



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

25 August 2009

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/431/RM Mr K Robson	Land To The Rear of 13-16 Dryburn Road Durham DH1 5AJ	Reserved matters application pursuant to outline approval 4/06/423 for the erection of 1 no. two/three storey dwelling with details of access, appearance, landscaping and layout	APPROVE Page No. 1 - 12
PL/5/2009/0091 McINERNEY HOMES	Abattoir & Former Co-op Site, High Lane, Haswell	Residential Development comprising Twenty Houses	APPROVE Page No. 13 - 22



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/09/00431/RM

FULL APPLICATION DESCRIPTION: Reserved matters application pursuant to outline approval 4/06/00423 for the erection of 1 no. two/three storey dwelling with details of access, appearance, landscaping and layout

NAME OF APPLICANT: Mr K Robson

ELECTORAL DIVISION: Framwellgate Moor

CASE OFFICER: Andrew Inch
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DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to an area of residential garden associated with No. 15 Dryburn Road. Essentially the area surrounding the site is residential in character, indeed to the north, south and west are residential dwellings, and although Durham Moor Tennis Club adjoins the eastern boundary, there are further residential dwellings beyond that. The nearby dwellings themselves are largely two-storey inter war semi-detached, though some have basement levels and many have been significantly extended. The application site itself is on two levels, with the northern end adjacent to Durham Moor Crescent being significantly raised above the height of the remainder of the site. Vegetation comprises dense Laurel to the front edge, domestic hedging to boundaries and low-lying planting within the garden, while a substantial Sycamore tree overhangs the site in the north-eastern corner.

Subsequent to the granting of planning permission in outline for the erection of a single dwelling on the site in June 2006, this application seeks Reserved Matters approval for the erection of a single dwelling of two and three storeys in height, and includes details of access, appearance, landscaping and layout. The dwelling is essentially cruciform in shape and is positioned up to the northern site boundary immediately adjacent to the site access and from where in-curtilage parking would be provided in both hardstand and garage form. At this northern end, the dwelling would be two storeys in height, whilst a third lower ground floor level would be provided as the site slopes southwards. During the course of the application, the scale in terms of height and projection of the southern end of the dwelling, together with fenestration detailing has been the subject of amendments.

PLANNING HISTORY

Outline planning permission (06/00423) was granted in June 2006 for a single dwelling.

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.

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.

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 H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

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 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.

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.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The County Highway Authority has raised no objection to the scheme.

Northumbrian Water Limited has raised no objection, subject to a condition providing for the diversion of both a foul and combined sewer which is shown as being built over by the proposals.

INTERNAL CONSULTEE RESPONSES:

The Council's Design and Conservation Section has been consulted in relation to the impact of the proposals upon the Sycamore tree. Subject to there being no development within the exclusion zone identified within the submitted arboricultural implications assessment and subject to only minor intrusion of the root protection area by the building itself together with external steps supported by the building rather than the adjacent ground, no objection is raised.

PUBLIC RESPONSES:

There is widespread local objection to the scheme. Residents have been consulted both on the submitted scheme and again following the submission of amended plans, and at the time of writing this report, 40 letters have been received. Whilst it would be impossible to provide an entire account of the content of each individual letter, a summary of the content is provided below.

The overriding concerns of local residents can be largely attributed to interests of residential and visual amenity. In terms of residential amenity, privacy loss for both existing and prospective occupiers has been raised particularly in relation to feature glazing on the south-eastern corner of the dwelling towards Dryburn Road, and as a result of windows in the front elevation facing across Durham Moor Crescent. Windows to this elevation have now been removed. Adverse affect in terms of outlook is raised in terms of the loss of vegetation by occupiers in Durham Moor Crescent, while occupiers in Dryburn Road are more concerned by the affects of the scale and proximity of the dwelling to their properties and resultant affect on their outlook and resultant visual intrusion or visual dominance. Additionally, residents have cited issues such as loss of light and overshadowing.

With regard to visual amenity issues, local residents concerns relate principally to the scale, design and mass of the development, in so far as a three storey dwelling would represent overdevelopment of the site and would be out of keeping with adjacent two storey developments, and the footprint in terms of its position and relationship with Durham Moor Crescent itself would be out of keeping and harmful to the character of the street, particularly by prejudicing views along Durham Moor Crescent. There are significant concerns that the property would be modern in design and would not sit comfortably with the traditional inter war properties which adjoin the site. The property would accommodate five bedrooms and this is again raised as being out of keeping.

