



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

23 February 2010

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/882/FPA C H Newton Junior And Co Ltd	Former Beechcroft Broonside Lane Carrville Durham DH1 2QW	Application seeking new planning permission to replace extant permission 06/1210 (demolition of existing and erection of 12 no. dwellings) in order to extend time period for implementation	APPROVE Page No. 1 - 13
4/09/935/FPA Mr J Taylor	Low Raisby Farm Cottages Kelloe Durham DH6 4PW	Erection of agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works	APPROVE Page No. 14 - 24
4/09/954/FPA Mr J Penny	Land Rear of Glens Flats High Pittington Durham	Erection of two storey pitched roof dwellinghouse with roof accommodation and erection of detached triple garage (revised and resubmitted proposal)	APPROVE Page No. 25 - 34
4/09/955/FPA Pity Me Nursery	Pity Me Nursery Stank Lane Durham DH1 5GZ	Erection of 2 no. polytunnels, coffee shop and associated highway improvements (revised and resubmitted)	REFUSE Page No. 35 - 45

4/09/991/FPA Mr A Ford	Land To Rear of 15 and 16 Front Street East Coxhoe Durham DH6 4DB	Erection of detached two storey pitched roof dwelling with attic accommodation including provision of 2 no. vehicular parking spaces for existing dwellings	APPROVE Page No. 46 -57
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PL/5/2009/0416 Mr J Grundy	Eden Vale Cottage, Stockton Road Castle Eden	Amendment to Planning Reference PL/5/2009/0034:- Windows and Dormer	APPROVE Page No. 58 - 64
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PL/5/2009/0510 North Blunts (No.1) Ltd	Former Itec Site, Land At Neville Road/Burnhope Way, Peterlee	Residential Development Comprising 52 No. Units	APPROVE Page No. 65 - 78
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PL/5/2009/0531 ISOS Housing Ltd	Former Leisure Centre Lowhills Road Peterlee	13 No. Bungalows	APPROVE Page No. 79 - 87
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/09/00882/FPA

FULL APPLICATION DESCRIPTION: Application seeking new planning permission to replace extant permission 06/01210/FPA (demolition of existing dwelling and erection of 12no. dwellings) in order to extend time period for implementation

NAME OF APPLICANT: C H Newton Jnr and Co Ltd

ADDRESS: Former Beechcroft, Broomside Lane, Carrville, Durham, DH1 2QW

ELECTORAL DIVISION: Belmont

CASE OFFICER: Colin Harding, Planning Officer
Colin.harding@durham.gov.uk
0191 301 8712

DESCRIPTION OF THE SITE AND PROPOSALS

The site is located on the southern side of Broomside Lane at the western entrance to Belmont. The site does not lie within a Conservation Area but is located within the limited historic core of Belmont, formed by a small group of buildings which are of historic interest. The site is located in close proximity to the Grade II listed St Mary Magdalene Church and between the Grade II listed Vicarage and Old School.

Beechcroft was formerly a detached dwelling set within generous tree lined grounds. The house gained local fame following its appearance as "Mr Brumby's House" in the 1971 Michael Caine film "Get Carter". Within the last 5 years the house has been demolished and the site cleared although the trees remain, being subject to a Tree Preservation Order.

The application seeks to extend an extant consent for 12 no. houses on the site. The houses would be arranged around a central courtyard which would contain parking – 24 no. spaces being proposed. A pitched roof communal binstore building together with cycle parking would also be provided to one side of this central area. Vehicular access would be taken for Broomside Lane at the site's north eastern corner necessitating the removal of a mature tree.

The housing would comprise 3 no. two and a half storey linked four bedroomed properties facing Broomside Lane and 2 no. further two and a half storey terraces, set at

right angles to one another, to the south. One would be four bedroomed, the remainder three, and together the 3no. terraces would enclose the parking area and enjoy private gardens.

The architecture is traditional, reflecting the style of the listed former vicarage to the east and former school to the west. The Broomside Lane property frontages would be built in stone, rendered at the rear with slate roofs. The other two terraces would be brick-built.

A variety of contrasting surface treatments would be employed within the central courtyard to define carriageway, parking bays and footpaths. All trees, other than the single specimen it is proposed to be removed to allow vehicular access, would be retained, cared for by a professional arboriculturalist and protected during the construction period.

PLANNING HISTORY

4/09/00894/FPA - Erection of 4no. detached dwellings with communal driveway (revised and resubmitted) – Approved 18.01.2010

4/09/00663/FPA - Erection of 4 no. detached dwellings with communal driveway – Application Withdrawn 21.10.2009

4/06/01210/FPA - Demolition of existing building and erection of 12 no. dwellinghouses with associated access, parking, landscaping and bin storage (revised and resubmitted proposal) - Approved 15.03.2007

PLANNING POLICY

NATIONAL POLICY:

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

Planning Policy Statement 3: Housing 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 Guidance 13: Transport 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.

The above represents a summary of national planning guidance. The documents can be read in their entirety at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

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. Central to the RSS is a key principle of delivering sustainable communities.

Of particular relevance are the following policies;

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

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

Policy 38 (Sustainable Construction) seeks to ensure that the layout and design of new buildings and developments minimise energy consumption.

The above represents a summary of regional planning guidance. These policies can be read in their entirety at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. 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. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy H2 (New Housing Development in 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 H17 (Renewal of Planning Permission for Housing Development) states that the approval of planning permission for housing development will be dependent on the outcome of a review of a site's suitability with regards to other policies of the local plan.

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 Q16 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area

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

Policy 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 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 the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/index.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The County Highways Authority raise no objections to the renewal of this planning permission.

Northumbrian Water raise no objection to the application subject to condition.

Belmont Parish Council make no comment on the application.

INTERNAL CONSULTEE RESPONSES:

The Council's Development Plan Section raise no objections to development on this site in principle.

The Council's Design and Historic Environment Section have raised some concerns with the impact of the development upon the protected trees, its design and the appearance.

The Council's Senior Low Carbon Officer comments that the application will have to comply with RSS38 and supply 10% of the total energy requirements from embedded renewable energy technologies.

PUBLIC RESPONSES:

Letters of objection have been received from 2no. local residents, with further comments offered from Cheveley Park Medical Centre.

The objectors consider that the proposal is too large for the site, the single entrance/exit to the site will cause highway safety issues, lack of parking within the site, the proximity of the proposed bin store to and potential security issues for no1 The Old School House and loss of a protected tree. Cheveley Park Medical Centre draw attention to the impact that 12no. new dwellings would have upon existing traffic levels on Broomside Lane.

APPLICANTS STATEMENT:

The application is submitted to extend the current planning approval which was approved 15th March 2007. Application Ref. No 4/06/01210/FPA/PGH. The scheme comprises two storey linked dwellings forming a courtyard development with car parking arranged within a central location. Houses will be provided with private enclosed gardens.

The development is proposed to reflect the traditional style of the former vicarage to the east and former school to the west. Properties facing Broomside Lane will be stone fronted.

Contrasting surface treatments are proposed for the central courtyard to define the carriageway, parking bays and footpaths.

All trees other than a single specimen will be retained which will be removed to accommodate access into the site.

The Highway Authority has provided guidance regarding access into the site. Proposals are considered acceptable and safe with the local road network being capable of accepting the level of additional traffic generated by an additional 12 houses. The highway and footpaths will be adopted by the authority

The principle of development appears to accord with relevant policies of The Local Plan with the site being located within a sustainable location close to services and amenities including public access and bus routes.

Design of the properties has been carefully considered with the choice of appropriate materials selected to merge with the sites surroundings. The dwelling facing the highway is designed to provide the appearance of a single house with a stone façade. Mature trees facing Broomside lane have been retained with a single tree being removed to

accommodate access into the site.

Earlier consultations with arboricultural advisors have concluded the loss of a single tree will not result in a significant impact on the quality of landscape within this area. To protect the trees and to maintain their condition throughout the development tree friendly construction measures are to be used. Roots will not be severed except for hand digging to remove rocks with care taken not to sever roots over 25mm in diameter. Soil will not be compacted over roots. The construction of parking areas will be placed above existing ground levels and at least 1.5m from trunks of trees.

Site levels and the position of trees, together with the relationship of existing properties have been considered and floor levels positioned to accommodate a scheme that uses slopes and contours to place properties. Existing boundaries are well defined and will be retained. Consideration has been given to providing a scheme of the highest possible design quality with the scale of the proposed building respecting the scale and heights of buildings within the locality. Details to reflect the local built environment have been incorporated to achieve positive elements of the area, which are generally two storey, detached or terraced.

Designs will be considered carefully regarding the requirements of national guidance for the Conservation of fuel and power. The requirements contained in Part L1A, [draft approved document, work in new dwellings, 2006 edition] will be implemented. Measures will be employed to provide a sustainable method for the conservation of fuel and power to meet measures and requirements to meet ECOHOME Standards. Sustainable energy for the building will exceed 10% of the total energy requirements for the dwelling.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=KTAWO2BN03_T00) Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

The main planning issues with regards to this application are considered to be the legislative background, the principle of the development of the site, design and layout issues of the proposals and their impact upon residential amenity, impact upon highway safety and impact upon the protected trees on the site.

Legislative Background

On 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the

prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

It is noted that the City of Durham Local Plan does incorporate a specific policy with regards to the renewal of planning permissions. Policy H17 states that the suitability of sites should be reviewed and that the need for the efficient use of the site in terms of density, parking provision and design. However in light of the recently published government guidance it is considered that the Local Planning Authority should take a pragmatic approach to the application of this policy in the current economic climate.

Principle of Development

The site is considered to be previously developed and is located within the Durham City settlement boundary. Accordingly the principle of its redevelopment for housing is acceptable and compliant with the objectives of Policy H2 of the Local Plan. The site's position is highly sustainable location close to services and facilities and accessibility by a range of transport means, both private and public is in accordance with the provisions of PPS3.

Turning to the provisions of Policy H17 it is considered that the site is still suitable for housing development and that the development would represent an efficient use of land.

Design, Layout and impact upon Residential Amenity

As mentioned above, consideration should be given to the previous approval of this scheme and a key consideration should be that since the original approval in 2007 that there has been no material change in National or Local Planning Policy with regards to issues of design, layout or residential amenity other than the adoption of Regional Spatial Strategy which offer little detailed advice on such matters. In the intervening period it is noted that various guidance documents have been published by organizations such as CABI, however it is considered that the thrust of formal, adopted planning policy remains unchanged from the previous approval.

The concerns of the Council's Design and Historic Environment Section and objectors are noted and it is acknowledged that the scheme as submitted does not perhaps represent current best practice in terms of density, layout and design. However significant weight should be given to recent government advice which suggests that Local Planning Authorities should take a positive and constructive approach to applications to renew previous approvals and that it would be unreasonable to resist this application in light of an almost totally unchanged policy context or significant other material considerations.

In terms of residential amenity, the impact of the proposed development is considered to be acceptable. The nearest residential dwelling to the proposed development is no.1 The Old School House and this property would be situated some 15m from the proposed development. It is accepted that the binstore serving the development would be located relatively close to this property and following discussion with the occupier of this property, it is considered that the imposition of a condition to secure a higher boundary treatment at this location should adequately resolve this issue as well as concerns raised over security issues. Such a condition was applied to the original consent.

Highway Safety

It is the issue of highway safety which has raised most concern with objectors with regards to these proposals, as it was when the application was previously approved. Considerable weight must be attached to the comments of the County Highway Authority, who as three years ago raise no objection to the proposal and in the intervening period whilst traffic levels may have risen marginally on Broomside Lane, it is not considered that the situation is so materially different as to justify departing from the previously made decision.

There is no evidence to suggest that the development would result in increased on-street parking on Broomside Lane and in fact having regards to the content of PPG13, it could be argued that this development incorporates an overprovision of parking within the site.

The application is thus considered to be acceptable in this regard.

Impact upon Protected Trees

In 2007 it was considered that the loss of a single tree was acceptable in order to facilitate a safe access to the site and that the impact of the development upon the remainder was acceptable. It is acknowledged that the relationship between the proposed development and the protected trees on the site would not normally be encouraged, however with regards to this matter, again nothing has materially changed either to the trees or within planning policy to suggest that the Local Planning Authority should consider this application any differently than the proposal was in 2007.

Energy Conservation

One element of planning policy which has changed since the date of the previous approval is the adoption of the Regional Spatial Strategy. As this document primarily seeks to inform the Local Development Framework process, it will not have a great impact on the development management process until its provision is incorporated into adopted local policies. However Policy 38 of the RSS does require new developments to incorporate 10% embedded renewal energy provision. This was not a requirement in 2007 and as a result the plans as resubmitted do not indicate such a provision. However this is now a requirement of new developments such as that proposed and is applicable in this instance. It is considered that this can be secured through the imposition of a suitable condition.

Other Issues

It is considered that issues surrounding drainage, public art, provision of amenity space and landscaping can be adequately addressed through the imposition of suitable conditions, as per the previous consent.

CONCLUSION

In conclusion, this application represents an unusual conundrum between following central government advice to take a “constructive and positive approach” to the renewal of planning permissions in the current economic climate and the desire of the Local Planning Authority to secure the best possible development on any given site. Certainly, the application as submitted does not perhaps represent the best means of developing the site however this is counterbalanced by a previous consent given for this very scheme in only 2006, within an almost identical national and local planning policy context. In light of this, and with regards to recent central government advice it is considered that, on balance, it would be unreasonable for the Local Planning Authority to withhold the renewal of planning permission in this instance.

RECOMMENDATION

1. That subject to the applicants entering into a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 to provide a financial sum, towards local facilities in lieu of the provision of open and play space within the application site. the application be **APPROVED** subject to the following conditions;
2. The use hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
4. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
5. Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
6. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
7. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
8. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority

before the development commences, and thereafter implemented in accordance with the approved scheme.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
10. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
11. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
12. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
13. Notwithstanding the information shown on the submitted plans a fence/wall/hedge shall be erected/planted of a height and design and in a position to be agreed in writing with the Local Planning Authority at the site boundary with the Old School House and thereafter retained at all times.
14. Prior to any development commencing, a scheme for off-street parking for all vehicles associated in any way with construction work on the Beechcroft site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be carried out in full.
15. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.
16. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity. Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

17. Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. The development shall not be occupied until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

18. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details.

REASONS FOR THE RECOMMENDATION

1. The principle of the proposed development together with the impacts upon visual and residential amenity, highway safety, ecology and interests of flora and fauna are judged acceptable, having regard to Policies E14, H2, H17, H13, T1, T10, Q5, Q8, Q16, R2, and U8a of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 8, 24 and 38 North East of England Plan - Regional Spatial Strategy to 2021. 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 development principle, highway safety, visual and residential amenity, flora and fauna and disposal of foul and surface water.
3. Grounds of objection relating to residential amenity, and highway safety were considered to not be sufficient to lead to reasons to refuse the application, in view of the developments accordance with relevant development plan policies, and the ability to satisfactorily address areas of concerns combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Tree Survey

SPD: Provision of Public Art as Part of Major New Development Schemes

SPD: Provision of Affordable Housing

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, PPG13

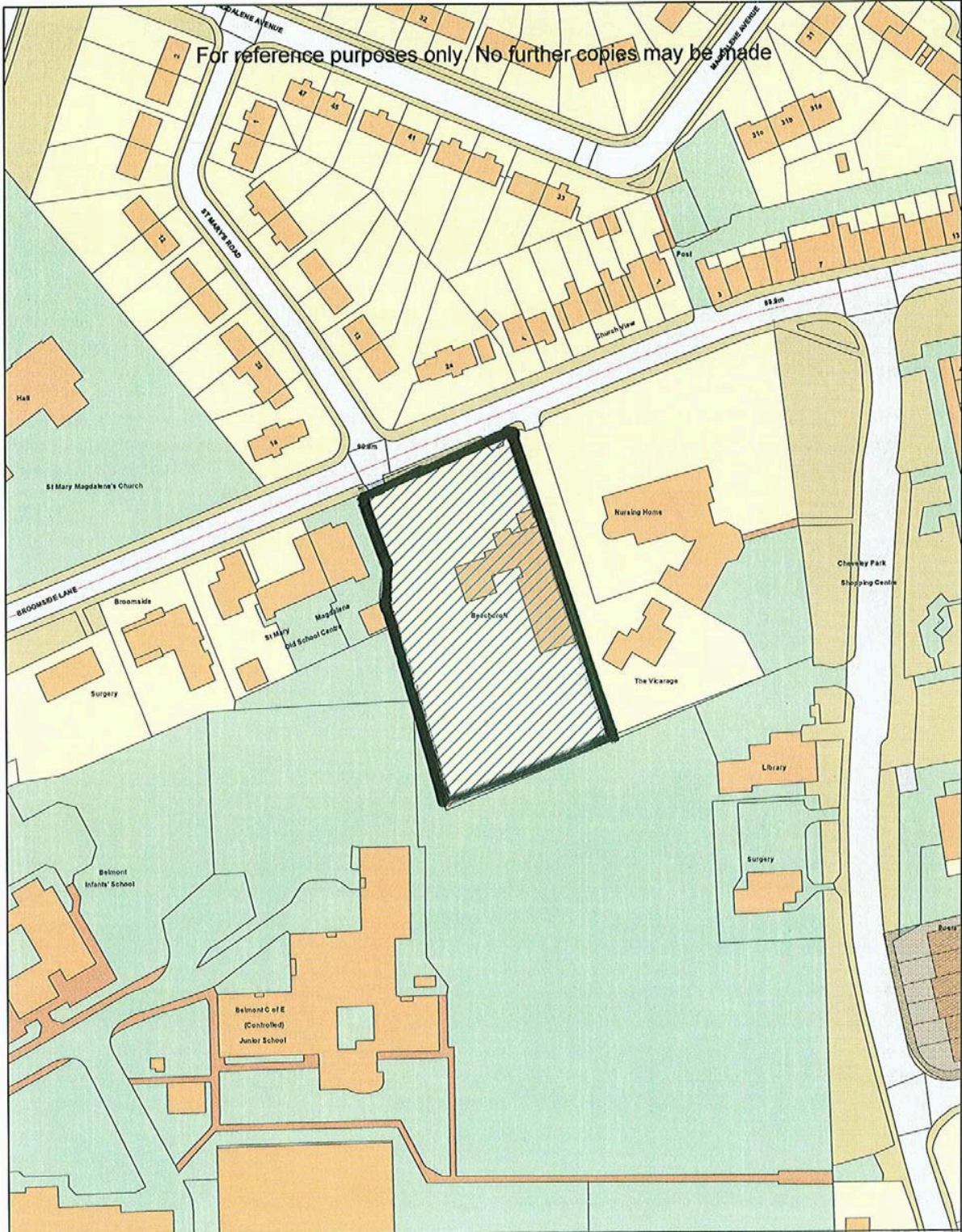
Responses from County Highways, County Ecologist and Design and Conservation

Public Consultation Responses


Greater flexibility for planning permissions: Guidance

Circular 11/95: Use of conditions in planning permission





For reference purposes only. No further copies may be made

 Durham County Council	Planning Services		4/09/00882/FPA/CH Former Beechcroft, Broomside Lane, Carrville	
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	Date	10 February 2010	Scale	1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00935/FPA
FULL APPLICATION DESCRIPTION:	Erection of agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works
NAME OF APPLICANT:	Mr J Taylor
ADDRESS:	Low Raisby Farm Cottages, Kelloe, Durham, DH6 4PW
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Henry Jones, Planning Officer henry.jones@durham.gov.uk 0191 3018739

DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to a parcel of land within a field adjacent to a C road which runs between Town Kelloe and Trimdon Grange. The application site is located to the east of the grouping of buildings at Low Raisby itself. To the south of the field where development is proposed lies an existing access track which is also used as a public footpath. The field is enclosed by mature hedging interspersed with some trees. The application site is located beyond any settlement boundary and is within the open countryside but not the Green Belt.

