



**AREA PLANNING COMMITTEE**  
**(CENTRAL AND EAST DURHAM)**

**REPORT OF HEAD OF PLANNING SERVICES**

**16 March 2010**

**3 APPLICATIONS TO BE DETERMINED**

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
PL/5/2009/0357 Sea & Land Power & Energy Ltd	Land South of Dalton Park, Murton, North of A19 Services, And West of A19 Cold Hesledon	Two Wind Turbines and Associated Infra Structure	<b>REFUSE</b> Page No. 1 - 28
PL/5/2009/0479 Mrs H Clarke	Fairfields The Dene Dalton-Le-Dale	Extensions To Front, Side and Rear (Resubmission)	<b>APPROVE</b> Page No. 29 - 36
PL/5/2010/0001 Hugh Massey Architects	Land Adjacent Eastlea Community Centre Stockton Road Seaham	Community Based Garden Centre With Retail Space, Office Space, Horticultural Units and Vocational Workshops	<b>APPROVE</b> Page No. 37 - 42
PL/5/2010/0023 Ben Bailey Homes	Land at Fairbairn Road Peterlee	21 No. Dwellings (Substitution of House Type)	<b>APPROVE</b> Page No. 43 - 50

<p>4/09/876/FPA Mr J Gatenby</p>	<p>Foxtons Coffee Shop 17A Church Street Coxhoe Durham DH6 4DD</p>	<p>Alterations to fenestration to front elevation of existing coffee shop</p>	<p><b>APPROVE</b> Page No. 51 - 56</p>
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<p>4/10/35/FPA Durham Villages Regeneration</p>	<p>Land at Colliery Road Bearpark Durham DH7 7AT</p>	<p>Erection of 21 no. affordable dwellings with associated access, parking and landscaping</p>	<p><b>APPROVE</b> Page No. 57 -72</p>
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# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0357</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>TWO WIND TURBINES AND ASSOCIATED INFRASTRUCTURE</b>
<b>NAME OF APPLICANT</b>	<b>SEA &amp; LAND POWER AND ENERGY LTD</b>
<b>SITE ADDRESS</b>	<b>LAND SOUTH OF DALTON PARK, MURTON, NORTH OF A19 SERVICES, AND WEST OF A19, COLD HESLEDON</b>
<b>ELECTORAL DIVISION</b>	<b>MURTON</b>
<b>CASE OFFICER</b>	<b>Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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Site: The application site covers an area of approximately 1.7 hectares and is located on land adjacent to the A19, to the south east of Murton and to the north west of Hawthorn Village. It is located on an area of elevated and undulating agricultural land with several farmhouses to the south, the A19, garden centre and individual dwellings to the east, Dalton Park Shopping Outlet to the north and East Moor Estate, Murton to the west. The application site area includes Batter Law Hill which has a bronze age round barrow near its summit, this is a local landmark and a site of cultural heritage importance.

Proposal: This application proposes two wind turbines, a switch room, underground cabling and access roads. The hub height of the turbines would be 60 metres (distance from the ground to the hub at the centre of the rotor blade) and a rotor diameter of 90 metres (length of each blade 45 metres) giving a total height of 105 metres.

The turbines would consist of three rotor blades, a tower (in three sections), a housing generator and gearbox, a hub and a base. The turbines would be mid-grey in colour and designed to be non-reflective.

Each turbine would have a capacity of up to 2.5 megawatts. According to the applicants statement, this would supply on average, electricity to over 2795 homes which is the equivalent of 7.2% of all the households in the former Easington local authority area, whilst saving between 4861 and 11,150 metric tonnes of CO<sup>2</sup> each year compared to the equivalent fossil fuel production.

Construction of the wind turbines would take approximately six months; this would consist of the following:

- Access tracks would be created which have been designed to run alongside existing tracks where possible and which would be improved where necessary. Some short sections of new access track would be installed.
- Hardstandings would be installed beside each wind turbine to support the crane required to assemble the turbine. Each hardstanding would cover approximately 30 square metres.
- Spread foundations would be created. The majority of the soil excavated would be reinstated once the foundations had been installed. The concrete for the foundations would be poured as a continuous operation and would require approximately 50-60 deliveries of concrete over a one day period.
- A 33kV metering switch room would be located on the site. This would contain switch gear and metering equipment and would connect the wind turbines to the local electricity distribution grid via a pole located opposite the switch room. These works would be carried out by NEDL. There would be no requirement for additional overhead powerlines.