Additional concerns expressed include: the impact in terms of the loss of vegetation both from a visual and wildlife perspective; that existing congestion and parking problems in Durham Moor Crescent would be exacerbated; that the application site is subject to flooding on occasion and again this would be exacerbated for surrounding residents by the proposal; and, that the development would set a precedent for such development if Durham Moor Tennis Club were to be redeveloped. The tennis club themselves are concerned about the proximity of the proposed dwelling to existing floodlighting and whether this would cause a nuisance to perspective occupiers.

It should be noted that residents concerns about privacy loss across Durham Moor Crescent was addressed by the applicants through the removal of facing windows, however, this has now given rise to concerns about the visual impact of a blank gable facing towards existing properties and the impact this would have in terms of the streetscene.

Finally, a neighbouring resident has drawn attention to a discrepancy on one of the two individual site layout plans in terms of an adjoining site. The 1:500 is shown correctly, but the 1:200 incorrectly. This has been queried with the agent, and a revised drawing has been submitted clarifying the layout of surrounding development.

Roberta Blackman-Woods MP has written to request that views of residents are given due consideration throughout the decision-making process as it is her belief that the opinion of local residents should play an important part in the planning process.

Councillor Wilkes a local ward member has raised concerns on behalf of local residents and has detailed issues of privacy loss, and that the dwelling proposed is not in keeping with the character of the area in terms of scale, position and massing.

The City of Durham Trust object to the scheme finding that the scheme, although innovative in design terms, is neither respectful of the neighbourhood or neighbours, and to this end they suggest that the proposal is redesigned.

APPLICANTS STATEMENT:

The proposed property aims to complete the development of the site where the principle of constructing a single house was established with the granting of outline planning permission in June 2006. A lengthy design process has been undertaken involving extensive consultation with the planning department and numerous revisions to the scheme to ensure that all of the relevant criteria were met. Following the initial submission further extensive revisions were undertaken to address additional points made by local residents. All of these concerns have been considered in depth and incorporated within the scheme without compromising the initial concept of the architecture.

The building has been influenced by the setting of the site and the surrounding properties. The significant changes in level across the plot allow the building to appear modest in scale within the street when viewed along Durham Moor Crescent whilst still achieving an appropriate amount of accommodation for the site. The apparent mass of the building is reduced by creating a structure that responds to the scale of the surrounding houses, and the materials proposed for the property are of high quality and closely reflect those used throughout the immediate locality. Although modern in style the project creates a subtle fusion between established suburban architecture and contemporary design, and achieves this without forcing a strident new property into an established neighbourhood.

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=09/00431/RM>

PLANNING CONSIDERATIONS AND ASSESSMENT

Outline planning permission with all matters reserved was granted in June 2006 for the erection of a single dwelling on the site. In view of this extant planning permission, it is considered unnecessary to revisit the principle acceptability of redeveloping the site for residential purposes. Consequently, the main issues relate to the impact of the proposals in terms of visual amenity, residential amenity, impact upon flora and fauna, highway safety, and issues of flooding and drainage.

The proposed dwelling would be essentially cruciform in its footprint and would be positioned up to the northern site boundary where it would appear as a two storey dwelling as a result of the site levels which this part of the site shares with the adjacent highway serving Durham Moor Crescent. As the site levels extend down into the site in a southerly direction, a lower ground floor level would be provided, and thus the eastern, southern and western 'wings' of the development would be of three storey's. The position of the dwelling and its three storey nature is the source of significant contention among local residents.

Policies H2 and Q8 of the Local Plan seek to ensure that, amongst other things, proposals are appropriate in scale, form, density and materials to the character of its surroundings, however, Policy Q8 specifically advises that this should be relative to general character and that new development need not mimic neighbouring development. This is consistent with PPS3: Housing, which post-dates the Local Plan, and which advises that good design is fundamental to high quality new housing and that new development should not seek to slavishly follow that of existing surrounding development. The character of properties which immediately surround the site is undoubtedly that of two storey semi-detached dwellings from the inter war period. The character of the surrounding area generally is

more mixed and in addition, includes bungalows, terraced properties, apartments and three storey dwellings currently under construction in relative proximity to the site. Using the site levels an additional level of accommodation has been achieved, and thus the dwelling will be read as three storeys from the rear elevation. The relative variances in site levels enables adjacent properties to have basement levels also, albeit they are modest in internal headroom, but the effect is not one where the dwelling would be excessively high in relation to neighbouring properties. Indeed, the eaves and ridgeline of the proposed dwelling would be lower than those of properties in Dryburn Road, while the ridgeline would be equivalent to the eaves of properties opposite the site in Durham Moor Crescent. The proposed dwelling therefore makes careful use of levels to ensure it is lower in height than those of surrounding properties which have a two storey appearance.