The application seeks to erect an agricultural building together with associated storage tanks, access, hardstanding and landscaping works. The agricultural building is to house pigs and is of similar appearance to existing buildings located elsewhere at Low Raisby farm. The building has a length of 62.5m, a width of 18.05m and a ridge height of 5.9m. A small offshoot at the western elevation will provide a small office space. A new access point onto an existing track to the south is proposed which leads to the public road to east. A hardstanding apron is also proposed around the agricultural building together with wall enclosure and within this two storage tanks (to house dry feed) of 6m in height are proposed adjacent to the main agricultural building.

PLANNING HISTORY

No history of planning applications relate to the application site itself, however, development of similar agricultural buildings have previously been approved at a different location at Low Raisby Farm. These buildings are sited to the north of the main grouping of buildings at Low

Raisby Farm. The first was approved in April 2007 with a second approved alongside in October 2008. This second building was then extended following approval in May 2009.

PLANNING POLICY

NATIONAL POLICY:

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

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.

The above represents a summary of those national policies considered most relevant the full text of each may be accessed at

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>

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. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

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 11 (Rural Areas) seeks to promote a vibrant rural economy that makes a positive contribution to regional prosperity whilst protecting the Region's environmental assets.

The above represents a summary of the Regional Spatial Strategy, the full text may be accessed at
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

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 EMP17A (Agriculture and Forestry Development) states that planning permission will be granted for agricultural and forestry developments provided that the proposal is justified in terms of its size and location and appropriate measures are incorporated to mitigate the effect of the development upon the landscape and local communities.

Policy T1 (Traffic – 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 T21 (Safeguarding the Needs of Walkers) states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

Policy R11 (Public Rights of Way) states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

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 Q6 (Structural Landscaping) considers that all new development located on the outer edge of settlements or exposed sites will be required to include structural landscaping to minimise any adverse visual impact.

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

STATUTORY RESPONSES:

The County Highway Authority has been consulted on the application and no objections to the proposal are raised with the access deemed satisfactory and the vehicular traffic resulting from the proposal expected to be light.

The Environment Agency has been consulted on the application and initial objections to the application were raised. However, following the receipt of further information with regards to foul drainage from the applicant, the Environment Agency withdrew the earlier objection and deemed the drainage details acceptable.

INTERNAL CONSULTEE RESPONSES:

Heritage and Design have been consulted on the application and although the principle of the farm enterprise expanding is accepted some concern is raised at the proposed siting, separate from any existing grouping of buildings and the impact of this on the countryside. It is recommended that the building be relocated closer to existing buildings.

The Council's Public Rights of Way Officer has also been consulted on the application and confirmed that the access track from the road C67 forms a public footpath. No objections to the application are raised in principle; however, several recommendations are made. These recommendations being that if the access track is used to the point where a deterioration of the surface is likely then it should be resurfaced, warning signs and speed restriction signs

should be erected to preserve the safety of pedestrians. Further advice to make the applicant aware of good practice to ensure that no damage to the footpath occurs is also provided.

In addition, discussions were held with the Council's Environmental Health Officer regarding smells emanating from the pig rearing business and advice was given on the applicable DEFRA guidance and abilities of Environmental Health to investigate statutory nuisance.

PUBLIC RESPONSES:

One letter of representation has been received with regards to the application which is also signed in support by two other local residents. Objection is raised to the smell emanating from the spreading of pig manure which currently occurs and this proposal would worsen. It is considered that control is needed over this manure spreading. Further, more general concerns are also raised that the area has been suffering from inappropriate developments.

APPLICANTS STATEMENT:

The application has been submitted with several documents of justification and support. The applicant is seeking to erect an additional building in response to on-going market demand. The original pig rearing operations at the farm could be housed within the traditional farm buildings at Low Raisby but overtime these were considered to fail to meet modern requirements hence the need for additional, modern buildings. The proposed building is of the same size and appearance of the two existing pig rearing buildings at Low Raisby and will operate in the same manner.

Justification is provided for the siting of the building which is located approximately 750m away from the two existing pig rearing buildings. The main justification relates to health and good animal husbandry. The applicant states that the farm operates an "all in and all out wean to finish system". This ensures that between batches of piglets entering the farm the buildings can be adequately disinfected before any further piglets arrive. The proposed new building must be sited away from the existing buildings to ensure a separation of the batches of piglets to avoid cross contamination and spread of disease. The applicant explains that the limit on how many pigs can be housed on the same site is 2000 without seriously compromising health and welfare standards. The applicant has submitted documents from veterinarian advisors and pig consultants to help justify the need of the building and it's siting.

The applicant's statements of justification also highlight the advantages of the proximity of the site to a suitable access, the benefits of the land being bordered with hedging and trees for screening and that the building will be set sunken into the land at a lower level than the nearby public road.

National and Local Plan guidance is summarised within a justification document which the applicant considers the development adheres to.

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=09/00935/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

In accordance with the relevant Local Plan Policies E7, EMP17A, T1, T21, R11, Q5 and Q6 the main planning considerations are the principle of the development at the location, whether the proposed development is justified in terms size and siting, the impacts of the development in the landscape and impacts upon highway safety and the pedestrian users of the public footpath which forms the access.

Principle of the Development

The application site is located outside any settlement boundary within the open countryside. Policy E7 of the Local Plan explains that the countryside is a finite resource which should be preserved for it's own sake. Most development proposals should be undertaken within existing settlements but certain exceptions exist and are deemed acceptable in principle within rural areas. One such exception is development for the purposes of agriculture.

The justification to Policy EMP17A of the Local Plan and guidance contained within Planning Policy Statement 7 (PPS7) explains that agriculture is an important sector within the rural economy and the Council should adopt a positive approach towards associated development where such development is necessary. Policy EMP17A of the Local Plan states that planning permission will be granted for agricultural development provided that it is adequately justified and measures are taken to mitigate impacts upon the landscape and local communities.

As a result the principle of the development is considered appropriate.

Justification of the Development

Accompanying the submitted plans and application forms is a series of documents seeking to justify the development as required by Policy EMP17A of the Local Plan. The Local Planning Authority has previously approved in 2007, 2008 and then in 2009 the development and subsequent extension of modern pig rearing buildings at Low Raisby Farm. This application essentially seeks one further building of the equivalent size and appearance.

This additional building is required in response to the on-going market demand for produce. Policy EMP17A explains the importance of agriculture to the rural economy and that a positive approach should be taken towards new developments to permit the continued efficient operation of agricultural enterprises.

The proposed agricultural building itself measures over 60m in length by 18.05m in width. However, the building is such a size to enable, like the two previously approved pig rearing buildings at the farm, 1000 pigs to be adequately housed. Two dry feed storage containers to serve the pigs, the equivalent of existing storage containers approved elsewhere at Low Raisby Farm, are also proposed which are of approximately the same height as the proposed pig rearing shed.

The proposed development is separated from the existing pig rearing units at Low Raisby Farm approximately 750m to the south east of the previously approved development. In order to help minimise the impact of large agricultural buildings within the countryside the

Local Planning Authority ordinarily seeks to ensure that any additional development is well related to existing groupings of buildings so that the impact upon the landscape is not spread to new areas. The relative isolation of the proposed development has raised some concern from the Council's Heritage and Design Section.

However, Policy EMP17A does allow for the applicant to justify the siting of any proposed development and on this occasion opportunity to justify a somewhat isolated newbuild.

Within the justification documents the applicant has sought to explain that the proposed building must be sited away from existing buildings in the interests of a bio-secure development, a development which reduces the risk of disease and cross infection of the pigs. The submitted justification documents explain that the farm operates on an "all in all out wean to finish system". This system enables the piglets to arrive in a batch from a single breeding farm and once reared and fattened can leave the farm together allowing for the buildings to be thoroughly washed and disinfected ahead of new batch arrivals. The justifications explain further that there is a limit as to how many pigs can be kept on the one site and brought in and left at the same time. Hence the need to locate the building subject to this proposal away from the existing site which can cater for no more pigs. Pigs from differing arrival batches and differing ages, kept at close proximity are more likely to suffer from the spread of infection. The applicant states that through the further development of the existing pig rearing site where the existing approved buildings are located, there could no longer be adequate guarantees of eliminating the disease risk and maintaining adequate welfare standards.

The justification to Policy EMP17A accepts that buildings may be required to be in isolation for operational reasons and it is considered that the applicant has adequately demonstrated this need.

Impact on the Landscape

The justification to Policy EMP17A states that where isolated agricultural development is justified particular efforts must be made to mitigate impacts upon the landscape. The existing pig rearing buildings at Low Raisby Farm have been largely finished in juniper green coloured coated steel sheeting and fibre cement sheeting. The applicant has indicated an intention to finish the proposed building in the same juniper green which will help assimilate the development into the landscape. Amended plans have been received during the course of the application which indicate the use of timber cladding to lower sections of the side elevations in order to provide a high standard of finish. The use of appropriate external material finishes can be ensured by way of conditions attached to any approval and the use of appropriate materials and colour finish will help mitigate impacts upon the landscape.

Although set away from an existing grouping of buildings and located within close proximity to a public footpath and road, the application site does benefit from some screening provided by a mature hedgerow interspersed by trees which forms the field boundaries. The land which the development is to be sited is somewhat sunken beneath the level of the nearby footpath and road also helping to ease the prominence of the building.

The applicant has demonstrated that he is agreeable to creating a landscaping scheme to further screen and mitigate the impact of the development. Policies Q5 and Q6 of the Local Plan require landscaping schemes to be undertaken for developments which can have significant impacts upon the landscape. Such a landscaping scheme and formation of bund was undertaken when the previously approved pig rearing site was being developed. A

similar scheme can be conditioned for implementation on any approval.

Through the appropriate use of materials, creation of a landscaping scheme and by taking advantage of the benefits arising from existing screening, it is considered that the impacts of the proposed development can be adequately mitigated in accordance with the requirements of Policy EMP17A of the Local Plan.

Highway Safety and Impacts upon the Public Footpath

The proposed development is located adjacent to an existing access track which is utilised by the applicant at present. This access track will allow for an ease of access to and from the site via the nearby C road which runs between Town Kelloe and Trimdon Grange to the east. The County Highway Authority has been consulted on the application and the proposed new access and impact of the additional vehicular movements on the C67 have been considered to be acceptable with no objections raised on the grounds of highway safety.

The existing farm track via which accesses the proposed development is also a registered public footpath. Policy R11 of the Local Plan relates to public rights of way whilst Policy T21 seeks to safeguard the needs of walkers. The existing access track is already utilised as a farm track by the applicant. The proposal will not result in the public footpath being destroyed or diverted but will result in some increased activity due to the vehicular movements associated with the proposed development. However, it is considered that the ability for walkers to use the public footpath will not be hindered and that their needs remain safeguarded. The Councils Public Rights of Way Officer has been consulted on the application and no objections have been raised in principle. Recommendations are made however, that the erection of further warning signage should occur and that if a deterioration on the access track occurs as a result of the development that this should be resurfaced. Officers have considered the issue of warning signs and whether suitable conditions could be attached to any approval requiring their erection. However, when considering the use of such conditions it must be considered whether the condition is necessary and whether the development would otherwise be refused. In this instance and taking into consideration the comments of the County Highway Authority who raised no objections on the grounds of highway safety, it is considered that the needs of walkers are already suitably safeguarded. The provision of signage in addition to the existing public footpath sign in situ which likewise warns motorists and informs pedestrians, is not ultimately deemed necessary. However, a condition can be attached to any approval requiring the existing access track from the C67 to be upgraded to avoid damage from increased movement of vehicles. The applicant has indicated his agreement to such a track improvement.

Residential Amenity

The proposed development is to be sited a significant distance from the nearest residential properties. The application site is over 650m away from the existing cottages at Low Raisby, whilst properties at Town Kelloe are over 850m to north and those at the fringes of Trimdon Grange over 1000m to the east. The size and visual impact of the building is considered to cause no direct harm to residential occupiers.

One letter of objection has been received signed in support by two other local residents. The principle objection is that of smell. Smell is a material planning consideration which must be taken into consideration but it is a difficult issue to quantify and is affected by matters such as the weather and even an individual's perception of the smells.

It must be stated that the site is located within a rural area with an agricultural character and a certain level of smell from time to time in rural areas must be expected. The objectors consider that the spreading of pig manure causes the smell and this problem arises for two weeks at a time. The applicant has supplied information on the spreading of the manure and states that the manure is stored in heaps for most of the year. The applicant states that the spreading occurs only once a year and that is when the stronger smells emanate but these soon subside once the manure is fully ploughed into the fields. The spreading is done on a rotation system with different fields receiving the spread dependant on the year.

DEFRA provide guidance to farmers on the codes of practice with regards appropriate disposal of agricultural wastes including the "Manure Management Plan a Step by Step Guide for Farmers". The Council's Environmental Health Officer also has abilities to investigate and intervene where it is deemed that a statutory nuisance is occurring. From discussions with Environmental Health it is understood that there is no evidence to suggest that the existing farm unit is being run in a manner contrary to the DEFRA guidance or to a point which is deemed to have created a statutory nuisance but certainly such an enterprise would cause smell from time to time.

A judgment must be made as to whether there is evidence to suggest that the addition of the proposed building to the existing pig rearing enterprise would cause any clear, demonstrable and harmful impacts of smell within an essentially rural location. Given the infrequency with which the spreading of manure is understood to occur and taking into consideration that this already occurs through the existing farming enterprise it is not considered that the proposal would create clear additional, frequent harm to the amenities of local residents though traveling smell which would warrant refusal of the application.

CONCLUSION

National and Local Plan guidance emphasizes the importance of agriculture to rural economies and advises that Local Planning Authority's should take a positive approach to genuine development needed in association with agriculture. The proposal seeks to develop additional pig rearing facilities to allow for the growth and continued efficient operation of the farming enterprise. The proposed development will create a building and associated development similar in appearance to those located elsewhere at Low Raisby Farm. The application has justified the somewhat isolated siting of the development and through the use of appropriate materials and landscaping, impacts upon the landscape are considered to remain acceptable. No objections are raised on the grounds of highway safety and it is considered that the ability for pedestrians to use the nearby public footpath will be unhindered. Some objection has been received on the grounds of unpleasant smells which would result from the development due to the spreading of manure. However, it is considered that the infrequent occurrence of these smells coupled with the existing ability of manure to be spread at the farm by the applicant, would not create clear additional, frequent harm to the amenities of local residents though traveling smells worthy of warranting a refusal of the application.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

2. Notwithstanding any details of materials submitted within the application no development shall commence until full details of all external materials, including material type and colour finish, to be used in the construction of the agricultural building and storage tanks/containers have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

3. 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.

4. 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.

5. Notwithstanding any details submitted within the application no development shall commence until full details of the materials to be used in the formation of the hardstanding apron surrounding the agricultural building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

6. Notwithstanding the information shown on the submitted plans the agricultural building hereby approved shall not be brought into use until such time as the access track leading from the C67 to the agricultural building and associated works hereby approved has received a surface improvement in accordance with a scheme to be first submitted to and then agreed in writing by the Local Planning Authority.

7. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan Reference Nos. PR101A, PR102A received 3rd February 2010 and PR103A received 2nd February 2010

REASONS FOR THE RECOMMENDATION

1. The proposed new agricultural building and associated works are considered to be an acceptable form of development within the open countryside which is justified in terms of size and location with no detrimental impacts upon highway safety or the nearby public footpath. The proposal is therefore considered to be in accordance with relevant Policies E7, EMP17A, T1, T21, R11, Q5 and Q6 of the City of Durham Local Plan 2004.

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 building was considered to be justified in terms of size and location and the impacts upon the landscape suitably mitigated.
3. One letter of objection was received during the course of the application with the main concern being that of smell emanating from the spreading of manure. However, given the infrequency with which the smell occurs and given the existing ability for manure to spread at the land, no harm to local residents significant enough to warrant refusal of the application is considered to occur.

BACKGROUND PAPERS

Submitted Application Forms and Plans

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

City of Durham Local Plan 2004

Planning Policy Statements 1 and 7

Response from the County Highway Authority

Response from the Environment Agency

Responses from Internal Consultees

Public Responses

Planning Circular 11/95 (Use of Conditions in Planning Permissions)



For reference purposes only. No further copies may be made



Planning Services

4/09/00935/FPA/HJ

Low Raisby Farm Cottages, Kelloe

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Comments

Date

10 February 2010

Scale

1:5000

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00954/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey pitched roof dwellinghouse with roof accommodation and erection of detached triple garage (revised and resubmitted proposal)
NAME OF APPLICANT:	Mr J Penny
ADDRESS:	Land Rear Of Glens Flats High Pittington Durham
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Mr S France, Senior Planning Officer Steve.france@durham.gov.uk 0191 301 8711

DESCRIPTION OF THE SITE AND PROPOSALS

The application site is located to the rear of Glens Flats and Vale House near to the crossroads in the centre of High Pittington. Part of the site forms part of a wider vehicle turning area to the rear of Glens Flats, part being rough grass. The site lies adjacent a footpath formed from a former railway track that gives access from the crossroads to the rear of properties on the village's front street, to the modern housing estate of Priors Grange, and to playing fields and the countryside beyond. In addition to the adjacent modern housing estate, there has been recent development of bungalows to the north of the site, with new dwellings built adjacent the village crossroads, and on the southern side of the footpath, adjacent the school grounds.

