloping site boundaries shared with existing dwellings. He complained of loss of view from the development, devaluing property and requesting compensation. He complained the developer was likely to vary the scheme once approved, and the scheme may be left part-built once started. Loss of the facility provided by the open space, along with disruption and danger to pedestrians during construction was raised, and finally, loss of rear access to gardens across the space was offered as an objection.

18. APPLICANTS STATEMENT:

The applicant's agents have submitted a statement which seeks to justify the development in terms of delivery of a sustainable development and delivery of homes meeting the needs of the local community. The statement refers to the DVRC's track record in delivering to date almost 1000 new homes, of which 25% have been affordable, through a Partnership with the Council and its predecessor, with over £20million released to the Local Authority for new facilities in the villages and the City.

The nine dwellings constructed in phase I were funded through HSC grant equivalent to £60,000 per unit. Development commenced before the recent political change of Government ensuring the grant monies for those was not lost. Since the election, monies available to the HCA have been reduced, and the funding for phase II was lost. The provision of low cost open market housing, justified against PPS3 (Housing) through the completion of the development, will maintain the regeneration of the village. The properties are targeted towards first time buyers, and their respective costs are likely to be attractive to people in Bearpark seeking owner occupier accommodation.

Phase I is built to Sustainable Homes Code 4 as an exemplar in the region and a significant regeneration objective in Bearpark. Such development can only be funded with outside assistance, such as HCA grant, costing around £10,000 per house. The DVRC is keen to ensure the loss of grant funding does not end supporting the regeneration of Bearpark. The homes will be built to modern and improved Building Regulation standards, and will still be some of the most sustainable housing in Bearpark in terms of energy efficiency.

A lower cost house will require a lower deposit and be more attractive to first time buyers. With the Council commissioned Strategic Housing Market Assessment (SHMA) not taking into account low cost housing, PPS3 notes that with the new definition of affordable housing excluding low-cost market housing, Local Authorities should take heed of the need to provide for such as part of the overall housing mix.

The previous approval sets the principal of development on the site, and the housing now proposed will compliment that already constructed.

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=10/00705/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

Principle of development

19. This development is on a site that benefits from an existing planning permission for a similar form of development. Those proposals were accepted as representing a departure from the adopted Local Plan. The site is outside the settlement boundary, and therefore would usually be assessed against the policies for development of new dwellings in the countryside – E7 and H5. The line of the settlement boundary however, appears somewhat of an anomaly, since the site is also specifically excluded from the restrictive countryside Policies that affect the land to the east.

20. The previous and recent planning permission included the provision of 100% affordable Council Housing and this was considered to represent special circumstances sufficient to justify a departure from the development plan and a recommendation for approval for that original scheme of 21 units. However changing circumstances particularly relating to the withdrawal of funding from the Homes and Community Agency has meant that the scheme is unable to progress as previously intended.

21. The key issue of principle here is whether the development of the second phase of the scheme amounting, in numerical terms to 57% of the total development, for low cost market housing justifies the continued reasoning for departure from the Development Plan.

22. The main policies involved in the consideration of the previous application and which are still relevant to the present phase 2 application site are those that seek to control development in the countryside and outside settlement boundaries.

23. Policy E7 – Development in the Countryside seeks to restrict development, including housing, and sets out a number of sites within settlement boundaries where provision for such is made, but notes in its supporting text that in *'exceptional circumstances development outside settlement boundaries may be considered acceptable'*. That policy is cross-referenced to Policy H5 which sets six restrictive criteria, which includes that the development respects the character of it's setting in terms of siting, design, scale, materials, and relationship to existing buildings.

24. The previous application which comprised the current phase 2 application site, was considered to meet the relevant exceptions test to the policy. Whilst the reasoning for that centred around the fact that 100% affordable housing was to be provided the physical characteristics of development are unchanged the only difference being the tenure of the proposed housing.

25. Housing development is encouraged by Local Plan policy towards 'larger villages' as it can assist in regeneration. In the recently issued advice set out in PPS4, the Government set out policies to protect the countryside from inappropriate development, requiring Local Authorities to identify sites for such in the context of existing settlements taking into account the precise nature of proposals, and *'locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together'*. The scheme is in the spirit of this up-to date advice, where *'local authorities should..... have particular regard to PPG3 guidance on the provision of housing in villages and should make land available either within or adjoining existing villages to meet the needs of local people'*.