The wind turbines would be operated from a central computer system with a maintenance visit being carried out on site approximately once every month. Should any process of any wind turbine go beyond normal operating limits, the wind turbines would automatically cease operating and the operator would be notified through the computer system. An operator could then restart the system remotely or send a technician to rectify the fault on site.

The expected operational life of the wind turbines would be 25 years from the date of commissioning. At the end of this period a decision would be made as to whether to refurbish, remove or replace the wind turbines. If the decision were taken to remove the wind turbines, all components and the switch room would be removed from the site. Equipment below ground would be removed to a sufficient depth to allow the site to revert to its former agricultural use.

An Environmental Impact Assessment (EIA) has been carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999, to accompany the planning application. The EIA provides information on a range of issues including site selection, legal and policy frameworks, landscape and visual impacts, acoustic issues, ecological and ornithological assessments, air safeguarding, telecommunications and electromagnetic interference, archaeological assessments, hydrology, traffic and transportation, public access, safety and shadow flicker and socio-economic assessments.

## **Applicants Statement**

### *The Need for Renewable Energy:*

There is now wide international consensus that human activities over the last two centuries since the start of the industrial revolution have influenced the global climate in a harmful way. This harm will continue to grow, and could dramatically accelerate, unless action is

taken to reduce greenhouse gas emissions, such as carbon dioxide, methane and nitrous oxide, by very significant amounts (SDC 2005). The Intergovernmental Panel on Climate Change (IPCC) has stated that temperatures are likely to increase by 1.8-4°C by the end of the century and that sea levels could rise by 28-43cm (IPCC 2007).

The UK's Chief Scientific Advisor, Sir David King, has stated that '...climate change is the most severe problem that we are facing today, more serious even than the threat of terrorism' (SDC 2005).

Carbon dioxide, the main greenhouse gas, is released during the burning of fossil fuels (non-renewables) such as coal, oil, and natural gas. Through the greenhouse effect, global temperatures are rising and the effects of global warming can already be seen. Over the past century global temperatures have risen by some 0.7°C on average, which takes us out of the range of average temperatures experienced on Earth over the last 1000 years. Eleven of the last twelve years (1995 -2006) rank among the 12 warmest years in the instrumental record of global surface temperature (the average of near surface air temperature over land, and sea surface temperature) since 1850. (IPCC 2007).

#### *Greenhouse Gas Emissions:*

The most effective response to these changes is to reduce emissions of greenhouse gases, in particular carbon dioxide (CO<sub>2</sub>). Major sources of CO<sub>2</sub> are coal fired power stations, transport and aviation. One way to do this would be to increase our use of wind power, a clean and renewable source of electricity generation which will help the fight against climate change. The proposed wind farm has environmental benefits such as provision of energy by renewable means and the displacement of greenhouse gas emissions.

The proposed wind farm at Hawthorn would save between 4,861 and 11,510 metric tonnes of CO<sub>2</sub>, compared to the equivalent fossil fuel production, each year. On average this would supply electricity to over 2,795 homes. This is the equivalent to meeting the needs of 7.2% of all the households in the Easington local authority area; a figure that corresponds well with the national target to generate 15% of all electricity from renewable energy by 2015.

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## **PLANNING HISTORY**

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An application for three wind turbines was withdrawn in 2008. It was considered that, due to outstanding issues it would be necessary to withdraw the application. This allowed a year for additional work to be undertaken. The amendments which result in the current application include:

- Removal of a turbine to the land east of the A19, adjacent to the approved Seaham Centre of Creative Excellence, reducing the scheme to two turbines.
- Revised access route for turbine component delivery.
- Turbine location alterations to accommodate Natural England's interim guidance on bats and onshore wind turbines.

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## PLANNING POLICY

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### 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 (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.