The application proposes the erection of a two storey detached dwelling house with a detached three bay garage. Accommodation would be provided on three storeys, with the highest level being lit by rooflights and a dormer window. Windows on the rear elevation are high-level or obscure glazed to prevent overlooking. Approval was granted for a very similar form of development on this site in 2007, with a time limit of 3 years. The current application was made valid on 17th December 2009, the previous consent expiring on 24th January 2010. The redesign and resubmission has been necessitated by the accurate plotting of a large sewer that runs across the site, the easement required for such conflicting with the approved footprint. The current proposals seek a building of similar footprint area arranged alongside the sewer easement.

The application is reported to Committee on the basis of an objection from the Parish Council, in line with Council procedures.

PLANNING HISTORY

As noted above, an application for a directly comparable form of development, ie. Erection of two storey pitched roof dwelling-house with roof accommodation and erection of detached triple garage and alterations to route of public right of way (revised and resubmitted proposal) was approved in 2007. The works required to divert the footpath (Footpath no.23) around the site have been completed.

Previous to this, a planning application for a dwelling on the site was refused in late 2005 for three reasons: the first concerned the location, scale, character and design of the dwelling, the second related to the impacts upon the amenity of the residents of an adjacent dwelling, the third concerned with the poor standard of amenity for the residents of the proposed dwelling.

Subsequently, a revised proposal involving a house and garage was presented to the Committee in 2006. The scheme overcame some of the previous concerns but was nevertheless considered to be unacceptable, with particular weight given to additional comments from the Rights of Way Officer.

A further revised proposal was submitted in 2006, but was withdrawn by the applicant.

Adjacent the site, planning permission was granted for 'Chartwell', the dwelling constructed at the crossroads, in September 2003. Permission for a dwelling at the rear of Chartwell, involving alterations to the public footpath, was refused in December 2004. A revised scheme involving the erection of a detached dwelling-house and garage and the formation of new public footpath was approved in April 2005. This permission, in revised form has been implemented, being visible south-east of the current development site.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (Delivering Sustainable Development) sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

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

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

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.

Policy 8, Protecting and Enhancing the Environment, advocates the promotion of high quality design, and development sympathetic to its surroundings.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

Policy H3 of the City of Durham Local Plan 2004 sets out that the development of previously developed land will be permitted within the settlement boundaries of villages provided that schemes are appropriate in scale, design, location and number of units to the character of the settlement and do not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlement's character.

The limited development of green-field sites of less than 10 units and under 0.33 hectares in size will be permitted in the coalfield villages most in need of regeneration provided that; there are clear, quantifiable regeneration benefits that will be achieved through the development of small green-field sites; and these regeneration benefits could not be achieved through the development of previously developed land or conversions of existing buildings.

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

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

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

Policies Q1 and Q2 state that the layout and design of all new development should take into account the requirements of all users.

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

Policy R11 states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless; a suitable alternative route is found; the proposal accords with Policy T21.

Policy T21 states that the Council will seek to safeguard the needs of walkers by ensuring that existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the city; and that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development that directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

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

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

STATUTORY RESPONSES:

The County Highway Department notes that this is a replacement for a scheme already approved, with the existing private access road capable of serving the development proposed. The layout of the house and garage is considered acceptable, providing sufficient parking. No objection is raised.

County Footpaths Officers originally objected to the proposals, with discrepancies on the site plan regarding the location of Footpath 23. This was apparently due to a drafting error, and on provision of a revised – and accurate – site plan, the objection has been withdrawn.

INTERNAL CONSULTEE RESPONSES:

None

PUBLIC RESPONSES:

Pittington Parish Council has expressed a number of concerns on the application, acknowledging that the principal of the house has already been established. The sporadic nature of development to date on an area of overlooked land, bounded by a heavily trafficked footpath on a visually prominent site is of concern. The design is considered to compare poorly with that previously approved. Parish members request a condition requiring the applicant to surface between the diverted footpath and the existing tarmaced footpath to the Priors Grange Estate. Provision of street-lighting to the main road is requested. The County Council are asked to make consent conditional on the applicant entering into a legal agreement to maintain land outside the development site (and his ownership). Notwithstanding the approval of the County Highways Officer for the previous scheme, a condition is requested for improvements to the junction of the shared access onto the public

vehicular highway at the crossroads, some 48.5m from the site, following 'two very serious road accidents in close proximity to the egress from the site onto Hallgarth View, next to the crossroads'.

Three local residents have objected to the proposals, raising a number of concerns. A resident of the modern housing estate to the south-west, Priors Grange, is concerned that development of the proposal may lead to additional flooding, regretting that the trees have been removed from the site. Other recent developments in the area are considered to be built to a poor standard, and have brought problems with access and children playing with building debris. A resident of Glens Flats is concerned about access to the back of the property, and potential for loss of lighting during the construction process. Vale House, which shares a rear boundary with the property lists; loss of privacy, overlooking, visual eyesore, noise, mess, traffic, loss of light, visual intrusion, refuse collection and devaluation of property as objections to the proposals.

APPLICANT STATEMENT:

The applicants have submitted a Design and Access Statement indicating they have taken into account the relevant Policies Of The Development Plan, noting the surrounding residential form is varied in character and scale, but that the proposed two storey detached dwelling is a considered addition to such. Residential amenity standards are met. The proposals to build a different dwelling to that previously approved on the site are the result of the position of the way-leave of a public sewer crossing the land. The design seeks to achieve a directly comparable amount of development to the previous scheme, whilst avoiding the sewer. Informal discussions with Council Officers have informed amended roof-form and detailing.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=KUQMCLBN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

Application History

This application is effectively a resubmission of an approved dwelling, approved by the Development Control Committee of the former City Council in 2007. The need for the amended plans is the result of the accurate plotting of the public sewer, showing the approved footprint conflicting with required way-leave of the pipeline. The building has been redesigned with a directly comparable floor area, detached two storeys, with attic accommodation in line with the previous scheme. The applicant submitted this new application with the previous planning permission still 'live', and in time for the County Council to make a determination before the time limit on the approval expired. The need for the application to be presented to Committee, as a result of representation from the Parish Council has however taken this application outside its target deadline, and beyond the time limit imposed on the previous permission. The previous approval is however considered to hold considerable weight in the consideration of the present proposals

Detailed Description of the Works

The application proposes a two storey detached dwelling, with accommodation in the attic. The dwelling has gable ends, a single dormer window facing south, and rooflights. First floor windows on the north-east elevation facing Vale House consist a high level window and an

obscure glazed bathroom window. The roof-light on this elevation is likewise set at high-level. Bow windows on the south-west elevation overhang but do not obstruct the sewer way-leave. The dwelling has been split into two heights, the building stepping down half way along its length to bring a more appropriate scale to the side elevations. Traditional detailing by way of brick-on heads and art-stone cills, with traditionally proportioned recessed windows have been included as traditional building references to help the building assimilate into its surroundings. The barge boards have been removed from the roof ends following a site meeting with the Parish Council, to the same end. A detached garage with pitched roof has space for three vehicles.

Conditions are suggested in the event of an approval to both ensure the quality of materials and detailing, and to remove permitted development rights for additional openings, to ensure obscure glazing is maintained as such, given the potential impact unplanned alterations in the future could have on neighbouring property's privacy.

Policy analysis

The principal policies in the determination of this application are H3, H10 and Q8.

The first policy sets out the requirements for new development in the Villages, ensuring developments do not result in the loss of areas which possess important functional, visual or environmental attributes which contribute to the character's settlement. Whilst a well used footpath runs alongside the site, the area of land involved is not considered to have the necessary attributes to prevent its use.

Policy H10 seeks to prevent Backland or Tandem development where there is no safe access, the amenities of new and existing residents is compromised, and the building is inappropriate to the scale of surrounding development. A wide range of residential development is visible from the site, in age, tenure, scale, materials and detailing. The description of development in preceding paragraphs details the elements of the design and massing that have been included to help integrate the building, and at the request of Officers and the Parish Council. The piecemeal development of the land is of concern to the Parish Council, but difficult to regulate when the land is in a number of private ownerships. The scale, design and character of the proposed building is however considered appropriate. Highways issues are also required to be addressed by this condition, and under policies T1 and T10. The Parish has requested further works to the footpath and improvements to the communal road junction noting two recent accidents at the crossroads. These accidents were in no way connected with the site, or the access to the communal lane, and in light of any objection from County Highways Authority, the request is considered unreasonable, particularly as no such condition was imposed previously. As regards privacy and amenity and loss of light, it is noted above that the design of the dwelling, and its fenestration has been purposefully orientated to avoid overlooking and compromising the privacy of neighbours. The objectors dwelling at Vale Houses is 28m from the proposed rear wall, and loss of light is not likely to a degree that could sustain a viable refusal reason. Again, giving due weight to the previous approval, Officers consider that the proposals meet the requirements of principal policy H10, and the complimentary Highways policies, T1 and T10.

Policy Q8 has similar requirements, overlapping the criteria of H3 and H10, being charged with ensuring appropriate forms of development that take into account the constraints and opportunities of each site, whilst respecting amenity and privacy.

Other Matters

It is noted that much of the public opposition to the proposals relates to the potential implications of the construction period, in terms of construction traffic, materials storage, noise and disruption. It is considered appropriate to suggest a condition relating to working hours given the amount of surrounding residential property. Any approval will include an 'informative' paragraph noting the responsibilities of the applicant towards reinstatement of the footpath if damaged, and the safe and secure storage of materials and need for site fencing. Likewise the applicant's responsibility of the applicant to make arrangements for refuse collection will be noted. A condition on these elements would be inappropriate, in failing the legal 'tests' of planning conditions, not being relevant to Planning.

The Parish Council has asked for the imposition of a Section.106 legal agreement for the applicant to maintain a piece of land facing, but detached from the site, where local children play. This land is owned by the County Council, and such a legal agreement is inappropriate and wholly unjustified. Officers have offered to contact the appropriate department to allow a dialogue between the Parish Council and the County Council as to the appropriate maintenance of the land. Representations relating to the improvement of the dropped kerb at the point of access/egress to the public highway, and the appropriateness of lighting on the back lane again should be directed to the responsible County Council department, and should not be attempted to be imposed on a private developer.

Members will be aware that the potential for devaluation of property is given minimal weight in the planning process, and particularly in light of the previous approval, can not be a determining feature here.

In addition to those conditions referred to above, standard conditions relating to hard and soft landscaping, and boundary treatments are proposed.

Public Footpath 23

A feature of previous applications on this and adjacent sites has been the effect of development on the public footpath – designated footpath 23. The previous approval, and a public hearing into the matter required the diversion of the footpath to a required standard along a specified line. The diversion has been implemented and completed, and does not feature in this application, beyond appraising the developer of his responsibilities should it be damaged during the construction process.

CONCLUSION

The replacement dwelling proposed is a design compromise, in terms of siting in relation to the adjacent sewer and easement, and in elevation in terms of relation to existing adjacent dwellings. The design is modern with traditional detailing, and considered to meet the requirements of the prime policies – H3, H10 and Q8. Highways and footpaths aspects meet the approval of the relevant statutory consultees. There has been a minor modification to the design following the representations of, and a meeting with the Parish Council, and relevant elements of their representation have been forwarded to other Council departments for investigation. Giving due weight to the previous approval, and considering the current proposals in their own right against the Development Plan, and national and local planning advice, the proposals are recommended positively.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all 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.
3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including cross sections, of the proposed windows, showing a reveal of a minimum of 75mm for all elevational windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission, shall at any time be erected without the grant of further specific permission from the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no additional windows, rooflights, doors or other openings (other than those expressly authorised by this permission) shall be inserted at any time without the grant of further specific permission from the Local Planning Authority. All windows shown as obscure glazed on the approved plans must remain as such.

REASONS FOR THE RECOMMENDATION

1. The proposals have been considered against policies H3, H10, R11, T21, T1, T10, Q1, Q2, Q8 and U8a 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.

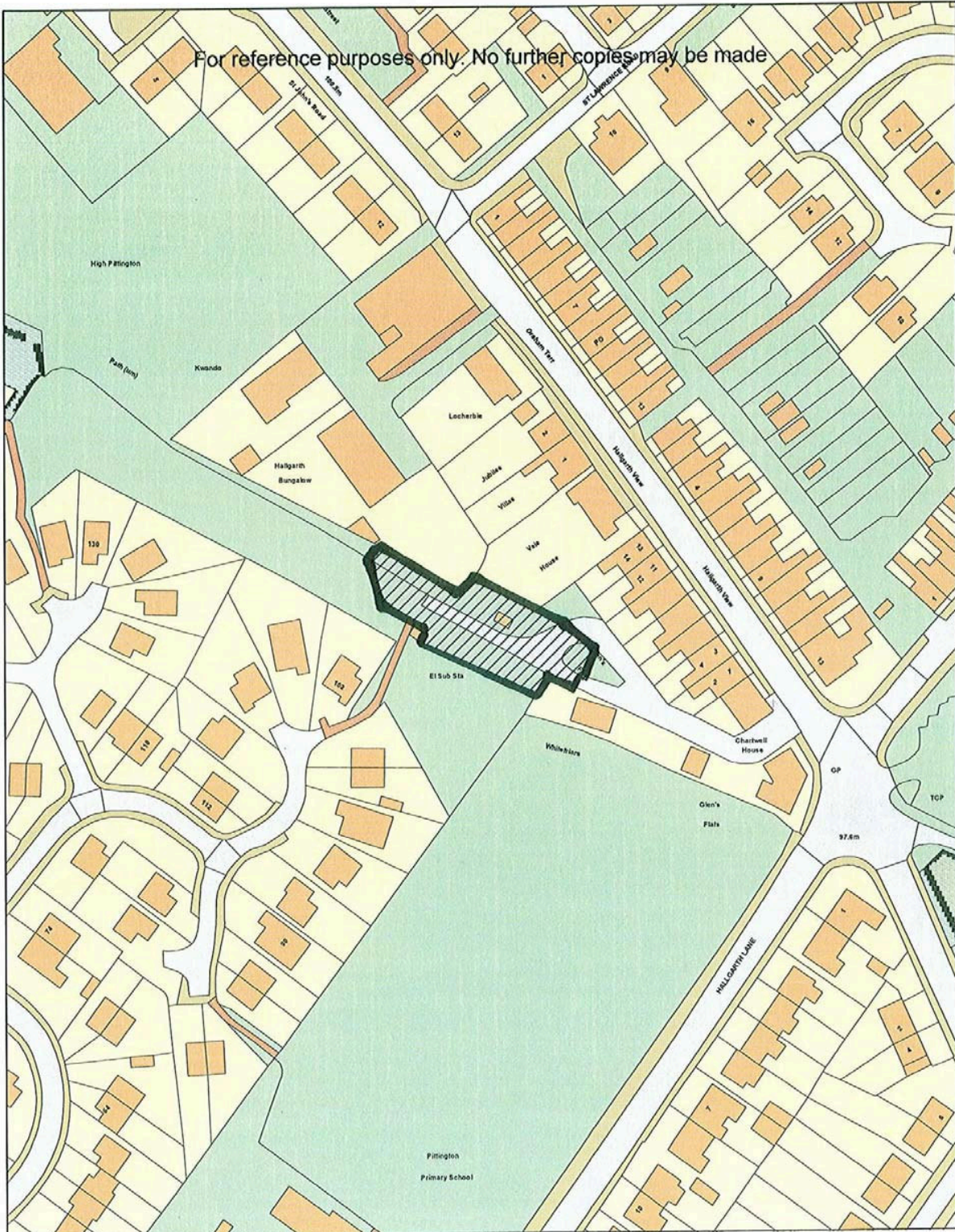
2. In particular the development was considered acceptable having regard to consideration of issues of Principle of development, planning history, scale, form and character, highways issues and residential amenity
3. Objections relating to loss of privacy, overlooking, visual eyesore, noise, mess, traffic, loss of light, visual intrusion, refuse collection and devaluation of property were considered and balanced against the perceived benefits of the proposals, and were not considered sufficient to lead to reasons to refuse the application.

BACKGROUND PAPERS

Submitted Application Forms and Plans, including amended site plans and elevations
Design and Access Statement
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
Responses from County Highways, County Footpaths Officers
Public Consultation Responses
Parish Council Response



For reference purposes only. No further copies may be made



 Planning Services	4/09/00954/FPA/SF		
	Land rear of Glens Flats, High Pitlington		
<small>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council (Durham City Area Office) Licence No. 100022202 2005.</small>	Comments		
	Date	10 February 2010	Scale



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00955/FPA
FULL APPLICATION DESCRIPTION:	Erection of 2 no. polytunnels, coffee shop and associated highway improvements (revised and resubmitted)
NAME OF APPLICANT:	Mr M Green
ADDRESS:	Pity Me Nursery, Stank Lane, Durham, DH1 5GZ
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Henry Jones henry.jones@durham.gov.uk 0191 3018739

DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to the existing Pity Me Nursery located off Stank Lane and adjacent to the A167 at Pity Me. The application site is located beyond the settlement boundary which encloses Durham City and is within the designated Green Belt and within a site of nature conservation importance. The Blackdene Burn runs through a section of the application site and the majority of the application site is located within flood risk zone 2 with a small section located within flood risk zone 3a.

The site is accessed directly from the A167 via a left turn approximately 200m north of the roundabout at the northern end of Pity Me. The Pity Me Nursery site comprises a parcel of land covering an area of 2.6 ha. Within the site are 2 no. polytunnels, storage building, car park and hardstandings all of which is located within the western section of the site.

The proposal seeks to erect two further polytunnels, erect a coffee shop extension to the existing storage building and implement associated highway improvements.