In terms of the proposed dwelling's relationship with the site's frontage, this southern section of Durham Moor Crescent is largely rear gardens and does not share the same frontage relationship with the highway as properties on the northern side, and as such, the positioning of the dwelling hard up to the site boundary will not be out of keeping with the character in the same way as if it were on the northern side of the road. Views up and down the street are largely read against a backdrop of dwellings on either Durham Moor Crescent or Dryburn Road, and a dwelling in this position would be not be harmful to the wider streetscene, where it too would be read against a similar backdrop. The impact of the dwelling is considered to be further mitigated by the significant articulation of the elevations by virtue of the cruciform plan, as the east and west wings are some 5.5m set back from the frontage of the site. In addition, the retained Sycamore tree also provides a backdrop against which the dwelling would be read, and would provide screening particularly during spring and summer months, thus assisting in assimilating the dwelling into its surroundings, as would further landscaping of the site to the north-western corner. Therefore, it is considered that the positioning of a dwelling which would be perceived as having two visible storeys at street level would not be harmful to the character of the area and would accord with Policies H2 and Q8 of the Local Plan in this regard.

In density terms, the proportion of the plot to be developed is some 25%, and by comparison, No.13 Dryburn Road, an un-extended dwelling with a detached garage has a developed proportion of around 27%, and the adjoining extended dwelling, No. 14, has a developed proportion of some 33%. Therefore, although a large dwelling in footprint terms it is commensurate with the plot and indeed represents a lower developed proportion than both extended and un-extended dwellings which immediately adjoin the site. In dwellings per hectare terms (dph) the proposals would be reflective of around 18 dwellings per hectare which although below the recommended minimum density in PPS3 of 30 dwellings per hectare, it is reflective of the lower densities in the area, which are generally in the low to mid twenties per hectare. In density terms the scheme proposed is reflective of and slightly less dense than surrounding development. While a more intensive scheme would make more efficient use of previously developed land, this would potentially increase the footprint and bring the development in closer proximity to surrounding existing properties.

Residents are concerned that the gable which faces onto Durham Moor Crescent would be featureless. In order to address a privacy issue, windows have been removed from this elevation, effectively leaving a two storey blank gable addressing the street; although the ground floor level has been designed to appear as a continuation of the fence line which encloses the site. Furthermore, as a result of the curved nature of the street itself, the sides of the northern wing and front elevations of the east and west wings, albeit set-back, and the windows contained therein will visually assist in breaking up the otherwise blank appearance, as will the gable feature positioned just beneath the ridge. Although modern in its design, particularly the curved glazing on the south eastern corner, the materials proposed are typical of the surrounding inter-war properties with natural slate roof, colour-rendered upper level and red-multi brick lower levels. Such use of materials would be appropriate to the character of the area, and therefore, it is considered that in visual terms the proposed development is considered to be acceptable, being appropriate in scale, form, density and material to the character of the area, in compliance with Policy Q8, and without necessarily slavishly following the dominant semi-detached inter-war development which surrounds the site.

Residents are particularly concerned that the scheme will have adverse affects upon their amenity in terms of privacy, outlook, overshadowing and visual dominance. Undoubtedly, the erection of a dwelling on the site will have an affect on surrounding residents, but consideration must be given to whether those impacts would be significantly adverse. Dealing firstly with the impacts for residents of Durham Moor Crescent, it is considered that the main impact is in terms of outlook, which will undoubtedly change as a result of the removal of areas of planting, however, at a distance of around 19.5m from facing elevations at the nearest point, this is considered to not be so intrusive that it would significantly adversely affect their outlook, particularly given the change in levels, where the ground floor of properties in Durham Moor Crescent is equivalent to the first floor level of the proposed dwelling and the retention of the mature Sycamore tree to provide additional screening. The removal of the windows in the facing elevation has addressed privacy issues raised by residents opposite.

Turning to the impacts for properties in Dryburn Road, it is considered that there will be a limited effect in terms of loss of light or overshadowing given that the dwelling is generally to the north or northwest of properties in closest proximity. The occupiers of No. 12 Dryburn Road to the south west of the proposed dwelling would be affected to a degree but this would be during the early morning only, and would not be significantly adverse. As with the occupiers of Durham Moor Crescent, outlook will again be undoubtedly affected, however, views across to Durham Moor Crescent will not entirely disrupted, while existing and proposed landscaping will reduce the impact of the proposal. In terms of visual intrusion and dominance, it is considered that the orientation of the dwelling to those existing properties together with the change in levels, reduced height and projection and a separation distance of around 15m to the nearest corners of the south and west wings to the rear offshoots of No.s 13 and 14 Dryburn Road, is such that residents will not be significantly adversely affected in terms of visual dominance. The form and individual wings visually break up the overall mass of the development such that it is read as component parts rather than a large block, thus reinforcing the view that the visual impact for residents will not be significantly adversely affected. Residents have a particular concern about actual and perceived privacy loss, with the curved glass wall to the south eastern corner being of particular concern. The orientation of the property at an angle to Dryburn Road is such that windows do not directly overlook or face one another. The curved glass wall would look towards the rear of No. 15 Dryburn Road at a distance of around 21m, which combined with the variance in site levels is considered to be an appropriate distance and where actual privacy loss would not arise. Additional windows are similarly positioned in such a way so as not to give rise to privacy loss. Therefore, it is considered that the amenity of residential occupiers surrounding the site would be affected by the proposals, but not to such an extent that their amenity would be significantly adversely affected, and consequently, the proposals would accord with Policy Q8.