26. The site has a good relationship to the existing facilities and transport network offered by the village. PPS3 further sets out that *'developers should bring forward proposals for market housing which reflects demand and the profile of households requiring market housing, in order to sustain mixed communities.....The Government believes it is in the public interest for first time buyers and others to own their own home, but the level of potential demand is too great to be met by social housing grant or developer contributions. The needs of this group could be met by low-cost market (non-affordable) housing'*.

27. Policy H3 of the City of Durham Local Plan defines Bearpark as a 'larger village' and as a former coalfield village *'in need of regeneration'*. Housing development in former coalfield villages can assist in the regeneration process increasing the viability of settlements and fulfilling social housing needs. The current proposals fulfill this aim.

28. Accepting that the application still technically represents a departure from the development plan, many of the arguments that justified the previous application are still highly relevant and whilst the total site area will now provide 43% of the total housing numbers as affordable homes instead of 100% this is still well in excess the normal policy requirement of 30%.Furthermore, the current proposal will successfully complete the development in its entirety, and thereby maintain the momentum of regeneration in the village helping deliver a mixed community.

Design Issues

29. The detailed design issues raised by the application have been considered in the past, and considered acceptable against the requirements of Policy Q8. Whilst different house types are proposed from those previously approved, in essence they are generic modern units acceptable in terms of design and appearance. They can be integrated successfully into the existing mature residential environment through the use of appropriate materials. Each property benefits from an appropriate amount of private residential curtilage, and the separation distances to existing development exceeds that required, ensuring the privacy and amenity of both existing and future residents is considered and acceptable.

Highway Issues

30. Since the proposed layout differs little in terms of what was previously approved the parking provision and access standards are acceptable to the Highway Authority.

31. A 'pro-active' approach to traffic management of the site had been conditioned during construction works given the position of the site between residential properties and the Primary School management of pedestrian flows when the at peak periods around the school day. The Local Planning Authority has received no complaints in respect of this and proposes to repeat what appears to have been a condition successful in overcoming previous local concern.

Sustainability

32. The phase 1 development of the adjacent site under construction is being developed to level 4 of the Code for Sustainable Homes. This is an exemplar development within the region and significant boost to the regeneration of Bearpark. However, such development can only be achieved with the support of a significant boost to funding from the Homes and Communities Agency. The required uplift in construction specification is typically £10,000 per dwelling and the total HCA funding for phase 1 is £60,000 per dwelling.

33. In the absence of HCA funding the developer is still committed to supporting the housing led regeneration in villages such as Bearpark whilst ensuring that the proposals remain viable.

34. Whilst the phase 2 development the subject of this application will not be developed to level 4 code for sustainable homes it will still offer construction to modern Building Regulation standards which have seen significant improvements in recent years in terms of energy efficiency and represent some of the most sustainable homes in Bearpark with Standard Assessment Procedure (SAP) readings of 84.5, compared to 91 for code 4 and 61 for most post 1980 homes.

Other Issues

35. On other issues, the responses of Natural England and the County Ecologist are noted to accept the Ecology survey submitted, subject to its mitigation strategy being conditioned.

36. The applicants have resubmitted a comprehensive Geo-environmental Appraisal for the site, which has been assessed by the County Council's Contaminated Land and Development Team, who confirm the strategy is acceptable in general terms and there are no objections to the proposed development. The scheme is therefore considered in this respect to comply with the requirements of Policy U11.

37. The County Ecologist has confirmed no objection to the scheme, and therefore the nearby Wildlife Corridor designation – Policy E19, PPS9, is considered unaffected.

38. The conclusions of the resubmitted Flood-risk Assessment, that the site has a 'Low' probability of flooding are accepted, and meet the requirements of national policy set out in PPS25. The application features new tree planting on the bank, both to help stabilize such and as a positive visual and environmental feature as require by Policy E15.

39. The single objector's letter repeated the complaints of his original correspondence, which were addressed by the previous report and its conditions. The loss of the open space and the change in tenure if the dwellings proposed are addressed in the principal issues above.

40. The previous application, which included the current application site, was subject to a condition (no7) that required agreement to the provision of an area of replacement informal play space on a nearby site. Negotiation to provide that area with a significant sum of £50,000 from the receipt from the sale of the site are well advanced and more than satisfy the requirements of Policy R2 requiring appropriate open ands play space.

CONCLUSION

41. The proposals represent a change to the tenure of homes already previously approved on a site where a first phase of new Council homes is under way. The withdrawal of funding from the Homes and Communities Agency has meant that the intended second phase of the development cannot proceed as 'affordable homes'.