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

Planning Policy Guidance 15 (PPG15) 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.

Planning Policy Guidance 16 (PPG16) sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

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

Planning Policy Guidance 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

*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.

RSS Policy 39 - Renewable Energy Generation

RSS Policy 40 - Planning for Renewables

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

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

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

Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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*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/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Murton Parish Council: Objection. Concerned that the proposals would have a detrimental impact on dwellings at East Moor Estate and in Hawthorn. May have an impact on the recently approved film studios.

Easington Village Parish Council: Objection. Concerned about the cumulative effect of the proposals, the impact on the setting of Easington Village Conservation Area and its listed buildings.

Hawthorn Parish Council: Objection. Concerned that the proposals will impact on the recently approved film studios, would have a detrimental effect on residents and businesses and would have an adverse visual impact on conservation areas.

Seaham Town Council: Objection. Concerned that the proposals will impact on the recently approved film studios, would have a detrimental effect on residents and would have an adverse impact on the landscape due to the height of the turbines.

John Cummings M.P: Objection. Concerned that the proposals would have a detrimental impact on the landscape and ecology of the area. Considers that the densely populated East Moor Estate would suffer due to the scheme.

Natural England: Concerns regarding potential adverse impact on protected species, further work is required to comply with Natural England's guidelines on Bats and Onshore Wind Turbines.

Highways Agency: No objections. This is on basis that any approval is conditioned to control the minimum distance of the turbines in relation to the A19 (equivalent to the height of the turbine + 50 metres) and that a construction management plan is submitted and approved.

Campaign to Protect Rural England: Objection. The proposals would have a detrimental impact on residential properties and would have a cumulative effect due to the proliferation of wind turbines in the area.

Ramblers Association: No objections. Temporary footpath would be provided during construction phase.

East Durham Business Service: No objections on the basis that the proposals would not impact on the approved film studio site.

Durham Bat Group: Satisfied with the findings of the submitted bat report.

One North East: No objections.

Ministry of Defence: No objections.

Newcastle International Airport: No objections.

Durham Tees Valley Airport: No objections.

Environment Agency: No objections.

Northumbrian Water: No objections.

#### **INTERNAL CONSULTEE RESPONSES:**

Conservation and Design Officers: The proposals, subject to relevant conditions, would not be detrimental to the character, appearance or quality of the surrounding listed buildings or conservation areas.

Highways Officer: No objections subject to highways improvement and temporary rights of way being provided.

Planning Policy: National and Regional Policy encourage renewable energy, although the regional ARUP study identifies limited future capacity for turbines within the locality. Key issues are the environmental and visual impacts and impacts on residential amenity.

Archaeology Officer: Objection. The location of turbine no.1 would have an adverse visual impact on the setting of the monument at Batter Law, which is a regionally and locally significant monument.



Environmental Health: No objections. The applicants' submission appears to be compliant with noise assessment methodology as required by PPS22.

Countryside Officer: The bat surveys that have been carried out are not sufficient to enable an assessment of the likely risk to bats posed by the proposals.

Landscape Architect: The proposals would not have any significant impact on the landscape generally and surrounding designated sites. However, the proposals lie very close to a large number of residential properties. They would have serious adverse effects on the amenity of people living and working in the vicinity in terms of visual intrusion and would be in conflict with policies 1 and 35 of the District of Easington Local Plan.

## **PUBLIC RESPONSES:**

Several site notices have been posted in the area and a press notice has been published. 700 letters have also been sent to individual residential addresses. 110 letters of objection have been received; of these letters of objection 73 are standard letters, which have been circulated around the local community. The main concerns in these standard letters are:

- The turbines are too close to residential properties
- The impact of the turbines on Hawthorn Conservation area
- The turbines would not be in keeping with the landscape
- The turbines are too close to Hawthorn and Murton Villages
- Concerns relating to shadow flicker
- Birds are at risk from the turbines
- They would not provide any jobs for the local community
- The turbines could be a distraction to motorists using the A19
- There may be an impact on the approved film studio site
- The proposals would have a detrimental impact on local businesses

The main concerns in the remaining 37 letters of objection are:

- Properties are less than 400 metres from the turbines; this would have a dramatic effect on residential amenity
- Properties would be affected by shadow flicker
- The turbines would impact on employees working at the garden centre, less than 400 metres away
- Residents will be affected by infrasound, noise and vibration
- There would be an impact on the value of properties in the area
- The turbines would cause TV interference

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*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=105826>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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The main planning considerations with regard to this application are:

- National, Regional and Local Planning Policies.
- Landscape, visual impact and residential amenity.
- Noise issues.
- Impact on nature conservation.