However, if prospective occupiers were to exercise their permitted development rights, there would be the potential for harm to amenity and in the interests of ensuring this does not happen, it is considered appropriate having regard to the detail of the scheme and Circular 11/95 that permitted development rights should be removed for extensions and alterations falling within parts 1 and 2 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (as amended), and this would be reflected in any proposed conditions.

In terms of the amenity of prospective occupiers, Durham Moor Tennis Club are concerned that their floodlights are positioned within 3m of the proposed dwelling and that this could give rise to complaints from prospective occupiers. The floodlights are directed in the opposite direction from the proposed dwelling, while main room windows are not positioned to face toward the tennis court. Prospective occupiers would be well aware of the existence of the tennis club, and therefore it is considered that the amenity of prospective occupiers would not be prejudiced by the floodlighting or indeed the existence of the tennis club, in accordance with Policy Q8.

Turning now the Sycamore tree, and although its trunk is within the grounds of the adjacent tennis club, both the root system and the canopy extend significantly into the site. The retention of the tree is extremely important as it makes a positive contribution to the character of the area. Through a series of minor modifications to the turning head, there would be no development within the exclusion zone, while there would be a very small intrusion by the building into the root protection area. The

Councils Design and Conservation Section considers that as there are no works within the exclusion zone other than soft landscaping, and that the building would only have a very minor impact on the root protection area, there would be no harm to the tree and its retention would be secured, subject to appropriate conditions, in accordance with Policy E14 of the Local Plan. Additional tree and shrub planting as part of a landscaping scheme would be required by condition and would be consistent with Policies E15 and Q5. Residents have highlighted that existing vegetation provides opportunities for wildlife, in particular nesting birds. In this case, the Laurel hedge to be removed may provide some opportunity for nesting beds, and a condition limiting work during the nesting season would be appropriate. The additional landscaping as described above will provide replacement opportunities for nesting birds over time as mitigation. Wildlife would not therefore be significantly adversely affected by the proposals in accordance with Policy E16.

Access to the site would be provided directly from Durham Moor Crescent, and where in curtilage would be provided within both the garage and associated hardstanding, thus easing residents concerns about congestion from parking related to the development. Whilst the reduction in hardstanding area has been reduced in order to ensure there is no impact upon the tree, vehicles would be required to enter in one direction and leave in another. In view of the narrow road, on-street parking, one way direction of travel and low vehicle speeds, there would be no detriment to highway safety, and the County Highway Authority has raised no objection to the scheme. In addition, an earlier condition of the outline planning permission sought to secure an appropriate access to the site. Therefore, in terms of access and parking, the proposals would be in accordance with Policies T1 and T10 of the Local Plan.

The final issues relate to drainage and flooding. Northumbrian Water Limited (NWL) has advised that there is both a combined and foul sewer within the site and which the development would build over. In view of this issue, the applicants have employed a Civil Engineer to consider whether diversion of the apparatus would be possible, and a scheme showing a satisfactory diversion has been submitted. Accordingly, it is considered that the developer of the site would be able to comply with NWLs proposed condition, and ensure an appropriate scheme for the disposal of foul and surface water from the site in accordance with Policy U8A of the Local Plan. Flood risk has been highlighted by local residents as an area of concern, however, the June 2009 Flood Map for England Wales shows the site not to be in a high risk flood risk zone, being in zone 1, while the development would not pose a flood risk elsewhere subject to hard surfaced areas being permeable and surface water collected and disposed off directly into the combined sewer which would be diverted as described above.

CONCLUSION

In conclusion, the principle of developing the site for residential purposes has been accepted previously through the granting of outline planning permission. Whilst the submitted scheme itself proposes a bespoke architect designed dwelling which responds well to the sites constraints in terms of both its shape and levels, density and materials, it has respect for the character of the area without necessarily mimicking the specific semi-detached inter war character of dwellings immediately surrounding the site. There is clearly significant local concern about the proposals in terms of residential amenity. However, it is considered that careful orientation of and positioning of windows is such that, although there will undoubtedly be an impact from the scheme, it would not be so significantly adverse that it would justify the refusal of this reserved matters application. Concerns in relation to flooding, drainage, parking, and wildlife have been examined and conditions are proposed where necessary, and finally, the important Sycamore tree will be safeguarded. Officers therefore, on balance, recommend the approval of the application.