42. The developer is proposing to build 12 low cost market homes aimed at first time buyers within the local area in a form almost identical to what has already been approved on the total site.

43. The proposal represents a departure from the Development Plan since the site lies outside the settlement boundary for Bearpark. The previous scheme was considered to justify a departure from policy on the basis of the exceptional circumstances involved in providing 'affordable homes'. Whilst this same level of 'exceptional', circumstances does not exist the current proposal still offers significant benefit in successfully completing the development in its entirety, and maintaining the momentum of regeneration in the village and helping deliver a mixed community. Whilst the application must be judged on its own individual merits it is in effect a phase or component part of a larger composite site for which planning permission has already been granted and which overall still provides an affordable housing component of 43%.

44. Aside from the important issue of development principle the scheme offers and acceptable form of development in terms of design, highways, sustainability and impact upon amenity of nearby residents.

45. Set against the Governments objectives in its new Localism Bill to encourage more new housing through initiatives such as the new homes bonus and community right to build this proposal is one officer's consider merits support and justifies its departure from the development plan.

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.

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

2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed. Those plans being HH08/665-100/02/CPY, HH08/763-100/02/CPY, QD449-95-01, QD449-65-02, QD449-60-01QD449-01-01.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.

3. Before development commences a scheme to manage pedestrian access across the front of the development site and its access, at those times of the day when parent/child access to the nearby primary school is at its peak, shall be submitted to, and approved in writing by the Local Planning Authority. Access across the front of the site must be managed in accordance with said agreement, within the hours specified therein.

Reason: In the interest of pedestrian highway safety, compliant with Policy T1 of the City of Durham Local Plan 2004.

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4. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the development.

Reason: To ensure proper drainage of the site in accordance with U8a of the City of Durham Local Plan 2004.

5. The developer must make good any damage to or failure of the slope around the site attributable to site works, building operations or the building process.

Reason: To protect to amenities of existing residents with Policy Q8 of the City of Durham Local Plan 2004.

6. In addition to the methodologies, working methods remediation strategy and recommendations of the Dunelm Geotechnical & Environmental report dated January 2010, pipe materials such as uPVC should not be used in below ground as outlined in section 8.3 of the report as they can be reactive with the made ground which has shown some organic hydrocarbon contamination. In addition, Back-fill materials to service corridors should be so designed that there will not be migration of contaminated water through the passage beyond the limits of the site boundary. Compliant with section 8.4 of the report, the validation report must be submitted to the Local Planning Authority for record, when the site remediation is complete.

Reason: To ensure that all matters of contaminated land are properly addressed, compliant with Policy U11 of the City of Durham Local Plan 2004.

7. The detailed landscaping scheme and the maintenance detailed therein set out on plan QD449-60-01 must be adhered to in full, being implemented within one year of the commencement of development.

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 of the City of Durham Local Plan 2004.

8. No development shall take place unless in complete accordance with the mitigation detailed in the report 'Extended Phase I Protected Species Survey and CSH Assessment of land at Colliery Road, Bearpark, Durham, E3 Ecology, R02 final, 21.01.10'. All contractors on site must be aware of this document, its requirements and their responsibilities to it.

Reason: To protect the interests of species protected by law, and comply with the requirements of Policy E16 of the City of Durham Local Plan 2004.

9. Before the first dwelling hereby approved is occupied a scheme shall be submitted to and approved in writing by the Local Planning Authority showing the provision of an informal recreation area on land within 500metres of the application site. The said area shall be completed and made available for public use prior to the occupation of the final dwelling within the development and retained for such as use thereafter.

Reason: In the interests of the existing and proposed residents of the village recreational need, compliant with Policy R2 of the City of Durham Local Plan 2004.

REASONS FOR THE DECISION

1. The proposals have been considered against Policies H3, H5, H12, H13, E5a, E7, E10, E15, E16, E19, E26, T1, T10, R2, R14, Q1, Q2, Q5, Q8, U8a, U11 and U13 of the Council as Local Planning Authority, and are found acceptable in principal, with time limit issues able to be addressed by imposition of an appropriate condition.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and 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.