The proposed polytunnels are to be sited immediately adjacent to the existing polytunnels. They would be of comparable size to the existing pair at a length of 30m, width of 6m and total height of 3m. The polytunnels proposed have a lightweight appearance constructed of steel tubular framework with polythene cover.

The proposed coffee shop extension is to be attached to the northern elevation of the existing storage building. The extension is to be 12m in length with a width of 8m and a total height of 3.9m which brings the extension to the eaves point of the existing storage building. It is to be finished in timber boarding and stone clad blockwork to the south and east elevations with corrugated cladding to the northern and western elevations. The coffee shop is to have a green metal clad roof. The existing storage building is to be given

additional stone cladding and timber boarding elevational treatment to match the proposed coffee shop extension. The proposed site plan indicates the introduction of additional landscaping to the northern and western sides of the proposed coffee shop.

Also proposed are highway alterations. These alterations take the form of the provision of a new 80m long deceleration lane and 30m taper off the A167 with a 10m radius at the access point to the site in an effort to improve ease of access to the site for customers.

PLANNING HISTORY

A lengthy history of applications relates to the application site and its use as a nursery. A prior notification application for the erection of a polytunnel and portal framed building was received by the Council in 1998 and it was considered that prior approval was not required for the siting, design and appearance of the proposed buildings. In January 1999 planning permission for 2 no. polytunnels was refused on the grounds of highway safety, a decision dismissed at appeal with the Inspector concurring with the Council that any development which would enhance the site and make more visits to it likely should be resisted until the access is improved or an alternative access is found.

A further prior notification application was submitted in April 1999 for a further polytunnel of 465m² floorspace and this brought about the making of an Article 4 direction which resulted in full planning being required for any additional agricultural and horticultural buildings being sought on the site. In October 1999 the Council declined to determine a second application for polytunnels with these powers being exercised because the Secretary of State had within the preceding two years refused permission on a similar application.

In 2002 planning permission was refused on highway safety grounds for the erection of polytunnels and a storage building. A resubmission of this application was refused in 2004 on the same highway safety grounds.

In 2008 the applicant succeeded in a claim against the former City Council to the Lands Tribunal under section 107 and 108 of the Town and Country Planning Act 1990 that planning permission had been withdrawn by a development order (Article 4 direction) and his business had suffered loss of expenditure as a result

This current application pending consideration is a resubmission of an application withdrawn from September 2009 for the erection of 2 no. polytunnels and detached coffee shop building. This previous application was withdrawn following officer concerns regarding highway safety and acceptability of the detached coffee shop building within the Green Belt.

PLANNING POLICY

NATIONAL POLICY:

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

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.

Planning Policy Guidance Note 2: Green Belts outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised

Planning Policy Statement 25: Development and Flood Risk explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development. The PPS states that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues and that developers should fund flood defences where they are required because of the development. It introduces a risk-based search sequence giving priority to sites at lower risk and establishes a minimum standard of defence for new development that takes account of the likely impact of climate change.

Planning Policy Statement 4: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub regional and local levels for both urban and rural areas.

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

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. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

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 11 (Rural Areas) seeks to promote a vibrant rural economy that makes a positive contribution to regional prosperity whilst protecting the Region's environmental assets.

Policy 35 (Flood Risk) states that a strategic, integrated, sustainable and proactive approach to catchment management to reduce flood risk within the Region should be integrated with a sequential risk-based approach to development and flooding should be adopted as set out in PPS25.

The above represents a summary of the Regional Spatial Strategy, the full text may be accessed at
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

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 E1 (Durham City Green Belt) reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.

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 E18 (Sites of Nature Conservation Importance) seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.

Policy EMP17 (Farm Diversification) sets out the criteria against which proposals for farm diversification will be considered and these include the impact upon the character of the countryside, that the site can be served by roads capable of accommodating increased traffic and that there is no compromise to the openness to the Green Belt.

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 U9 (Watercourses) states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere, they do not result in the pollution of the watercourse, they do not adversely affect nature conservation interests, do not adversely affect the visual appearance of the landscape and their environmental impact is properly assessed.

Policy U10 (Development in Flood Risk Areas) states that proposals for new development shall not be permitted in flood risk areas or where development may increase the risk of flooding unless the following can be demonstrated; that there are no alternative options available, there will be no unacceptable risk of flooding and appropriate mitigation measures can be put in place to minimise the risk of flooding.

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

STATUTORY RESPONSES:

Northumbrian Water have been consulted on the application and no objections have been raised.

The Environment Agency reiterate previous comments from the withdrawn application of September 2009. These comments raise no objections to the submitted flood risk

assessment. The one query outstanding being that a small part of 1 polytunnel remains within flood risk zone 3 and though unlikely there is some potential that if not properly fixed to the ground the polytunnel could wash out and block the culvert. It is recommended therefore that the polytunnel be repositioned or alternatively confirmation is sought that it is securely tied down.

The County Highway Authority has been consulted on the application and has raised strong objections to the proposal. Within their comments the County Highway Authority provide a description of current access and egress arrangements, some history of the site and local area with regards to highways matters and advice on the likely affects of the development proposed. In summary the County Highway Authority explain that the current access route is a simple uncontrolled junction with the current plant nursery creating only a modest level of traffic using the junction. The County Highway Authority state that the use of the junction has been a concern for many years and is the reason the central reserve gap on the A167 was closed. In addition a residential development at Kimblesworth Grange was restricted to an alternative access from Potterhouse Lane due to the level of concern raised from both the County Highway Authority and the Highways Agency over the extra traffic using the A167 junction.

The County Highway Authority state that the proposed highways alterations involving the creation of a short deceleration lane would provide some safety benefit in that it would allow vehicles to pull off the main carriageway whilst slowing down and avoid obstructing the following vehicles accelerating from the roundabout. However, the County Highway Authority explain that this proposal seeking to develop a coffee shop would create a significant increase in traffic and that much of this traffic would be visiting the coffee shop rather than the plant nursery. As a result notwithstanding the minor improvements to the junction layout proposed, the increase in traffic using the junction would increase the risk to road users at a location where traffic is travelling fast and is accelerating. As a result it is strongly recommended that the application be refused. If it is decided to grant planning permission, conditions should be attached requiring the junction improvements being completed to Highway Authority standards and also that cycle parking facilities are provided.

INTERNAL CONSULTEE RESPONSES:

The Planning Policy Section has been consulted on the application and the provision of polytunnels, which are accepted as agricultural buildings, can be deemed an acceptable use within a Green Belt location and that the impact upon the openness of the Green Belt may be small. The proposed coffee shop extension is more difficult to justify. It may not fit comfortably into any of the categories of appropriate development in the Green Belt, however, at the same time PPS7 states that Local Planning Authorities should adopt a favourable approach to proposals for agricultural diversification in the Green Belt which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

With regards to other matters, the design of the coffee shop is considered to have been improved on from the last application, highway safety is highlighted as a key issue whilst the designation of the land as a site of nature conservation importance must also be considered.

PUBLIC RESPONSES:

Three letters of representation have been received on the application. The CTC (the national cyclist organisation) have objected to the absence of the provision of parking for cyclists and would expect this to be a condition of any approval.

The City of Durham Trust have commented on the application and have concerns with regards to the proposed coffee shop. Firstly, it is not considered that such a facility would create a total of 10 new jobs as is claimed by the applicant. In the event that such a busy coffee shop is sought then this indicates a massive business expansion is planned which would be to the detriment of the Durham City Green Belt.

One letter has been received in support of the application considering that the Council should support applications creating 10 new jobs for people in the area. In addition the letter of support states that every effort has been made by the applicant to improve the access in line with highways advice.

A further request that the application be determined at Planning Committee as opposed to delegated powers has been submitted by the local ward member. The grounds of this request are; that the opposition on grounds of highway safety are not justified given the discussions the applicant has had with the Highways Authority, that the development will not result in an overdevelopment in the Green belt and that the impacts of the nearby sewage works and chicken farm are eminently more damaging. It is also considered that failure to approve the application may result in greater harm to highway safety as the proposed highway improvements would not occur but the site could still attract more visitors. The final point raised is that the development would create 10 new jobs.

APPLICANTS STATEMENT:

A statement of justification has been supplied with the application. The justification focuses upon the favourable approach which PPS7 advises Local Planning Authority's adopt with regards to agricultural diversification which the proposed coffee shop facility is considered to represent. The statement considers that a precedent of such facilities at plant nurseries has been set with several examples of such developments within the County. The proposed coffee shop and 2 no. polytunnels will provide for 12 new job opportunities and the development will contribute to the rural economy. The proposed polytunnels are deemed agricultural development and therefore wholly appropriate within a Green Belt location. The reduced scale of the coffee shop from the previous submission and provision of landscaping will help absorb the development into the landscape.

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=09/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

In accordance with the relevant Local Plan Policies E1, E7, E18, EMP17, Q5, T1, U9 and U10 the main planning considerations are the acceptability of the development in a Green Belt location, the impacts upon the landscape, impacts upon highway safety and flood risk.

Principle of the Development

National guidance contained within Planning Policy Guidance Note 2: Green Belts (PPG2) and Local Plan Policy E1 establish the forms of development which are deemed to be appropriate within a Green Belt location. The construction of new buildings for the purposes of agriculture and forestry is considered an appropriate form of development in the Green Belt. This proposal seeks to erect 2 no. polytunnels for the purposes of growing plants at the nursery site. Such an activity is a form of horticulture and this in turn is accepted as a form of agriculture. As a result the provision of the two proposed polytunnels is deemed appropriate development in the Green Belt in accordance with Local Plan Policy E1.

The application also proposes to erect a new coffee shop facility which extends from the northern elevation of the existing storage building at the site. This proposal does not fit comfortably within the forms of development deemed appropriate in the Green Belt. The proposed coffee shop is certainly not an agricultural building in itself. PPG2 and Policy E1 of the Local Plan also consider that “essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it” constitute appropriate development. It would be difficult to argue that a coffee shop is “an essential facility” at a nursery and indeed the justification submitted on behalf of the applicant suggests this by stating that “though not essential, visitor support facilities are a necessary ingredient of these businesses”.

However, Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) published after PPG2 states that Local Planning Authorities should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy EMP17 of the Local Plan also accepts the principle of agricultural diversification provided, amongst other criteria that no unacceptable adverse impact upon the openness of the Green Belt occurs.

The proposed coffee shop, which has been reduced in scale and redesigned from an earlier submission in 2009, now appears as a more subservient extension to the existing storage building on the site. The proposed extension is to be no higher than the eaves level of the existing storage building and is to be finished with some stone and timber cladding to help assimilate the development in to the area. Existing hedging on the periphery of the site and the proposed boosting of such landscaping as indicated on plan would help reduce impacts upon the openness of the Green Belt. In addition the openness of the Green Belt is concerned not only with the impact of a development on the landscape but also on the sheer build on the land. The proposed coffee shop extension is to be sited on an existing hardstanding to the side of the existing storage building and as a result, to a degree the land upon which the coffee shop will stand has already been developed.

The purposes of including land within the Green Belt are explained within PPG2 as being; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The addition of the building is not considered to strongly conflict with any of these purposes of including land within the Green Belt.

As a result despite the difficulty in defining the proposed coffee shop as one of the forms of “appropriate development” as prescribed within PPG2, taking into consideration the favourable approach PPS7 seeks Local Planning Authorities to take on rural diversification schemes and the likely negligible impact upon the openness of the Green Belt no strong objections are raised to the principle of the development proposed.

Highway Safety

For any agricultural diversification Policy EMP17 of the Local Plan requires that the site can be served by roads which are capable of accommodating any increase in traffic as a result of the development. In addition Policy T1 of the Local Plan states that the Council will not grant planning permission for any development that would generate traffic which would be detrimental to highway safety.

The standard of the access arrangements at Pity Me Nursery has been a concern of the Council over many years. Previous applications for the expansion of the site with additional polytunnels sought have been refused on the grounds of highway safety with support for the decisions being gained from the Planning Inspectorate. The concern over the use of the junction was the reason the central reserve gap on the A167 was closed and concern over further traffic using the access necessitated a residential development at Kimblesworth Grange being limited to an alternative access from Potterhouse Lane.

On this occasion in an effort to ease the said concerns, the applicant has sought highway improvements as part of the proposal. These involve the provision of a short deceleration lane. The County Highway Authority acknowledge that this would allow vehicles to pull off the main carriageway whilst slowing down and help avoid obstruction to following vehicles accelerating from the roundabout. However, the County Highway Authority considers that the increase in traffic which would result from the development would offset any aid to highway safety that the proposed deceleration lane would create. Of particular concern is the proposed coffee shop which would form a new facility at the site likely to attract substantially more visitors than at present. Given the location of the site so close to the busy A167 there is also the potential for motorists to visit the site purposefully and solely for the coffee shop facility rather than the purchasing of plants. The submitted plans do not indicate how many tables or which items would be sold from the proposed coffee shop, however, the proposed extension has a total floorspace of 96m² and the applicant claims that 10 new jobs would be created from the coffee shop suggesting that it would be a significant venture intent on being busy.

As a result notwithstanding the minor improvements to the junction layout proposed within the application, the development would create an increase in traffic using a junction sited off a very busy dual carriageway and such an increase in traffic would cause a risk to road users at a location where traffic is travelling fast and accelerating from a busy roundabout. As a result it is considered that the proposal is not served by a junction which is capable of accommodating the increase in traffic and would therefore be detrimental to highway safety and contrary to Policies T1 and EMP17 of the Local Plan.

Flood Risk

The application site is dissected by the Blackdene Burn and the majority of the application site lies within flood risk zone 2 with a small section with flood risk zone 3a. Land within flood risk zone 2 has between a 1 in a 100 and 1 in a 1000 annual probability of river flooding whilst land within flood risk zone 3a has a 1 in a 100 or greater probability of flood

risk. The application has been submitted with a flood risk assessment and Policies U9 and U10 seek to reduce the risk of flooding resulting from development through a sequential approach to site selection and use of mitigation measures where necessary. As the applicant is seeking the further expansion of this existing site no alternative options to the development were practically available. The proposed new polytunnels and coffee shop are in the main sited within flood risk zone 2 and such agricultural and shop facilities are defined as “less vulnerable” land uses within Planning Policy Statement 25: Development and Flood Risk (PPS25) and suitable for location within flood risk zone 2.

The submitted flood risk assessment advises some mitigation measures to help reduce the risk of flooding such as ensuring that the finished floor level of the proposed coffee shop is in line with the Environment Agency guidance of being 600mm above the 100 year plus Climate Change flood level with further recommendations for appropriate disposal of surface water runoff. The submitted application has been assessed by the Environment Agency who have raised no objections to the proposal although it is recommended that the one polytunnel partially sited within flood risk zone 3a requires to be moved marginally or alternatively adequately fixed to the ground to reduce risk from flooding. The applicant has confirmed that the polytunnels will both be adequately fixed to the ground and this could be conditioned on any approval.

On balance no objections to the proposal are raised on the grounds of the development causing an increase in flood risk in accordance with Policies U9 and U10 of the Local Plan.

Other Issues

The application site falls within the boundary of a site of nature conservation importance to which Policy E18 of the Local Plan applies. This Policy seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. It is not considered that the proposed development would harm such conservation interests, the proposed coffee shop forming the most substantial newbuild within the application is sited on an existing hardstanding and no loss of the peripheral hedgerows or trees on site is proposed. In addition it is proposed to landscape the site further – potentially providing further wildlife habitats. This particular section of the site of nature conservation importance provides no particular recreation, education or research resources and overall no detriment to the site of nature conservation importance is considered to occur in accordance with Policy E18 of the Local Plan.

Comments have been received from the national cycle organization raising objection to the absence of any provision for bicycle parking. Should the application be approved such provision could be ensured by way of the attachment of a condition. Comments from the City of Durham Trust raise concern at the prospect of future development at the site and the impact of this of the Green Belt. Each planning application is assessed on its own merits and any future proposal requiring planning permission as part of further expansion plans would be assessed against all relevant material planning considerations including matters concerning the Green Belt. The concern raised with regards to the acceptability of the access has been addressed separately above.

Some support offered to the application from public response is formed on the basis of the number of new employment opportunities created by the development. The applicant claims that a total of 12 new jobs would be created, 10 employed through the coffee shop and 2 through the new polytunnels. The Local Planning Authority would raise doubts over whether this development would actually generate a further 12 job opportunities given the scale of

the development. However, this aside and notwithstanding the positive approach which national guidance seeks Local Authority's to adopt in relation to rural diversification and employment opportunities this must all be considered together with all other relevant material considerations. Despite the potential employment opportunities created through the development this must be balanced against any possible negative consequences. In this instance the increase in risk to highway safety caused by the development is considered significant enough to override other potential benefits of the scheme.

CONCLUSION

The applicant has sought to justify the further expansion of the Pity Me Nursery site, which lies within the Durham City Green Belt largely on the grounds of it forming a rural diversification scheme which contributes to a sustainable rural economy. National guidance to Local Authority's is that they should adopt a positive approach wherever possible to such schemes and with this in mind and taking into consideration the negligible impact upon the openness of the Green Belt the principle of the development can be accepted.

However, the impacts of this same expansion and diversification of the site will generate an increase in traffic using a junction sited off a very busy dual carriageway and such an increase in traffic would cause a risk to road users at a location where traffic is travelling fast and accelerating from a busy roundabout. Despite the benefits of some potential employment opportunities being created, highway safety is, for obvious reasons, a pertinent planning issue and this development creates a level of risk to road users which is significant and as a result support cannot be offered to the proposal.