RECOMMENDATION

1. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

2. 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.
3. Development shall not commence until a detailed scheme for the diversion of the surface water and foul public sewers apparatus 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 agreed details.
4. Before the occupation of the dwelling hereby approved the vehicular access and driveway shall be constructed with a porous material, in accordance with details which shall have been first submitted to and agreed in writing by the Local Planning Authority. Such surfaces shall be laid to a minimum depth in accordance with details which shall also have been first submitted to and agreed in writing by the Local Planning Authority.
5. No development shall commence until a detailed landscaping scheme has been 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.
6. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees and adjacent to the site have been submitted on a plan, and agreed in writing by the Local Planning Authority. This fencing shall be erected at a distance of not less than 12 times the diameter of single stem trees or 10 times the diameter of multi-stem trees 1.3m high or higher and 3 metres from hedges.
 - a) The protected fencing shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1)
 - b) No alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas.
 - c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days.
 - d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local planning authority has been sought.
 - e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local Planning Authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'

7. Prior to the commencement of development, a scheme detailing sections of existing and proposed finished land levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.
8. 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.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A to E of Part 1 and Class A of Part 2 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.
10. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.

REASONS FOR THE DECISION

1. The proposed development provides for a large dwelling on the constrained site, but where careful design and orientation of the building is such that it will not significantly adversely affect interests of visual amenity, residential amenity, flora and fauna, highway safety, trees or flooding/drainage, and consequently, the proposals are considered to accord with Policies E14, E15, E16, H2, T1, T10, Q3, 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 the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to the scale, form, density and materials proposed, together with impacts upon nearby residents with regard to outlook, visual intrusion, overshadowing and loss of privacy. The impact on trees, wildlife, the diversion of public sewer apparatus and flood risk, can be adequately controlled by appropriate conditions.