2. In particular the development was considered acceptable having regard to consideration of issues of the principal of development in the countryside, residential amenity and sustainability.
3. Objection to the scheme can be addressed through the imposition of appropriate conditions with issues of principal addressed above

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Statement– Signet Planning

Additional Planning statement – Signet Planning

Flood Risk Assessment – Queensbury Homes

Phase 1 Ecology Survey – E3 Ecology

Tree Survey – All About Trees

Geoenvironmental Investigation – Dunelm Environmental

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

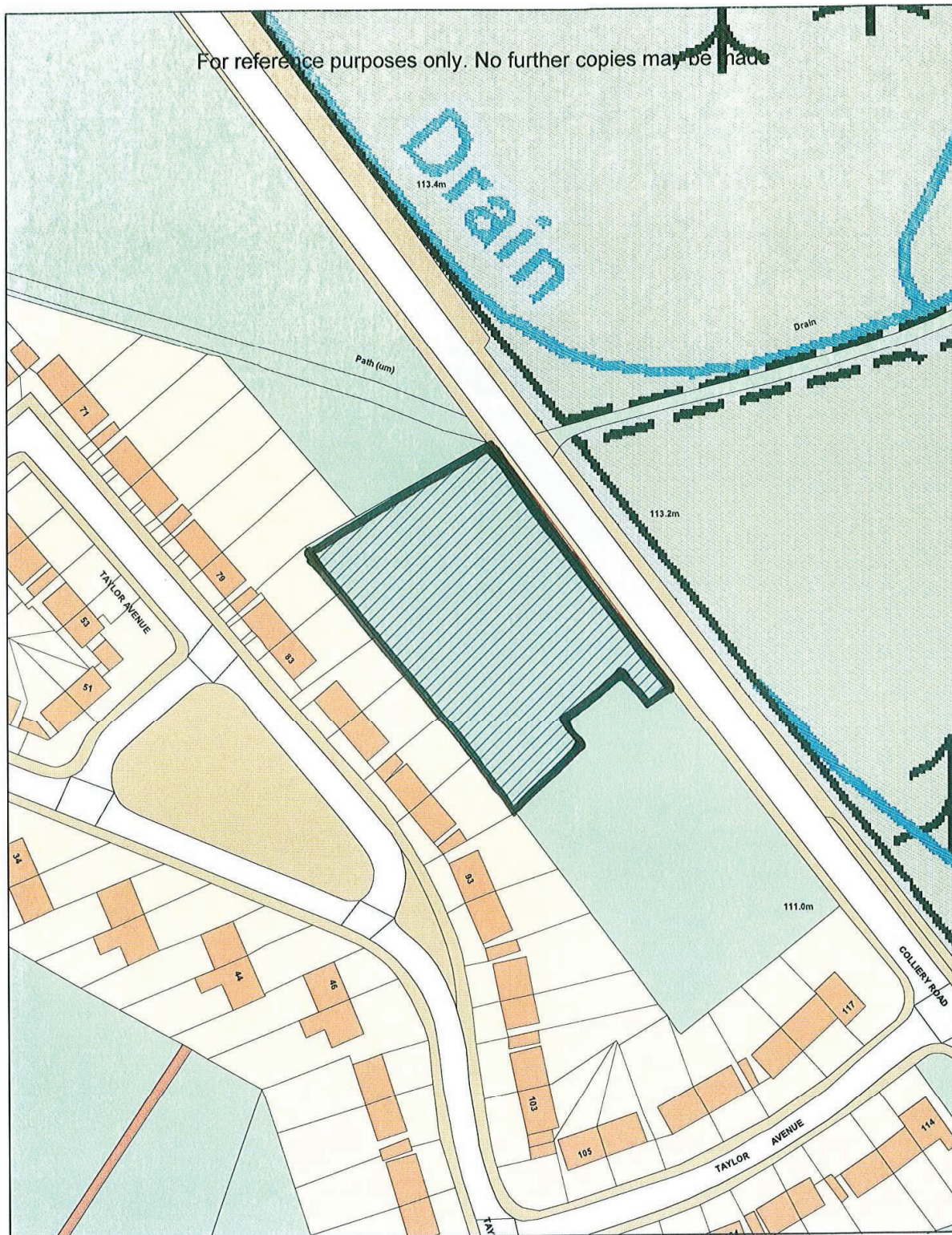
Planning Policy Statements / Guidance, PPS1, PPS3, PPS4, PPS5, PPS7, PPG13, PPG14, PPG17.

Responses from County Highways, Northumbrian Water, Environment Agency, Natural England

Public Consultation Response



For reference purposes only. No further copies may be made



Planning Services

4/10/00705/FPA - Land At Colliery Road,
Bearpark

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Comments

Date

22 December 2010

Scale

1:1000