RECOMMENDATION

That the application be **REFUSED** for the following reason(s);

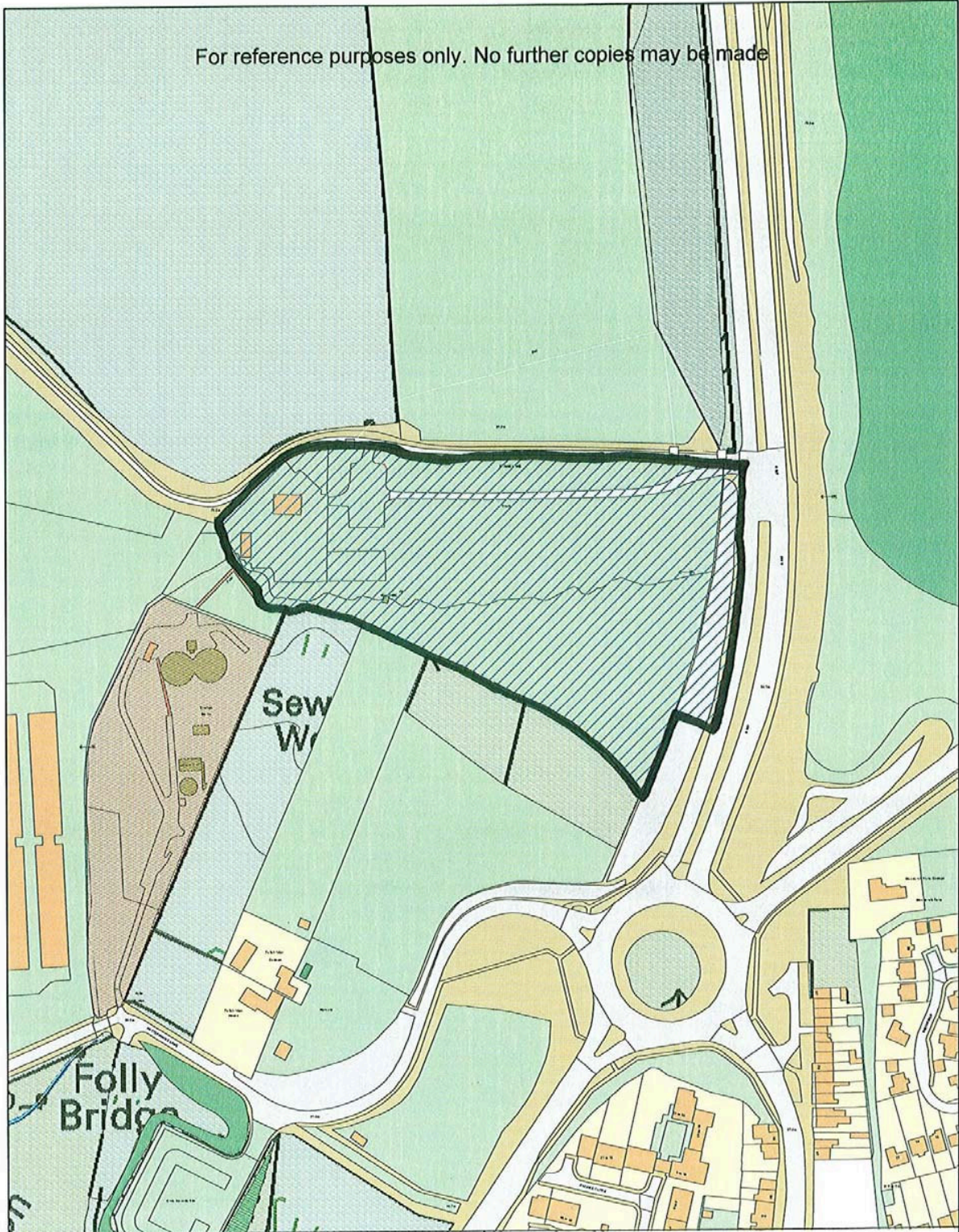
1. The Local Planning Authority considers that the proposed development, with particular reference to the proposed creation of coffee shop and notwithstanding the highway alterations proposed, would create an increase in traffic using a junction sited off a very busy dual carriageway and within close proximity to a roundabout which would be to the detriment of highway safety contrary to the requirements of Policies T1 and EMP17 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements 1, 4, 7 and 25 and Planning Policy Guidance Note 2
Responses from the County Highway Authority, Northumbrian Water and Environment Agency
Responses from Internal Consultees
Public responses



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Planning Services

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4/09/00955/FPA/HJ

Pity Me Nursery, Stank Lane, Durham

Comments

Date

10 February 2010

Scale

1:2500

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00991/FPA
FULL APPLICATION DESCRIPTION:	Erection of detached two storey pitched roof dwelling with attic accommodation including provision of 2 no. vehicular parking spaces for existing dwellings
NAME OF APPLICANT:	Mr A Ford
ADDRESS:	Land to the Rear of 15 and 16 Front Street East, Coxhoe, Durham
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Henry Jones henry.jones@durham.gov.uk 0191 3018739

DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to land currently used as private garden to the rear of Nos. 15 and 16 Front Street East in Coxhoe. The application site lies within the settlement boundary of Coxhoe.

The land mainly comprises of lawn and soft landscaping but a garage, shed and hardstandings are also located within the site. This section of the Front Street in Coxhoe consists of a row of terraced properties thought to date from the late nineteenth century. Adjacent to the site however, lies a recently built detached dwelling and a relatively modern residential estate also borders the land to rear (Petterson Dale). The application site is accessed via the back lane which runs to the rear of Front Street East

The proposal seeks to erect a two storey, 3 bedroom dwellinghouse incorporating rooms in the roof and an integral garage. The proposed dwelling takes design references from the existing detached dwellinghouse at the adjacent plot. The application site would provide parking space and refuse storage for the proposed dwelling but also for Nos. 15 and 16 Front Street East.

PLANNING HISTORY

No history of planning applications relates to the application site itself. However, on an adjacent plot to the rear of No. 17 Front Street East planning permission was refused, in outline, in April 2005 for the erection of a two storey detached dwelling on the grounds that the site was not considered to be served by a safe and satisfactory access and that the siting of a dwelling in this backland location would not be in keeping with the character and form of surrounding development. However, at appeal, the Inspector overturned the Council's decision considering that the increase in traffic associated with the development would not add significantly to existing traffic levels and the access arrangements appeared perfectly safe. With regards to the impact upon the character of the area the Inspector felt that rather than the proposed development creating an intrusion into open land, the dwelling would appear as an extension to the existing built up area given the proximity to the village hall to north. Following this Inspector's decision, the Council then approved a full application for the development of the dwelling.

A letter of objection received from the Parish Council makes reference to other decisions made on similar applications in the area such as at those at The Avenue and Co-operative Terrace. Applications for the erection of dwellings on garden land to the rear of The Avenue have been refused including that at the rear of No. 15 in 2006 and land at No. 19 The Avenue in 2009. However, no similar schemes could be found at Co-Operative Terrace.

PLANNING POLICY

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

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.

The above represents a summary of national planning guidance. The documents can be read in their entirety at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

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. Central to the RSS is a key principle of delivering sustainable communities.

Of particular relevance are the following policies;

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.

The above represents a summary of regional planning guidance. These policies can be read in their entirety at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

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

Policy H10 (Backland and Tandem Development) sets out that such development will not be permitted unless a safe and satisfactory access is provided, the amenities of existing and prospective occupiers are not adversely affected and finally, that the development would be in keeping with surrounding development.

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 E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. 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. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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

Policy 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.

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

STATUTORY RESPONSES:

The County Highway Authority has been consulted on the application and the submitted comments consider that adequate parking provision within the site for both the proposed occupiers of the dwelling and for the occupiers of Nos. 15 and 16 Front Street East is provided. No objection is raised with regards to the prospect of further traffic using the back lane but it is deemed necessary for a footpath to be formed to adoptable standards across the site frontage.

The Parish Council have submitted objections to the proposal. These objections are on the grounds that the development site would be served by a poor access which would be prejudicial to highway safety, that the approval of this development would set a precedent for future developments leading to further prejudicial highway conditions and adverse impact upon the character and appearance of the area. Unsatisfactory privacy distances and levels of amenity space are also considered to occur through the development. The Parish Council raise awareness to previous decisions by the Council on similar developments in the local area.

INTERNAL CONSULTEE RESPONSES:

The Development Plans Section has been consulted. The submitted comments state that there is some debate as to whether the application site constitutes previously developed land but it would appear to meet the definition provided within PPS3. In conclusion it is considered that although there could be some policy objections on the grounds of a backland development being created, the approval of the dwelling on a similar plot adjacent at an appeal has established a principle for this form of development. It is noted that the County Highway Authority has not objected to the scheme and although the submitted tree report does not make efforts to protect trees on site these same trees would not be worthy of protection and would unlikely be a strong reason to object to the proposal.

PUBLIC RESPONSES:

Two letters of objection have been received from local residents with regards to the application. Some concern is raised with regards to the parking and storage of refuse arrangements at the site which are considered to rely heavily on the goodwill and the co-operation of the occupiers of the houses involved which could break down and lead to access problems further up the street. General congestion on the back lane is also matter of concern. Objection is raised at the loss of a skyline view which is already affected by the existing dwelling on the adjacent plot and this development would worsen. Loss of privacy is considered to occur to a dwelling with further loss of privacy and light occurring for an adjacent garden area. The loss of a green and open space is considered to make the properties on the Front Street less desirable to potential purchasers.

APPLICANTS STATEMENT:

The submitted Design and Access Statement seeks to demonstrate that the proposed dwelling will be similar in terms of scale, form and building materials to the existing adjacent dwelling "Hallside" which itself makes architectural references to the existing village hall. The statement explains that care has been taken with the layout of the dwelling to ensure that the location of windows avoids a loss of privacy for nearby occupiers. With regards to

parking and access arrangements adequate parking for the proposed dwelling and replacement parking spaces for Nos. 15 and 16 have been provided and it is also the intention to provide a new dropped kerb and footpath. Similarly adequate refuse storage for all three properties involved is also included in the scheme. In the interests of sustainability the design of the dwelling is to take into consideration national guidance on the conservation of fuel and power.

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=09/00991/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

In accordance with the most relevant Local Plan Policies H3, H10, H13, Q8, E14, T1 and T10 the main planning considerations relate to the principle of the residential development at the site, the impact upon the character of the area, impacts upon the residential amenity of neighbouring occupiers, impacts upon trees and highway safety.

Principle of the Development

Policy H3 of the Local Plan states that within the Durham City villages new housing development comprising of windfall development of previously developed land will be acceptable in principle provided that the development is appropriate in terms of scale, design and location. Planning Policy Statement 3: Housing (PPS3) defines previously developed land as “that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.” The application site contains a garage, hardstandings and garden shed and is enclosed by fencing with the remaining site comprising of private garden land clearly associated with these residential outbuildings and properties 15 and 16 Front Street themselves. As a result it is considered that the proposed site can be deemed previously developed land and the principle of residential development acceptable.

Impact upon the Character of Area

Guidance and criteria contained within Policies H10 (Backland and Tandem Development) and H13 (Residential Areas – Impact upon Character and Amenity) state that development will not be permitted which is not in keeping with the character of the surrounding area. Policy Q8 (Layout and Design – Residential Development) also provides guidance on acceptable design and layout with regards to residential development.

The application site lies adjacent to an existing two storey dwelling to the rear of the Front Street and adjacent to this plot lies the village hall set back off the Front Street. In the Inspector’s decision with regards to the adjacent plot at the rear of No. 17 Front Street it was considered that the provision of a two storey dwelling adjacent to the existing village hall would not create an intrusion into predominantly open land but rather an extension to the existing built environment given the proximity of the village hall. This application site lies immediately adjacent to the recently built dwelling subject to the Planning Inspectorate’s decision. As a result it is considered that the proposal would constitute a further extension of an existing built environment. It is not considered that the addition of this additional dwelling which is within such close proximity to other buildings including a dwelling of very similar appearance would create an incongruous feature out of keeping with the character of the area. The Parish Council have, in part, objected to the impact of this development upon the

character and appearance of the area and have made reference to other decisions made by the Council including those at The Avenue, Coxhoe.

It is acknowledged that applications for new dwellings to the rear of No. 15 The Avenue have in part been refused on the grounds of the impact upon the character and appearance of the area which are characterised by relatively open garden plots and modest garages. Support for such a view was gained at an appeal by the Inspector. However, the site to the rear of No. 15 The Avenue was surrounded by garden land and no large buildings or dwellinghouses were sited on adjacent plots. Such an argument is not considered to hold such weight on this occasion as the application site is sited immediately adjacent to a similarly scaled dwelling and then a large village hall building. This sense of largely open expanses of garden land is not considered to be applicable to the same extent with this application site.

With regards to the more detailed elements of the dwellinghouse again no objections are raised. The proposed dwelling makes design references to the adjacent detached property. The proposed dwelling incorporates a steeper roof pitch and has a marginally higher ridge height. However, the land does slope from north to south and such a step in height would not appear incongruous. On balance subject to the appropriate use of materials which can be conditioned, the proposed dwelling is considered to successfully assimilate into the local area in accordance with Policies H3, H10, H13 and Q8 of the Local Plan.

Highway Safety

Policy H10 of the Local Plan requires all backland and tandem development to be served by a safe and satisfactory means of access and be capable of accommodating adequate parking provision. Policy T1 of the Local Plan states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety whilst Policy T10 states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development. Matters of the adequacy of the access and parking arrangements and increase in traffic have been matters raised within letters of objection.

The County Highway Authority has been consulted on the application and no objections have been raised. The access arrangements are deemed safe and no objections to the additional vehicular movements associated with the provision of one more dwelling are raised. This is subject to the provision of a footpath across the site frontage which is in accordance with the Planning Inspectors recommendations when the Inspectorate granted planning permission, in outline, for the adjacent dwelling "Hallside".

The proposal incorporates parking not only associated with the proposed dwelling but also for the occupiers of Nos. 15 and 16 Front Street which currently benefit from parking spaces within the site. Some concern from local residents is raised that such an arrangement would rely too heavily on goodwill and that if this goodwill were breakdown obstructions in the street may occur. The same concern relates to the refuse storage proposed. However, the parking spaces for the occupiers of the proposed dwelling and the occupiers of Nos. 15 and 16 would all be owned separately by the land owners involved. As a result if one individual were to park on a space which does not belong to them then this is ultimately a separate legal matter regarding land ownership and rights of access beyond the remit of the Local Planning Authority. The proposed layout does not place parking spaces one behind the other and therefore a situation where an individual is blocked in should not occur. A condition can be attached to any approval requiring these parking spaces to be appropriately

demarcated before the development comes into use to further clarify the parking arrangements. The proposed shared area for refuse storage should provide adequate space for Nos. 15 and 16 and the ease at which either occupier should be able to access or store bins will not be significantly hindered by the other and any blocking of the back street by such bins can be avoided.

On balance no objections on the grounds of highway safety or parking provision is raised and the proposal is considered to accord with Local Plan Policies T1, H10 and T10 of the City of Durham Local Plan.

Residential Amenity

A key consideration of the application is the impact of the development upon the residential amenity of nearby residents. The proposed dwelling is set on a similar footprint to the adjacent dwelling "Hallside" and separation distances to neighbouring properties are comparable. The separation distances from the rear elevation first floor windows to bedrooms and bathroom to windows within Nos. 36 and 38 Petterson Dale meet the 21m standard established within Policy Q8 of the Local Plan. Separation distances at ground floor level are slightly substandard at 19.2m and the rear elevation includes windows to the living room – the main habitable room of the dwelling. However, at ground floor the views between windows of the proposed dwelling and those at Petterson Dale have the benefit of being obscured by boundary treatments. Taking this into consideration the marginally substandard separation distances at ground floor are considered to be mitigated and no strong objections are raised. No letters of objection were received from the occupiers of properties on Petterson Dale to the rear.

Separation distances between windows to the front are more significantly below the 21m guidance contained within Policy Q8 of the Local Plan at approximately 14m to the rear of Nos. 15 and 16 Front Street. The occupiers of No. 14 Front Street have also raised some objection on the grounds of a loss of privacy from the proposed dwelling. However, the architect has carefully designed the dwellinghouse so that the windows within the front elevation are not to the main habitable rooms of the dwelling. Rooms at ground floor and first floor are to the landing spaces not bedrooms or other habitable rooms as would ordinarily be the case. The proposed plans also confirm the use of obscure glazing to further mitigate the prospect of overlooking. As a result, despite the separation distances to front failing to accord with the guideline figure contained within Policy Q8, the mitigating measures introduced by the architect in the form of the internal layout and use of obscure glazing means that views from the front elevation into windows within properties on Front Street will not be on offer and a loss of privacy will not occur. This can be further ensured by the removal of selected permitted development rights from the new dwelling by way of conditions attached to an approval allowing the Local Planning Authority control over imposition of new windows and erection of extensions.

The occupiers of No. 14 Front Street also raise objection to a loss of a skyline view and loss of privacy and light to a garden plot which includes summerhouse and seating area. The loss of a view as such is not a material planning consideration. However, the impact of a development being overbearing and resulting in a significant loss of outlook is a material planning consideration. The proposed dwelling is not sited directly to the rear of No. 14 Front Street but at an angle farther to the north. The property is set directly behind the properties Nos. 15 and 16 although no objections have been received these occupiers. Policy Q8 of the Local Plan recommends that where direct views between windows do not occur, the window in one dwelling should be at least 13m away from the two storey elevation

of another dwelling in order to ensure adequate amenity. The proposed dwelling is sited approximately 14m from the nearest properties on Front Street and as a result the separation distances are considered to accord with the guidance contained within Policy Q8 of the Local Plan. As a result, the two storey dwelling is not considered to be within too close a proximity to properties on Front Street and does not create an unduly overbearing impact or loss of outlook or light.

The occupiers of No. 14 Front Street have also objected on the grounds of a loss of light and privacy to their garden area which contains a summerhouse and seating area. As the application site comprises of the garden areas of Nos. 15 and 16 and the neighbouring property "Hallside" was sited on land to the rear of No. 17 Front Street, it is understood that the garden land relating to No. 14 lies to the south of the application site. As the proposed dwelling is to be sited to the north, taking into consideration the apparent movement of the sun in the sky shadows would be cast more towards the north onto the blank gable end of "Hallside" and less so onto the garden areas to the south reducing such concern. No windows are proposed within the southern gable of the proposed dwelling and the removal of permitted development rights can control the imposition of any further windows. A loss of privacy to garden land should therefore not occur.

With regards to the existing property "Hallside" located on the adjacent plot, no letters of objection have been received from the occupiers of that property. The front and rear building lines of the proposed dwelling do not extend beyond that of "Hallside" and both dwellings have blank flanking gables. As a result the proposed dwelling shall sit comfortably adjacent to the existing dwelling without any harm caused to the residential amenity of the occupiers.