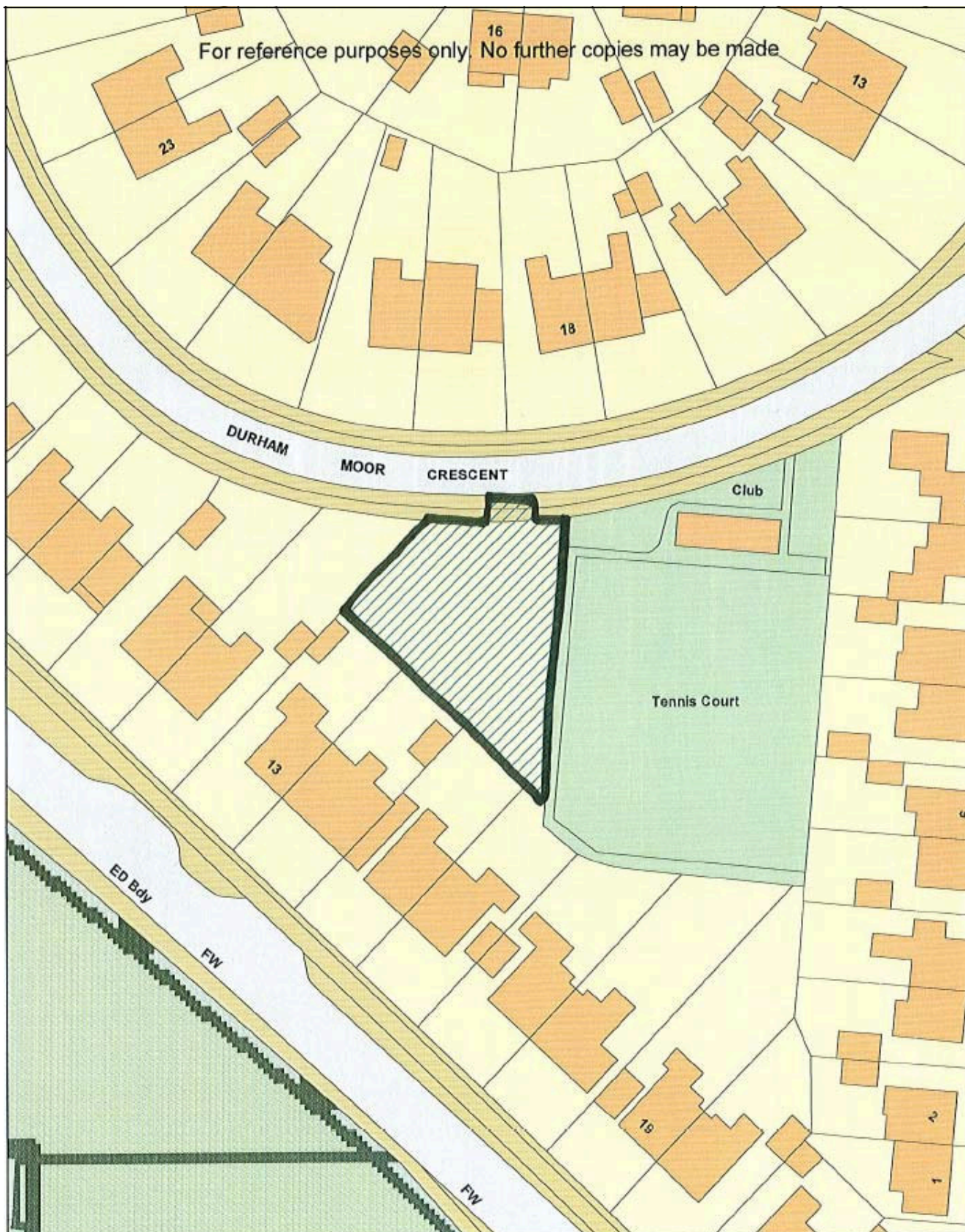
BACKGROUND PAPERS

Submitted Application Forms, Plans and Amended Plans
Planning Statement
Design and Access Statement
Arboricultural Implications Assessment
Planning Policy Statements: PPS1, PPS3, and PPS9
Planning Policy Guidance notes: PPG13
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
Responses from Highway Authority and Northumbrian Water Limited
Internal response from Design and Conservation Section

Public Consultation Responses
Responses from local MP and Ward Councillor
Response from the City of Durham Trust
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



Planning Services

4/09/00431/RM - Land To The Rear Of 13-15
Dryburn Road, Durham

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Comments

Date

10 August 2009

Scale

1:625

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0091
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING TWENTY HOUSES
NAME OF APPLICANT	MCINERNEY HOMES
ADDRESS	ABATTOIR AND FORMER CO-OP SITE, HIGH LANE, HASWELL
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Philip Johnson 0191 5274332 philip.johnson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Application Site:

This site lies at the northern end of Haswell, to the north of High Lane and on the west side of Front Street/Salters Lane. It extends to some 0.38 hectares and is now occupied by only a former abattoir, which has been converted to a butcher's shop, other buildings on the site, including a co-operative store, having been demolished.

The site is predominantly flat at its wider, southern end but rises significantly to the north and west.

The Proposed Development:

The proposal involves the erection of a total of twenty houses of two-storeys in height, variously two- and three-bedroomed, arranged as a pair of semi-detached and five short terraces.

It is proposed that the houses will be built to current Housing and Communities Agency standards, including their Design & Quality Standard and Sustainable Code for Communities Level 3. All the properties would be built for and managed by a Housing Association, would comprise a full 100% affordable allocation and be available for rent.

PLANNING HISTORY

Main part of site:

06/481: Residential development (outline) – Approved 09/06.

Former Co-op site:

04/419: Erection of four houses (outline) – Approved 06/04.

05/592: Erection of five houses (outline) – Refused 06/05.

06/897: Erection of three houses – Refused 04/07.

08/374: Residential development (outline) – Approved 07/08.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's 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 9 (PPS9) sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Statement 22 (PPS22) sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

Planning Policy Statement 25 (PPS25) 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) 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.

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 3 - 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.

Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

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 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

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 the full text, criteria, and justifications of each may be accessed at www.easingtonlocalplan.org.uk

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Parish Council:	Objection – overdevelopment (should only be 10-12 houses); inadequate parking facilities provided which will lead to highway dangers; bus stops on plans are redundant.
Northumbrian Water: Environment Agency:	Development involves building over or close to apparatus. Land contamination survey needs further work – conditions requested.
Police Architectural Liaison:	Layout, design, and physical security meet criteria for Secured By Design.

Natural England: Unlikely to have adverse effects on protected species – request conditions on checking survey and bat mitigation measures.
Durham Bat Group: Need to ensure delivery of bat mitigation.

INTERNAL CONSULTEE RESPONSES:

Highways Section: Detailed comments on initial scheme have been incorporated in revised drawing.
Landscape Section: No response
Environmental Health Section: Contaminated land risk assessment needed; suggest restriction on construction hours.
Housing: No response.

PUBLIC RESPONSES:

Neighbours: 1 e-mail of support; 1 comment that development is welcome but 20 houses is too many.
Press/site notices: No response.

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=103537>

PLANNING CONSIDERATION AND ASSESSMENT

The material considerations relevant to this application are:

- Housing policy;
- Affordability
- Design;
- Effects on local environment;
- Renewable energy;
- Protected species;
- Highways matters;
- Objections.