Impact upon Trees and Landscape Features

Policy E14 of the Local Plan requires that all applications which would result in development having an impact upon trees or hedgerows within the site must be accompanied by a tree report. Policy Q8 of the Local Plan also states that trees and landscape features within a site should be taken into consideration and effort made for their retention where possible.

The application has been submitted with a tree report which identifies a beech hedge and two trees on site which are proposed for removal to facilitate the development and preserve the future amenity and stability of the proposed dwelling. The hedgerow and two trees which are immature specimens, although healthy are not of a maturity nor do not contribute to the local area to the extent that they would necessitate any form of protection. As a result no objections are raised to the proposed works contained within the tree report.

Other Issues

Comments received from the Parish Council raise concern that the approval of this application would set a precedent for other backland developments to proceed. It is acknowledged that once a development has occurred then that development must be taken into consideration as being part of the character of an area when other proposals are put forward. However, each individual planning application is assessed on its own merits and one development gaining planning permission does not necessitate that other sites will gain planning permission for similar developments if there are valid objections applicable to those developments on material planning grounds.

One letter of objection received stated that one concern was the loss of open space would make properties on Front Street less desirable to potential purchasers. The proposed residential development is considered an appropriate land use at the location and no harm upon the character of the local area is considered to occur through the development. Such matters are clearly material planning considerations. The effect of a development upon property values, however, is not a material planning consideration.

CONCLUSION

The proposed development is considered to constitute efficient use of land within a settlement boundary which is suitable for residential development. Taking into account the specific nature of this application site and its surroundings it is considered that this particular backland development will not cause harm to the character of the area nor to highway safety which can often be the case in such forms of development. The architect has sought to design, position and arrange the layout of the dwelling to minimise the impact of the development upon the residential amenities of neighbouring occupiers and it is considered that this has been successfully achieved to the point that it accords with the guidance within relevant Local Plan Policies.

RECOMMENDATION

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

1. The use hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan Reference Nos. PL/02 Rev A, PL/03 Rev A, PL/04 Rev A, PL/05 Rev A, PL/06 Rev A, PL/07 Rev A received 31st December 2009.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor windows within the front (east facing) elevation of the dwelling hereby approved shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent and the relevant windows must be top

opening window types only. Full details of the obscure glazing and window types must first be submitted to and then agreed in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved details. The agreed windows shall remain in place unless the further written permission of the Local Planning Authority has been received for their removal or replacement.

7. 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, B or E of 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.
8. Notwithstanding the information shown on the submitted plans, the car parking spaces attributed to Nos. 15 and 16 Front Street East must be clearly demarcated on the land prior to the dwelling hereby approved being brought into occupation in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

REASONS FOR THE RECOMMENDATION

1. The proposed new dwelling and provision of parking spaces is considered to be an acceptable form of development at the location with no detrimental impacts upon the character of the area, upon the residential amenity of neighbouring occupiers or upon highway safety whilst the development will not result in the loss of landscape features worthy of protection. The proposal is therefore considered to be in accordance with relevant Policies H3, H10, H13, Q8, E14, T1 and T10 of the City of Durham Local Plan 2004.

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.

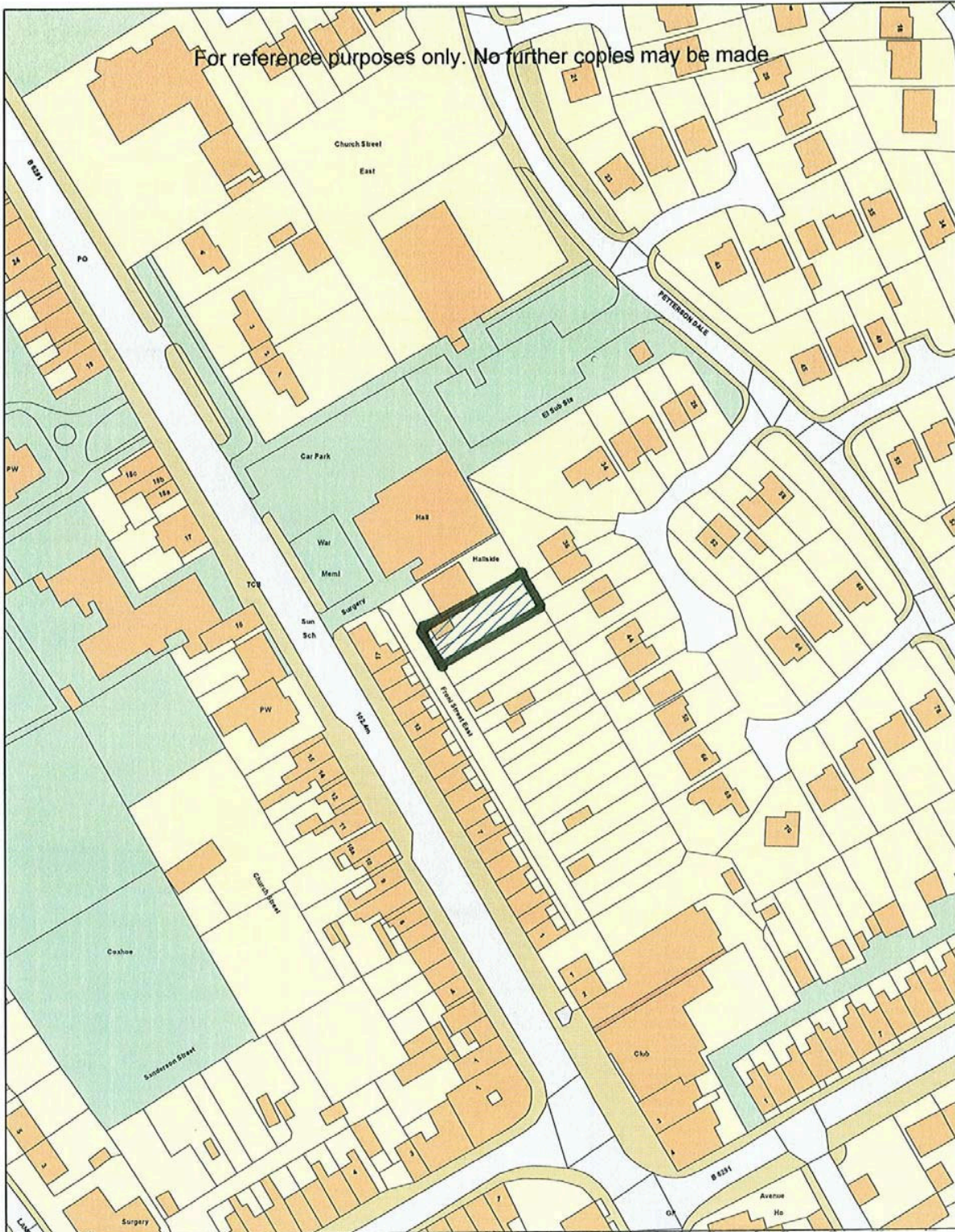
2. In particular, the impact of the development on the character of the area and the impacts upon the amenity of neighbouring occupiers was considered to be acceptable.
3. Letters of objection were received during the course of the application with the main concerns relating to the impact of the development upon highway safety, upon the character of the area and upon residential amenity. However, set against the relevant Local Plan Policies H3, H10, H13, Q8, E14, T1 and T10 the development was considered to accord with the relevant criteria and considered acceptable.

BACKGROUND PAPERS

Submitted Application Forms and Plans
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements 1 and 3
Responses from the County Highway Authority and Parish Council



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	Land to rear of 15 and 16 Front Street East, Coxhoe			
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		Date	10 February 2010	Scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0416
FULL APPLICATION DESCRIPTION	AMENDMENT TO PLANNING PERMISSION REFERENCE PL/5/2009/0034:- ADDITION OF WINDOWS AND DORMER
NAME OF APPLICANT	MR J GRUNDY
SITE ADDRESS	EDEN VALE COTTAGE, STOCKTON ROAD, CASTLE EDEN
ELECTORAL DIVISION	WINGATE
CASE OFFICER	Laura Hallimond 0191 5274612 laura.hallimond@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Application Site

The application site relates to a detached property situated on a private access track. The property is one of a small number making up the area known as Eden Vale within the defined Castle Eden Conservation Area.

The property is a mixture of original red brick with later additions in a number of construction materials. The cottage is in an isolated position and is surrounded by trees and hedgerows.

Proposal

Previously permission was granted for the erection of an attached garage at the site under reference PL/5/2009/0034. This was subject to a planning condition restricting the use to private garage unless otherwise agreed with the Local Planning Authority. Whilst under construction the applicant amended the design and inserted windows and varied the openings for the garage doors. As such, usage of the garage for vehicles was no longer viable and an amended application was requested in order to regularise the works that had taken place at the site.

The applicant is therefore applying for retrospective permission for the erection of a dormer window, windows in the northern and southern elevations, and the insertion of a single door in the western elevation, together with using the extension for domestic storage.

The dormer window is north facing and measures 1.2 metres in width by 2 metres to the apex of its pitched roof. It has been hung with slates and finished in lead flashing. The

windows have not yet been inserted, but are proposed to be timber to match the existing property.

In support of his application the applicant has stated that the extension will be utilised as additional storage for the main dwelling and has been carried out to such a scale whilst he has the funding available. It is stated that the current storage arrangements in the adjacent building are not suitable, as household goods are becoming dusty, and the new area would be more appropriate. Also the applicant would like to point out that he has improved the appearance of dwelling with the addition of timber windows and cast iron guttering.

PLANNING HISTORY

PLAN/2006/0690 Dormer loft conversion, replacement porch and pitched roof over Bathroom Approved 27 October 2006

PLAN/2007/0176 Erection of building for the purposes of agriculture and household storage and garaging of vehicles Approved 14 August 2007

PL/5/2009/0034 Extension to garage Approved 11 May 2009

PLANNING POLICY

NATIONAL POLICY:

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

Circulars Circular 01/01: Arrangements for handling heritage applications - notification and directions by the Secretary of State and Circular 09/05: Arrangements For Handling Heritage Applications - Notification To National Amenity Societies Direction 2005 discuss arrangements for handling heritage applications that amend the existing Planning Policy Guidance 15 (PPG15). Circular 01/07: Revisions to Principles of Selection for Listed Buildings contains revised principles for use in listing decisions to replace the existing paragraphs 6.1-6.40 of PPG15, which are revoked. The Circulars should be read in conjunction with this guidance.

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

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 above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>

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 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

Policy 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.

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 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Parish Council- Requested clarification on intended usage but have not otherwise commented upon the application.

INTERNAL CONSULTEE RESPONSES:

Highways Section- raises no objections stating that there is sufficient car parking available on the existing courtyard.

Design and Conservation- raises no objections to the works, subject to the materials matching the main dwelling and having limited impact upon the Conservation Area.

Castle Eden Society –No response received.

PUBLIC RESPONSES:

The proposal was advertised by means of a Site Notice and by Press Notice. 5 letters of notification were sent to residential properties affected by the proposal.

3 Letters of objection have been received from local residents stating concern for the following: -

- Impact upon the Conservation Area
- Usage of the building for business purposes
- Questioning the need for amount of storage
- Possible creation of a separate dwelling/bed and breakfast
- Lack of respect for the planning system
- Impact upon the existing Highway Network

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=106342>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations are:

- Design
- Highways
- Intended usage of the extension
- Retrospective nature of the application

Design Issues

It is considered that the changes to the extension are acceptable due to the extensions location, which is well screened from both views in and out of the Conservation Area and also from neighbouring properties. The site is substantially screened by trees and hedgerows and there is a slight change in levels, which limits views into the site. Whilst it is acknowledged that the extension comes within 6 metres of the boundary of the application site, directly adjacent is a substantial area of woodland, and as such the amendments to the elevations and the introduction of the dormer would not have an adverse impact upon neighbouring properties. The proposal has been fully consulted upon in terms of specialist design advice and it is considered that due to its isolated position and existing boundary treatments, the changes would preserve the character and appearance of the site and that of the Conservation Area. As such, the proposals are considered to comply with the requirements of PPG15 Planning and the Historic environment, and Policy 22 of the District of Easington Local Plan.

Highways Issues

The issue of increased traffic at the site has been raised in relation to the existing private access road. Limiting the size of traffic using the lane is a private matter for the owner of the track and is not something, which could be conditioned or enforced against from a planning perspective. The extension and the amended works are of a domestic scale only and as such the scale and nature of the traffic using the site should not alter from that of the original dwelling.

Intended usage of the extension

The applicant has advised that the extension is now to be utilised for domestic storage purposes, in respect of which, neighbouring properties have raised concerns. They fear that the extension will be used as a separate dwelling or possibly for the operation of a bed and breakfast. Under the previous application for a private garage it was determined that the extension was acceptable, in terms of scale, appearance and impact on its surroundings. With reference to the amount of storage proposed at the site the applicant has stated that this is what he requires and there is no evidence to dispute this claim. As long as the extension is being used in conjunction with the main dwelling, it is considered that it would not adversely impact upon the amenity of the area. Planning permission would be required for any material change of use of the premises that by virtue of its scale or nature would not be incidental to the use of the main dwelling.

Retrospective nature of the application

It is acknowledged that this application has been submitted retrospectively. However, planning legislation allows for the submission of a retrospective planning application, and such development must be considered upon its own merits. Whether it is retrospective, is not a material planning consideration for the Planning Authority to consider.

CONCLUSION

As a result it is considered that the proposed development is in keeping with the appearance, character, design and scale of the existing premises and will not have a detrimental impact upon the amenities of adjacent occupiers or the character or appearance of the Conservation Area. Whilst a number of concerns have been raised by nearby residents, it is considered that all issues have been addressed, and there are no tenable reasons to refuse planning permission. It is therefore considered that the proposed amendments are acceptable and accord with the District of Easington Local Plan Policies and PPG15.

RECOMMENDATION

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

Conditions:

1. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
2. The extension hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house only, and shall not be used for any trade or business purposes.

REASONS FOR THE RECOMMENDATION

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	ENV07 - Protection of Areas of High Landscape Value (AHLV)
DISTRICT OF EASINGTON LOCAL PLAN	ENV22 - Preservation and Enhancement of Conservation Areas
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPG15- Planning and the Historic Environment

2. In particular the development was considered acceptable having regard to consideration of issues of impact upon the Conservation Area, impact upon visual and residential amenity and highway safety.
3. The stated grounds of objection concerning usage for business purposes, questioning need, lack of respect for the planning system, impact upon the highway network, impact upon the Conservation Area and usage of the building as a separate dwelling were not considered sufficient to lead to reasons to refuse the application because the proposed development is in keeping with the appearance, character, design and scale of the existing property and will not have a detrimental impact upon the amenities of the surrounding area or the wider setting.

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



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0510
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 52 NO. UNITS
NAME OF APPLICANT	NORTH BLUNTS (NO. 1) LTD
SITE ADDRESS	FORMER ITEC SITE, LAND AT NEVILLE ROAD/BURNHOPE WAY, PETERLEE
ELECTORAL DIVISION	WINGATE
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The application site relates to the former ITEC site on Burnhope Way, situated close to Peterlee town centre. The building has been cleared and the site has been grassed. The site, which includes the former car park and associated grounds serving the ITEC building, covers an area of 1.3 hectares. Areas of mature planting bound the site to the north, east, and south. The application site slopes down to the Dene in the northeast corner. Residential properties are situated adjacent to the site: to the east on Burnside; to the north on Woodfield; and to the west on Neville Road.

Planning permission is sought for the erection of 52 dwellings; three main house types are proposed; 2 bedroomed bungalows, 3 bedroomed semi-detached properties and 4 bedroomed detached houses. The mix of house types proposed will provide a natural progression from small starter homes through to larger family houses.

The main vehicular access is provided from Neville Road, which creates a central spine road through the scheme, off which access is provided onto residential frontages and two cul-de-sacs, running southwards towards Burnhope Way. A pedestrian link is to be provided from the proposed development onto Burnhope Way on the southern boundary of the application site. It is also proposed that a new puffin crossing will be provided on Burnhope Way near to the southwest corner of the application site; the proposed crossing is situated outside the application site, and as such would be secured through the use of a Grampian-type planning condition. Puffin crossings are like pelican crossings, but they have detectors that can tell when people are waiting to cross, these detectors also "watch" the crossing and control the light signals so that people are able to cross in safety.

The properties along the northern part of the application site are set back from the boundary of the site and the existing residential properties on Woodfield. This allows the retention of existing perimeter landscape as public open space. The proposal comprises various landscaping works, which include new planting along the southern boundary of the site adjacent to Burnhope Way. Where the proposed dwellings back onto the principal highways, Neville Road and Burnhope Way, the fencing of rear gardens is replaced with hedging to maintain an attractive landscaped approach to Peterlee from the A19 junction. Exact landscaping details would be agreed through the use of an appropriate planning condition. The proposal involves the removal a large number of trees on the northern and eastern site boundaries, with some also to be removed from the southern boundary of the site adjacent to Burnhope Way. In total approximately 60 trees as well as some hedging is to be removed to make way for the development. The numbers of trees to be removed has been reduced from approximately 140 during the application process, and is now in line with the number to be lost as a result of the previous planning approval on the site.

In support of the planning application the applicant has stated:

“Consistent with policy, the proposed scheme offers the opportunity to regenerate a prime, Brownfield site which is currently vacant. As a result, such development conforms with the principles of sustainability outlined in PPS1 and the Development Plan policies. Such an approach is wholly consistent with the desire to secure sustainable regeneration focused on previously developed sites.

The proposed scheme therefore fully complies with the land use planning policies outlined by national policy guidance and policies outlined in the Development Plan. It is also a very positive response to the clearly stated local/regional objectives of securing residential development and resultant population growth.

Furthermore during the application process, we have maintained a positive dialogue with Durham County Council and amended the scheme to take account of the comments of your consultees. In particular, the housing mix has been adjusted in response to the notes from the DCC Growth Point Coordinator and the landscape plans have been adjusted, further to consultation with the arboriculture officers to retain more existing trees on the site.”

PLANNING HISTORY

Application Site:

98/691 - Residential Development Outline - Approved

00/355 - Temporary Car park - Refused

00/487 - Temporary Car park (re-submission) – Refused

01/191 - Replacement Primary School and Nursery – Approved

05/763 – Proposed residential development comprising 18 no. Houses, nursery and relocation of playing fields - Approved

Adjacent Site, Old North Blunts School Site:

01/192 – Proposed Retail Park & Associated Road Improvements at Site of North Blunts School, Burnhope Way/Passfield Way, Peterlee - Approved.

PL/5/2009/0506 – Proposed Supermarket and Service station, including associated access, car parking and landscaping – Pending

PLANNING POLICY

NATIONAL POLICY:

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

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

Planning Policy Guidance 17 (PPG17) sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.

Planning Policy Statement 23 (PPS23) is intended to complement the new pollution control framework under the Pollution Prevention and Control Act 1999 and the PPC Regulations 2000.

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. It's 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.

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

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.

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 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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 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 <http://www.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

ONE North East – No comments in relation to this application.

Environment Agency – Standard comments in relation to surface water, foul drainage and sustainable energy use/renewable energy generation.

Sport England – Although Sport England have previously objected to the development of this site due to the loss of sports playing fields, no objections have been raised to the current proposal. Sport England accept that no sports provision will be lost as a result of the development, and that an historic requirement for a sport pitch to be provided on this site can be met elsewhere. As such Sport England have no comments in relation to the current proposal.

Police Liaison Officer – Concerns have been raised in relation to the layout of the site, the inward facing properties although in accordance with adjacent developments will not help the sense of community. Concerns have also been raised in relation to the proposed landscaping area on the northern and southern boundaries of the site in relation to issues of crime and anti-social behaviour.

Northumbrian Water- No comments received at the time of finalising the report. However correspondence from Northumbrian Water to the applicant included in the Flood Risk Assessment submitted with the application raises no objections to the scheme.

INTERNAL CONSULTEE RESPONSES:

Highways Authority Officer – The proposed access and parking provision is considered acceptable. The proposed pedestrian link from the development onto Burnhope Way is welcomed. The proposed puffin crossing is also welcomed; it will need to be secured through the use of an appropriate planning condition.

Town Centres Development Manager – The application site is identified within the South and East Durham Growth point. The Growth Point is seeking to accelerate housing growth in certain communities across the county. The development would help implement the Growth Point. The site is situated adjacent to Peterlee town centre; the development of this site will help support the vitality and viability of the town centre and the wider regeneration of Peterlee.

Growth Point Coordinator – The Durham Growth Point would support housing development on this site. It would contribute to the targets set for increasing housing supply in the Peterlee area. Initial concerns were raised in relation to the affordable housing provision, however, following the submission of an amended Affordable Housing Statement, no objections have been raised.

Planning Policy Officer – It is considered that the principle of housing is acceptable on this site. The site clearly represents a sustainable Brownfield site located within close proximity to services and facilities within Peterlee. This is deemed compliant with the aims of PPS1 and PPS3. It is also noted that the site is identified within the South and East Durham Growth Point and that the site was identified in the Durham SHLAA as being suitable for development.

Tree Officer – Initial concerns regarding the number of trees to be lost as a result of the development; however following receipt of amended plans showing an increased number of trees retained, it is confirmed that there is no objection subject to a condition requiring the protection of the retained trees during construction works.

Sustainability Officer – Requirement for 10% of energy consumption to be provided from on-site sources of renewable energy.

Design and Conservation Officer – Have significant concerns in relation to the proposed scheme. It is considered that the development of the site would be appropriate, however, there are a number of issues with regards to the proposed layout, landscaping works, and major concerns in relation to the proposed house types. It is suggested that the application be withdrawn and re-submitted following further discussions.

Environmental Health Officer – Noise mitigation measures proposed in the submitted noise assessment will need to be secured through the use of an appropriate planning condition.

PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice. Neighbour consultation letters have also been sent. A total of 5 no. letters of representation have been received in relation to this application. The following comments have been made:

- The proposal represents an improvement on the previously approved plans, the design and layout of the proposed houses are considered to be in keeping with the locality;
- Concerns have been raised regarding the loss of trees on the site; existing planting was provided around Burnside and Woodfield as a green shield, these trees should be retained, it is also suggested that the existing tree belt on the southern boundary adjacent to Burnhope Way should be retained and improved through additional planting;
- In relation to the loss of trees on the site, concerns have been raised regarding potential impacts on land slippage and surface water flooding, particularly in relation to existing residential properties on Burnside situated on lower land adjacent to the application site;
- Concerns have been raised regarding the impact the proposed development will have on existing properties situated within Burnside, specifically it has been suggested that the proposed development will affect the residents of No. 7 Burnside through loss of outlook and overshadowing to the detriment of residential amenity.
- Residents of Woodfield welcome the proposed open space along the northern boundary of the application site, it is hoped that through regular maintenance any anti-social behavioural issues can be avoided.
- Query whether bungalows could be sited along northern side to minimise impact on residents of Woodfield.

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=107084> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning issues to be considered in determining this application are:

- Planning Policy and Site History
- Design, Scale and Layout
- Landscaping and Trees
- Highways issues
- Affordable housing
- Play Space
- Renewable Energy
- Other Considerations

Planning Policy and Site History

The proposed application is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within PPS1: Delivering Sustainable Development and PPS3: Housing. Government policy is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. In this instance this application relates to a previously developed site situated on the edge of Peterlee town centre, it is therefore considered to accord with the general principles of national planning policy.

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

suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a site situated on the edge of Peterlee town centre, it is considered to accord with the general principles of RSS in terms of a sequential approach for development.

In terms of Local Plan policy the application site is located within the Peterlee settlement boundary as identified in the former District Of Easington Local Plan. The site is considered to represent 'Brownfield land', the development of which 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 Durham New Growth Point is based on a number of major settlements in South and East Durham. The Government requires Growth Point proposals to be based upon the original approval of Expressions of Interest. In East Durham, the approved Expression of Interest is based on the emerging Local Development Framework Core Strategy for the Peterlee and Seaham areas. As a result, a Programme of Development has been submitted to Government for approval, based on these settlements. The Programme of Development identifies and programmes housing delivery on identified sites in these two areas. The proposed development relates to a site which has been identified in the South and East Durham Growth Point, the development of which would contribute to the targets set for increasing housing supply in the Peterlee area.

Previously planning permission has been granted for a mixed-use development on this site, which included the erection of 18 no. houses, this permission is now extant, but it can be considered to set a precedent for the development of this site.

Design, Scale and Layout

National Planning Guidance relating to Housing Developments is contained with PPS3: Housing; the main aim of national guidance is to increase density of development and mixture of housing type. The national guidance calls for developments to be built with a density in excess of 30 houses per hectare; the current proposal is to be built with a density of 40 houses per hectare and therefore accords with the guidance. The proposal will also provide a variety of different house types, an approach that is also in accordance with the relevant national guidance.

In principle the Conservation and Design Officer has stated that the layout of the site is fairly simple, it respects the context of the site and is in keeping with the character of this part of Peterlee. However, concerns have been raised in relation to the layout of the site and the design of the proposed house types. Specific issues relate to: proposed development being visually dominated by cars; a lack of information in relation to brick walls, fencing and planting which would help to develop a streetscape and lessen the impact of cars on the street scene; concerns regarding the surface treatments proposed, ideally large areas of tarmac should be avoided; concerns regarding a lack of planting around the boundary of the site; the Burnhope Way road frontage should be developed more as a landscaped area; and, concerns regarding the large numbers of trees to be removed from the site to make way for the development. The Conservation and Design Officer has also raised concerns in relation to the design of, and the materials to be used in the construction of, the proposed houses; as it is felt that they are not in keeping with other properties found in the locality.

Through negotiations during the planning application process it is considered that many of these issues have been resolved. It is considered that the concerns in relation to streetscape, landscaping, and materials to be used can be resolved through the use of suitable planning conditions, which will allow for further discussion with Design and

Conservation Officers when discharging conditions. In particular, it is considered that through the agreement of boundary treatments including fences and walls, suitable road frontage landscaping and surface treatment materials, the concerns regarding the development being dominated by cars can be overcome. The issue raised in relation to loss of trees and landscaping is covered later in this report.

In general, the design, scale and layout of the development are considered to be generally in keeping with the previous approval on this site. Contrary to advice from the Conservation and Design Officer, it is considered that there is no consistent design or use of materials surrounding the site that could influence this scheme and as such the proposed house type design and materials are considered acceptable. The scale of the development is considered to generally reflect the surrounding buildings and the layout is also considered appropriate given the constraints in relation to site shape and location.

The scheme broadly achieves the distancing standards in terms of privacy and amenity space, which are set out in the appendix of the District of Easington Local Plan. All properties are provided with generous private gardens.

The Police Architectural Liaison Officer has raised concerns relating to designing out crime; his comments have been passed to the applicant. The main concern raised relates to the pedestrian links through the site and the proposed area of landscaping adjacent to the northern boundary of the site, acting as a conduit for crime. However, the area of landscaping adjacent to the northern boundary of the site was incorporated into the previous grant of planning permission following discussions between local residents and the developer, it is hoped that through discussions with the developer in relation to landscaping and boundary treatments these issues can be controlled.

In summary, the proposed design and layout of the development are considered to accord with the relevant development plan policies. Conditions to agree materials to be used, means of enclosure, and landscaping works should be attached to any grant of planning permission to ensure the Local Planning Authority retain control over the finish and appearance of the development.

Landscaping and Trees

The application site currently contains a number of trees situated along the northern, eastern and southern boundaries. The proposed development originally required the removal of approximately 140 trees from the site to make way for the proposed development; however, following discussions during the application process, the number of trees to be removed has been reduced, the current proposal requires the removal of approximately 60 trees as well as a length of hedge. The loss of these trees is regrettable, however, the current proposal now proposes a similar number of trees to be removed as the previous planning approval on this site.

The Councils Tree Officer has been involved in discussions with the applicant throughout the planning application process. In relation to the loss of the trees on site, no objections have been raised providing a planning condition is attached to any grant of planning permission to ensure that all trees to be retained are protected during the construction process.

The landscaping proposals submitted with the application are not detailed, but they do show substantial planting areas provided along the southern boundary of the application site and propose hedging on all other site boundaries. The exact landscaping details, and timing of landscaping works, are to be agreed through the use of a planning condition attached to any grant of planning permission.

Concerns have been raised by the Council's Design and Conservation Officer and by local residents in relation to the loss of trees on the site and the lack of landscaping. It is considered that the proposed development incorporates suitable landscaping works, and that the existing trees to be retained along with the new planting proposed will provide adequate screening along the boundaries of the site to allow the application to be approved.

Highways

The proposed access arrangements for the development are considered to be acceptable, and are in accordance with the arrangements in relation to the previous grant of planning permission on this site. The proposed parking arrangements are also considered to be acceptable and accord with the relevant development plan guidelines. Pedestrian links are to be provided from the development onto Burnhope Way to the south, which will provide pedestrian access to Peterlee town centre and its associated services. A puffin crossing is also to be provided to the southwest of the application site, this is welcomed by the Highways Authority and will be provided through a planning condition attached to any grant of planning permission. It is not considered that the proposed development will have any detrimental effects on the local highway network or highway safety to warrant refusal of the planning application.

Affordable Housing

The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. This application proposes 11 units to be provided on an affordable basis, equating to 21.6% of the total dwellings proposed, which is in excess of the minimum required under guidance contained within PPS3: Housing.

Initially concerns were raised by the Council's Growth point coordinator in relation to the type of houses to be offered on an affordable basis, and the lack of houses available for social rent. However, following the receipt of a revised Affordable Housing Statement, no objections have been raised to the scheme.

The units to be provided on an affordable basis are to be spread throughout the scheme, and relate to 4 two-bedroomed bungalows, 2 two-bedroomed houses, 4 three-bedroomed houses, and 1 four-bedroomed house. It is proposed that the affordable housing will be provided with approximately half rented through a local landlord, and half available to buy through a shared equity scheme. The affordable housing requirements will be secured through the use of a S.106 Legal Agreement.

Play Space

Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of on site play space provision. The secured finance would be used to improve existing play space within Peterlee. The applicant has agreed to enter into such an agreement.

Renewable Energy

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. This application would be built to Code for Sustainable Homes level 4, however, in order to ensure that 10% of energy produced comes from a renewable source, a suitable condition should be imposed.

Other Considerations

Adjacent residents in relation to this scheme have raised concerns. The main issues relate to the loss of trees on the site, the potential for flooding or land slippage associated with the proposed development, and a perceived impact on residential amenity for the occupants of No.7 Burnside, situated to the east of the application site.

It is considered that the concerns raised in relation to trees on the site and landscaping have been dealt with earlier in this report, and will not be discussed further here.

In relation to flooding and land slippage, concerns have been raised regarding the impact the proposed building works may have on the existing residential properties situated on Burnside, by way of drainage issues and structural problems. The effect that any building works may have on adjacent dwellings, in terms of movement or structural damage, would be a matter for the developer and is not a planning consideration that should be assessed in determining this application. In any event, no evidence has been provided to support the objections, and there is no reason to expect the proposed development to result in any structural problems for adjacent properties. In terms of concerns in relation to flooding, the applicant has confirmed that a connection will be provided to the main sewer for both foul and surface drainage, and has provided a full Flood Risk Assessment in support of the application. The Flood Risk Assessment does not predict any problems associated with the development; furthermore Northumbrian Water and the Environment Agency have raised no objections to the proposal. As such it is not considered that the proposed building works should have any detrimental effects in terms of drainage or structural problems sufficient to warrant refusal of the application.

Concerns have also been raised by the occupant of No.7 Burnside, a residential property situated to the east of the application site. It has been suggested that the proposed development will have a detrimental impact on the occupants of this dwelling by way of loss of outlook and overshadowing. This concern specifically relates to plot 20 of the proposed development, which is to be set a minimum of 10 metres (gable) from the existing rear elevation of No. 7 Burnside. It is acknowledged that the proposed development does not provide the minimum separation distance of 13.5 metres identified in the guidelines set within Appendix 6 of the District of Easington Local Plan. However it is considered that the distance of 10 metres, which separates No. 7 Burnside and the application site, is acceptable in this case. The rear elevation of No. 7 Burnside does not directly face the gable wall of the house on Plot 20, but is offset. As a result, the bulk of the gable of Plot 20 is to the southeast of the main closest elevation of No. 7 Burnside. As such it is considered that any impact by way of loss of outlook or overshadowing would be negligible, and not sufficient to warrant refusal of the application.

With regard to the query about relocation of the bungalows, the developer has chosen this particular layout, and the current development on the northern boundary is similar to that approved under the previous scheme. The proposal is not considered to have an adverse impact on Woodfield.

CONCLUSION

In conclusion the proposal is considered to accord with the relevant national planning guidance and development plan policies. The proposal involves the development of an area of previously developed land situated in a highly sustainable location adjacent to Peterlee town centre. The proposed residential development will contribute towards the targets set in the South and East Durham Growth point for increasing housing supply in the Peterlee area.

The proposed development provides for a mix of different house types in keeping with government policy, and accords with requirements to provide affordable housing. The design and layout of the proposed development are considered to be broadly acceptable, subject to conditions relating to materials and boundary treatments. Due to the siting and design of the proposed development it is considered that any impacts on adjacent occupants will be negligible and will be insufficient to warrant refusal of the application.

The proposed works involve the loss of a comparable number of trees on the site to a previous application approved by the former District Of Easington Council. The proposed landscaping works will help to mitigate the loss of the trees. Subject to tree protection work the proposal is considered to be acceptable in landscape terms.

The proposed access and parking arrangements are considered to be acceptable and it is not considered that the proposed development will have any detrimental impacts on the local highway network or highway safety to warrant refusal of the application.

Subject to the suggested conditions, planning permission should be approved.

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. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, roofing, and hard-surfacing 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.
4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

5. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
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. 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. No development shall commence until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by the Local planning authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed:
 - a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising 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) unless otherwise agreed by written consent of the Local planning authority.
 - b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local planning authority.
 - 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 or temporarily backfilled in lengths under the trees.
 - 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'.

8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
9. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level four (4). Evidence shall be provided to the local planning authority that: Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level four (4). and, Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level four (4), or alternative as agreed in writing by the local planning authority.
10. Before any of the dwellings hereby approved are first occupied, a puffin crossing, as shown on the site layout plan (ref. S103 Rev D) submitted with the application, together with any highway works that may be necessary, shall be constructed in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority.
11. All works shall be carried out in accordance with noise mitigation measures included in the Noise Assessment (Capita Symonds - 18th November 2009) submitted with the planning application. All mitigation measures in relation to each dwelling, shall be completed before that dwelling is occupied, unless otherwise agreed in writing with the local planning authority.