Housing Policy

Being a previously developed piece of land within the Haswell Village boundary, as defined in the former District of Easington Local Plan, the proposal falls to be considered, in the context of 'saved' policy 67, as a windfall site on which housing development is considered to be acceptable in principle.

The number of houses involved in this proposal is in accordance with current government guidelines relating to recommended housing densities in this type of location.

Outline planning permissions for residential development on the whole of the site have been granted previously and are still extant. Overall, the proposal is considered acceptable in principle in the context of national and local policy.

Affordability

The whole of this proposed development is intended to allow for twenty Housing And Communities Agency-compliant houses, which will be available for rent by Hartlepool Housing (a registered social landlord) who will own and manage all the properties. The HCA grant for the development has been awarded.

The applicants have, however, identified a number of unforeseen abnormal costs, which have been highlighted by site investigation findings. These include the grubbing up of relic foundations; a significant amount of made ground which necessitates the use of piled and raft foundations; and the need to import clean topsoil to allow 600mm clean cover in garden areas due to elevated concentrations of arsenic and zinc, together with localised copper and nickel identified in the made ground recovered from the site.

In normal circumstances, 'saved' policy 66 of the local plan would require the provision of children's play facilities within the development or, alternatively, the payment by the developers to the Council of a sum of £10,000 (based on £500 per house) for use on the provision or enhancement of play facilities elsewhere in the village.

However, in view of the abnormal costs involved in the development and the fact that it is proposed as a 100% affordable housing scheme, the applicants are concerned that the available funding for the site is already stretched to capacity and that the normal play facilities contribution would seriously inhibit the viability of the scheme. They also point out that there does already exist an extensive area of open space and an equipped play area adjacent to the site.

In these circumstances, it is considered that the advantages of the scheme reaching fruition outweigh the need for additional play facilities in the immediate vicinity and that, therefore, the normal requirement for a financial contribution in accordance with 'saved' policy 66 can be waived in this case.

Design

The proposed layout involves an arrangement of five short terraces and a pair of semi-detached, two-storey houses arranged around a short cul-de-sac, with appropriate vehicle parking areas and landscaping. The normal privacy and separation distances between houses have been allowed for in the positioning of the houses, save in the case of the space between the fronts of houses 9/10 and the gable of house 8, where the normal minimum of 13.5 metres has been reduced to 12 metres. This has been considered to be acceptable in order that a new sewer can be accommodated across the site, particularly as the layout arrangement of plots 8, 9 and 10 is such that the single habitable room windows on the ground floors of houses 9 and 10 do have views to the sides of the gable of house 8.

The layout has incorporated a facility for the access road to be extended into the adjacent land at "Lorinda Cottage" to the north-east of the application site which already benefits from outline planning permission for residential development.

The houses are all of traditional brick and tile construction, with vertical emphasis fenestration and feature window sills and heads and all have private rear garden areas. An acceptable schedule of bricks and tiles to be used on the development has been submitted, and, similarly, details of acceptable boundary and plot-division fences form part of the application. Therefore, there is no need to attach the usual 'external materials' and 'boundary treatments' conditions if planning permission is granted.

This form of development is considered to be entirely appropriate for this particular location. Furthermore the Permitted Development rights for the site have also been removed in order to ensure privacy distances are maintained and to limit any further developments impact upon the design of the site.

Effects On Local Environment

The site is located at the entrance to Haswell from the north and the layout includes six houses facing Front Street along the site's eastern side in order to enable the provision of a strong frontage. This feature of the scheme was suggested to the applicants prior to the submission of the application so as to avoid the development 'turning its back on' the main road through Haswell and the prospect of high fences and the backs of houses being presented to Front Street.

The site is essentially triangular in shape, being bordered by open fields to the west and High Lane to the south, on the other side of which is an area of open space. The eastern side partly fronts Front Street and partly by the residential grounds attached to "Lorinda Cottage", which is, therefore, the only property adjacent to the site. The houses in the submitted layout are arranged so that there will be no problems of overshadowing or overlooking of "Lorinda Cottage".

It is concluded, therefore, that the development will have a positive effect on the local environment without any adverse effects on existing nearby residents.

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. The proposed dwellings would be built to Code for Sustainable Homes level 3, however, in order to ensure that 10% of energy produced comes from a renewable source, a suitable condition should be imposed.

Protected Species

Natural England have advised that satisfactory information has been provided to show that the proposed development is unlikely to have an adverse effect in respect of species especially protected by law, subject to a further 'checking survey' and the normal mitigation measures and precautionary working methods being employed in the demolition of the currently existing former abattoir building.

Highways Matters

The proposed development will all be served by a new access road penetrating the site from High Lane, with no direct vehicular access being required to Front Street. This arrangement and the detailed layout of the roadway and parking facilities are all considered acceptable.

Objections

Haswell Parish Council and one local resident have commented that the proposal involves an excessive number of houses for the site but, as stated earlier in this report, twenty houses on an area of 0.38 hectares (equating to 52 houses/hectare) is within government

guidelines and, as long as all other aspects of the proposal are satisfactory, is an acceptable density of development.

The Parish Council have also raised concern that the proposed parking facilities are inadequate and that this could lead to dangerous conditions arising on the adjacent roads outside the site. The scheme actually incorporates a total of thirty parking spaces (one for each dwelling and ten visitors' spaces) and this level of provision is considered to be wholly adequate.

CONCLUSION

This is a desirable proposal for affordable housing on a presently unsightly piece of land situated in a prominent location at the northern entrance to Haswell. The scheme is well designed and exhibits no unsatisfactory aspects, so, subject to the recommended conditions, the application is considered to be acceptable.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the said Authority:
 - a) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) above) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

3. Prior to commencement of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the said Authority.
4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the said Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
5. No development shall commence until a detailed landscaping scheme has been 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.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. 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 said Authority. Thereafter, the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.
9. No development shall commence until a scheme for the disposal of surface water from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter, the development shall be completed in accordance with the approved details.

10. No development shall take place unless in accordance with the mitigation detailed within the protected species report "Haswell Bat Survey Report, June 2006" by Baker Shepherd Gillespie including, but not restricted to timing and spatial restrictions; undertaking checking surveys; adherence to precautionary working methods.
11. Prior to the commencement of the development hereby permitted, full details of a scheme for the diversion or abandonment of the 225mm public sewer and the 75mm water main, which cross the site, shall be submitted to and agreed in writing by the Local Planning Authority and, thereafter, the development shall be carried out in full accordance with the agreed details.
12. Notwithstanding the information shown in the submitted application, no works shall be carried out on the site which would prevent the future use of the new roadway as a vehicular access into the adjacent land to the north-east of the application site, which is currently occupied by "Lorinda Cottage".

REASONS FOR THE DECISION

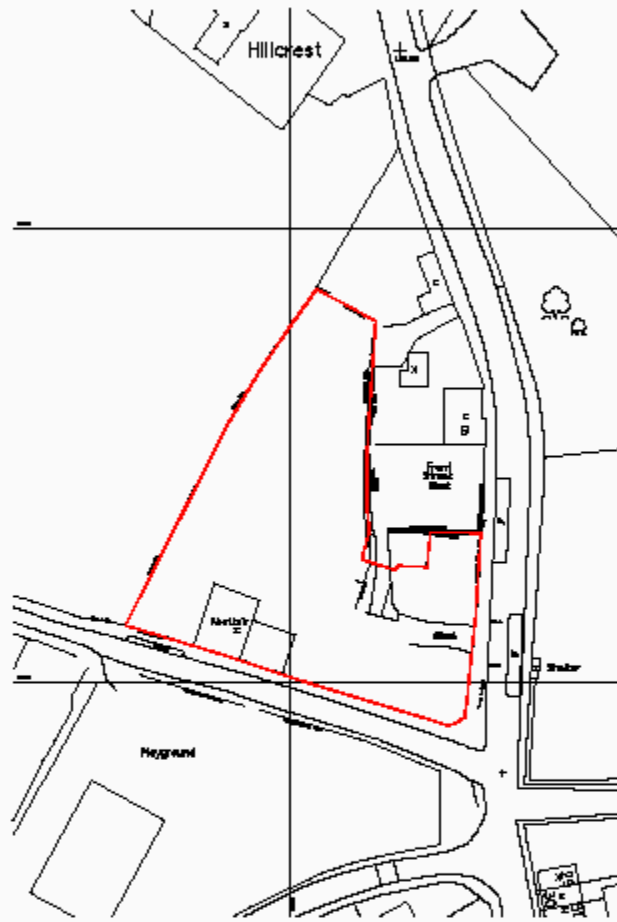
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU66 - Provision of outdoor play space in new housing development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS22 - Renewable Energy
PLANNING POLICY STATEMENT/GUIDANCE	PPS25 - Development and Flood Risk
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
PLANNING POLICY STATEMENT/GUIDANCE	PPS9 - Biodiversity and Geological Conservation

2. In particular the development was considered acceptable having regard to consideration of issues of housing policy, affordability, design, effects on local environment, protected species, renewable energy, protected species and highways matters.
3. The stated grounds of objection concerning the number of houses were not considered sufficient to lead to reasons to refuse the application because the proposal is in accordance with national and local policy.

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, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Haswell Abattoir
Site Location Scale 1:1250