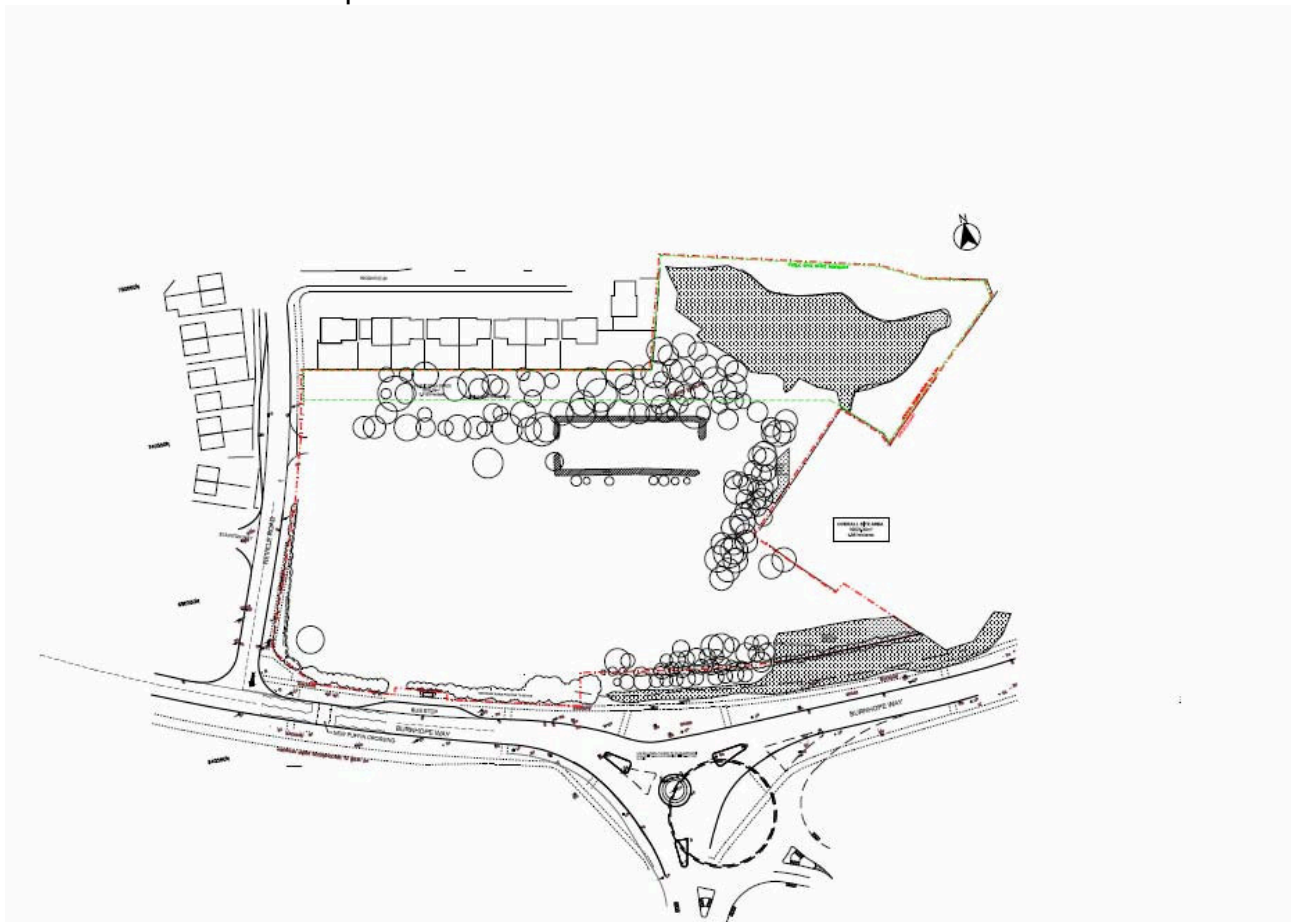
REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE	GEN01 - General Principles of Development ENV35 - Environmental Design: Impact of Development ENV36 - Design for Access and the Means of Travel HOU66 - Provision of outdoor play space in new housing development HOU67 - Windfall housing sites PPS1 - Delivering Sustainable Development PPS3 - Housing PPG17 - Planning for Open Space, Sport and Recreation PPS23 - Planning and Pollution Control PPS25 - Development and Flood Risk
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2. In particular the development was considered acceptable having regard to consideration of issues of the principle of development, design and scale of proposed dwellings, landscaping proposals, impact on adjacent residents and highway safety.
3. The stated grounds of objection concerning loss of trees and associated landslip and flooding are not considered sufficient to warrant refusal of the application. During the application process negotiations have secured the retention of an increased number of trees, in keeping with the previous approved works on the site.

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



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0531
FULL APPLICATION DESCRIPTION	13 NO. BUNGALOWS
NAME OF APPLICANT	ISOS HOUSING
SITE ADDRESS	FORMER LEISURE CENTRE, LOWHILLS ROAD, PETERLEE
ELECTORAL DIVISION	PETERLEE WEST
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The application site, which is approximately 0.34 hectares, lies within the settlement boundary of Peterlee on a site previously occupied by a leisure centre that was demolished in 2002, as such the land is considered to be brownfield. The site is located to the north edge of Peterlee and faces south onto Lowhills Road. There is a car park to the west which is owned by Peterlee Town Council, a bowling green to the north, playing fields to the east and residential properties to the south across Lowhills Road. There are bus stops located near to the site, giving the site good public transport links.

This application proposes thirteen bungalows with small private gardens and sheds and a communal courtyard with parking, the development would be accessed from Lowhills Road.

The bungalows would be built to the Code for Sustainable Homes Level 3, Lifetime Homes Standard and Secured by Design and would provide affordable rented accommodation for retired Durham Aged Mineworkers' Housing Association tenants. The bungalows are arranged in two blocks of four and one block of five and are orientated to maximise the potential for shared space within the development site and to facilitate natural surveillance of the site. The site slopes steeply from west to east, the proposed bungalows to the west of the site would be set above the rest of the site behind a retaining wall. The main materials used would be red brick and grey tile with dwarf wall and wrought iron fence enclosures. Landscaping will be provided around the site and two mature trees to the front of the site will be retained. Parking would be provided in accordance with Durham County Council Parking Guidelines.

Solar panels would be installed on the roofs of the bungalows in order to comply with RSS policy and the Code for Sustainable Homes level 3. The Code is intended to make homes more sustainable and it measures the sustainability of a home against design categories, rating the 'whole home' as a complete package. The design categories included within the Code are energy, pollution, water, health and well-being, materials, management, surface water run-off, ecology and waste.

Applicants statement

Isos Housing Group is undertaking this residential development in partnership with Durham Aged Mineworkers' Housing Association (DAMHA). The development forms part of DAMHA's continuous programme of upgrading and expanding its housing provision in line with its vision for the future "To be the best social provider of retirement housing in the North East".

PLANNING HISTORY

The site was formerly a leisure centre which was demolished in 2002. Planning permission was granted in 2002 (ref: 02/490) for 9 dwellings, this has now lapsed.

PLANNING POLICY

NATIONAL POLICY:

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

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

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

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.

Policy 4: (The Sequential Approach to Development) provides that a sequential flange 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 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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

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

Policy 38 - The design and layout of development should have due regard to personal safety and security of property, particularly in hours of darkness.

Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Peterlee Town Council – fully supportive of the proposals.

INTERNAL CONSULTEE RESPONSES:

Highways Officer – No objections subject to amendments to road widths and parking provision. Footpath should be extended to bus stop and a bus shelter should be provided.

Environmental Health – Contaminated land survey required.

Landscape Officer – mature trees to the front of the site should be retained.

Local Plans – Proposals are in accordance with relevant planning policies.

Police Architectural Liaison – Proposals are to be built to Secure By Design specifications.
No objections

PUBLIC RESPONSES:

Three objections have been received from nearby residents. All of the objections relate to the possible increase in traffic and the proposed access.

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=107285>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning issues are considered to be the compliance with the relevant policies, design, scale and layout of the development and highways issues.

Planning Policy

The proposed application is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within PPS1: Delivering Sustainable Development and PPS3: Housing. Government policy is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. In this instance this application relates to a previously developed site situated on the edge of Peterlee. The density of the development is 38 houses per hectare, which accords with government guidance that states the minimum density of housing development should be 30 per hectare. The proposals are therefore considered to accord with the general principles of national planning policy.

The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a site situated on the edge of Peterlee, it is considered to accord with the general principles of RSS in terms of a sequential approach for development.

In terms of Local Plan policy the application site is located within the Peterlee settlement boundary as identified in the former District Of Easington Local Plan. The site is considered to represent 'Brownfield land', the development of which 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 Durham New Growth Point is based on a number of major settlements in South and East Durham. The Government requires Growth Point proposals to be based upon the original approval of Expressions of Interest. In East Durham, the approved Expression of Interest is based on the emerging Local Development Framework Core Strategy for the Peterlee and Seaham areas. As a result, a Programme of Development has been submitted to Government for approval, based on these settlements. The Programme of Development identifies and programmes housing delivery on identified sites in these two

areas. The proposed development does not relate to a site which has been identified in the South and East Durham Growth Point, however the development would contribute to the targets set for increasing housing supply in the Peterlee area.

Policy – play space

Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. As such, it would be necessary in such circumstances to make a financial contribution towards that provision. The developer has agreed to enter into a Section 106 legal agreement and will make a financial contribution towards the provision or upgrading of a site elsewhere in Peterlee.

Policy – renewable energy

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

Policy – affordable housing

The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. This application only proposes 13 dwellings so this policy does not apply. However the scheme involves 100% affordable housing, which would be provided by Durham Aged Mineworkers' Housing Association in partnership with ISOS Housing Corporation. As such, it is accepted that a Section 106 legal agreement to secure affordable housing is not required in this instance.

Design, scale and layout

The design, scale and layout of the development are considered to be generally acceptable. There is no consistent design or use of materials surrounding the site that could influence this scheme, the use of red brick and grey tile would be considered acceptable although a condition should be used to control specific materials. The scale of the development is also considered to be acceptable as the single storey buildings would have a minimal impact on the nearby occupiers and would enable views across the site to the coast to be maintained. The layout of the development is also considered appropriate given the constraints involved with the steeply sloping site. The scheme does not achieve some of the distancing standards set out in the District of Easington Local plan, specifically plots 3 and 4 to the north west of the site are approximately 5 metres away from the end of plot 5. However, the affected properties are set at a significantly higher level than the adjacent plot 5 which also has a hipped roof, as such any impacts in terms of loss of light and overshadowing would be minimal. In addition, the developer has agreed to arrange the internal rooms so that the living rooms of these properties do not directly face the end of plot 5, thus achieving reasonable outlook. Properties outside of this development site would not be affected. Accordingly, the proposals are considered to be in accordance with District of Easington Local Plan policies 1 and 35.

Highways Issues

The plans have been amended to reflect changes suggested by the Highways Authority in relation to road widths and parking provision. In addition to this, the Highways Authority have requested that the public footway in front of the development site on Lowhills Road is extended, the nearby bus stop be relocated closer to the development site and a bus shelter be provided. This would enable elderly residents, whose dependency on private car use is anticipated to be lower than that of a conventional mixed tenure housing development, to have more convenient access to public transport links. These works should be controlled by use of a condition, which requires the work to be carried out before the dwellings are occupied. No concerns have been raised by the Highways Authority with regard to the increase in traffic or the access and therefore the residents concerns are not considered sufficient to warrant amendments to the scheme or refusal of planning permission.

CONCLUSION

Taking all relevant planning matters into account it is considered that the proposal is acceptable. The scheme generally accords with the relevant development plan policies and would provide much needed affordable housing in the area. The proposals are of good quality design and would have no adverse impacts to surrounding occupiers, the street scene or wider landscape. The developer has agreed to make a financial contribution to off-site play space. It is concluded that no section 106 legal agreement is necessary in order to secure the affordable housing in perpetuity as the use of the accommodation can only be agreed with the express permission of the Homes and Communities Agency.

RECOMMENDATION

That the application be **APPROVED** subject to the applicant entering into a Section 106 legal agreement to secure a financial contribution for the enhancement or provision of a recreational facility and 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. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
3. No development shall commence until a detailed landscaping scheme is submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

4. 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.
5. No construction work shall take place nor shall any materials or machinery be brought on the site unless the trees indicated on the approved plans as being retained are protected in accordance with a scheme to be submitted to and agreed with the Local Planning Authority.
6. 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.
7. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
 - d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
 - e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority

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

9. A scheme for the relocation of the existing bus stop opposite the junction with Nottingham place, the provision of a bus shelter and the extension of the public footway to the north side of Lowhills Road shall be submitted to and agreed with the Local Planning Authority before development commences. Thereafter the approved works shall be carried out and made available for use prior to the development hereby approved being first occupied, unless otherwise agreed with the Local Planning Authority.

REASONS FOR THE RECOMMENDATION

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

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	ENV38 - Designing Out Crime
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
REGIONAL SPATIAL STRATEGY	POLICY 38 – Renewable energy
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, design and layout, amenity of neighbours and highways issues.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3,
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0545
FULL APPLICATION DESCRIPTION	STRAW STORAGE BUILDING
NAME OF APPLICANT	S MOOR AND SON
SITE ADDRESS	LITTLE COOP HOUSE FARM, HAWTHORN
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The site for the proposed straw storage building is located approximately 50 metres south east of the existing farm cluster comprising of farmhouse, several existing barns and covered yard and is approximately 650 metres from West Lane which is a classified road.

The farming business operates primarily from Little Coop House Farm over some 140 hectares consisting of pedigree dairy herd and mixed arable farming.

Full planning permission is sought for the erection of a straw storage building measuring 48m by 25m, 6.3m high to the eaves and 9.7m to the ridge. It would be constructed from natural coloured fibre cement roof sheets with goosewing grey box profile cladding to the gables, chosen as it ties in with other buildings within the farmstead.

Applicants Statement

In support of the proposal the applicants have stated they have a pedigree Holstein dairy herd and that these high yielding animals need special care, requiring good food and comfortable housing. The straw is used for bedding and also incorporated into the feed ration needs to be kept efficiently and maintained in good condition. Concerns are raised that the current arrangements are not satisfactory therefore the applicants request to construct a more appropriate building in which to store the straw.

The location of the proposed building has been given very careful consideration in terms of providing for the needs of the business, to keep it safe from risk of fire and vandalism and to site the building sensitively within its surroundings. Furthermore, it is considered that by allowing this development it would ease workload, reduce costs and improve efficiency.

PLANNING HISTORY

PL/5/2009/0138 – Agricultural determination – application required 23/04/2009
HIST/2005/1842 – Dairy building - approved with conditions 25/07/2005

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 4 (PPS4) sets out the Government's planning policies for economic development.

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

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

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 above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>

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 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.

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Parish Council – No comments received
Northumbrian Water – No objections

INTERNAL CONSULTEE RESPONSES:

Highways Section – No objections
Environmental Health Section – No objections

PUBLIC RESPONSES:

The application was advertised by means of a press notice and site notice – No responses have been received.

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=107386>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relevant to this application are;

- Acceptability and nature of the development
- Design, scale and siting of the agricultural building
- Accordance with national policy
- Consultation responses

Acceptability and nature of the development

In their design and access statement the applicants have stated that they farm some 140 hectares consisting of a pedigree dairy herd and mixed arable farming. From recent visits and meetings it is accepted that the farm is agricultural in nature therefore, in principle, the request to construct an agricultural building is not called into question.

Prior to the submission of a full planning application the proposal was assessed under an application for agricultural determination. Although the development was considered to fall under 'Permitted Development' as legislated under the provisions of The Town and Country Planning (General Permitted Development) Order 1995: Schedule 2: Part 6: Class A, concerns were raised over the siting of the barn therefore a full plans application was requested.

The decision was made that prior approval was required for the siting and appearance of the barn due to concerns that the building's location did not relate well to the existing farm cluster. It was also proposed in a prominent position in the landscape meaning the development would be clearly visible from several locations along West Lane. In this revised application the applicant has tried to overcome the initial concerns raised and these will be discussed in the next section of the report.

Design, scale and siting of the agricultural building

The site is located outside the settlement boundary of Hawthorn Village as identified in the former District of Easington Local Plan and so the application falls to be considered as development within the open countryside. Policy 3 of the Local Plan states that development in such areas will not normally be approved unless allowed by other policies. Although relevant national and local policies will be looked at later in the report it is important to note at this stage that in the supporting text for Policy 3 it is recognised that some forms of development in the countryside are necessary, such as the development of buildings for agriculture, in order that the rural economy can be supported.

Policy 35 of the Local Plan relates to the design and layout of the new development, saying that new development should reflect the character of adjacent buildings and the area generally. Agricultural development will normally be acceptable where it is adjacent to existing buildings and is adequately screened.

In this instance the application proposes a 48m by 25m straw storage building to be constructed from materials typical of the ones used throughout the farmstead. Although under normal circumstances this may appear an overly large and dominant building, taking into account the context of the surroundings and the existing development on site this is not necessarily the case. The farmstead benefits from several buildings which are of a comparable size, design and colour. Furthermore this is the type of structure that would be appropriate within this setting and therefore does not look out of character within the area.

To overcome the original concerns raised the position of the storage building has been altered from the very southern corner of the field approximately 100 metres from the farm cluster to a more central location within 40 metres of the existing farm buildings. Overhead power lines and concerns raised by the applicants in relation to fire risk have restricted the relocation of the building any closer to the farmstead. The development is considered to be more connected to the existing cluster of buildings in accordance with Policy 35 and also Planning Policy Statement 7 that aims to ensure the quality of the wider countryside is protected.

Little Coop House Farm occupies quite a prominent position within the local area given that it is located on more elevated terrain than the C14 West Lane. The application site however is only really visible when accessing the site from the west. Given that the overall height of the building is 9.7 metres and there is little in the way of natural screening the proposal has the potential to be visually prominent. In order to help alleviate such concerns the building will be cut into the natural slope of the land. This will help to screen a large portion of the development and reduce its apparent overall bulk and size.

Taking into account that the proposal will be more closely related to the existing farm buildings and given that attempts have been made to screen the building from view by setting it into the hill it is not considered that the building will result in a visually dominant form of development that would detract from the character of the area.

Accordance with national policy

Paragraph 27 of Planning Policy Statement 7 states that the government recognises the important and varied roles of agriculture therefore support should be given to development that will enable farming and farmers to be more competitive, sustainable and environmentally friendly.

One of the main reasons that the applicant is applying for the storage building is that the straw is currently left in the open therefore is exposed to the weather, meaning it is becoming increasingly difficult to keep the straw dry. If bales become wet they can mould which may lead to health problems for not only the farm workers but the animals as well. The applicants have stated that by storing the straw undercover it would ease workload, reduce costs and improve efficiency therefore would be in accordance with the principles of PPS7.

The introduction of Planning Policy Statement 4 further advocates that support should be given to small scale economic development where it provides the most sustainable option for locations remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

It is acknowledged that under normal circumstances the application site would be unlikely to be viewed as a sustainable location given it is located outside the settlement boundary and it is not readily accessible by public transport. In the context of agriculture however it is considered that the location proposed for the storage building is the most sustainable option in this instance given it is adjacent to the existing farmstead and is required in connection with the existing farming operation. As a result the building is considered to be suitably located for its purpose and complies with the exceptions as laid out in PPS4. The proposal is therefore deemed to be acceptable in this respect.

Consultation responses

No objections have been received in relation to the proposal from the Highways Authority, the Environmental Health section or Northumbrian Water.

CONCLUSION

Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area or the wider setting more generally that would justify refusal of this application.

It is considered that the size of the straw storage building is appropriate to the character and scale of the existing buildings within the farmstead. Given that the building will be cut into the hill it will be viewed against this backdrop and is set well back from the road frontage of West Lane. As a result it should not be overly dominant or overbearing within the setting and would not prejudice highway safety.

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. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE

ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of issues in relation to the design, scale and siting of the agricultural building and highways issues.

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, PPS4, PPS7
- Consultation Responses