- Archaeological issues.
- Other related issues.

### **National, Regional and Local Planning Policies.**

Government guidance as contained within PPS 22 supports onshore wind farms. There is a commitment to achieving 10% of electricity generation by renewable means by 2010. The guidance states that renewable energy development should be accommodated in locations where it is technically viable and where the various considerations referred to above can be satisfactorily addressed. There is an acceptance that there will always be a compromise between maximising the capture of energy and the visual impact that will result.

The proposals lie within an area identified in the North East of England Plan: Regional Spatial Strategy to 2021 as a 'broad area of least constraint for medium scale wind energy development'. The area is identified by a W symbol in the RSS plan; it is understood that the W represents the whole of the East Durham Limestone Plateau resource area identified in the GIS constraints mapping and landscape sensitivity studies that informed the development of RSS policies. The Landscape Appraisal for Onshore Wind Development (GONE 2003) identified the area as belonging to the 'Coastal Plateau' landscape type, which it assessed as being of 'low to medium' sensitivity to wind energy development. Therefore it is considered that the location of the proposal conforms to what RSS, and the studies that informed it, have to say about the general location of wind energy development.

As stated previously the proposals lie within an area identified in the North East of England Plan: Regional Spatial Strategy to 2021 as a 'broad area of least constraint for medium scale wind energy development'. The RSS broadly defines medium scale wind energy development as 'up to 20-25 turbines'. Based on the landscape types as defined and mapped in the Landscape Appraisal, the East Durham Limestone Area (made up of the *Limestone Escarpment & Ridge* and *Coastal Plateau* landscape types) now contains 25 operational or consented turbines in 8 separate developments. Using the landscape types as mapped more accurately in the County Durham Landscape Character Assessment 2008 the area contains 19 operational or consented turbines in six separate developments. The area is therefore broadly speaking at or approaching the scale of development envisaged in the RSS.

The figure of 20-25 turbines has generally been taken to relate to the overall capacity of an area rather than the scale of individual developments appropriate to it. Although the RSS remains ambiguously worded on this point, it has nevertheless been broadly confirmed as an overall capacity figure in respect of the East Durham Limestone Area by the recent capacity study carried out by ARUP: Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain. This says of the area:

*The study suggests that given the landscape capacity (and the degree of constraint), the East Durham Limestone wind resource area is largely full at present with wind turbines and therefore the logic of continuing to include the area as a medium wind resource area in the RSS might be questioned. It would appear a criteria based approach could be considered but the opportunities for development appear very limited.*

Although the report questions the logic of the RSS including the area as a broad area of least constraint, it should be borne in mind that the baseline for both overall sub regional targets and individual resource areas in the RSS is effectively the situation that obtained at the start of the process, and does not account for the progress that has occurred in some areas since then. This area, unlike some others elsewhere in the region, has more or less reached the overall level of development envisaged in the RSS (19 -25 turbines depending

on how this is mapped) during the consultation process. As with some other areas of Durham, its inclusion is not indicative of a substantial additional future capacity.

The ARUP report breaks the landscape of the area up into a number of zones. The zone in which the proposals lie is zone 4 which is described as follows:

*A gently undulating area containing the incised wooded Hawthorn Dene. The land rises to 143m AOD at Batterlaw Hill. Settlement within this area comprises a few scattered farms and the village of Hawthorn with the larger settlements of Seaham and Easington Colliery located outside the area to the north and south respectively. The Durham Heritage Coast lies to the east of the area and includes the extreme south east corner of the area.*

*The sensitivity of the zone allows only a small typology due to the grain and character of landscape and settlement pattern. The capacity for turbine development within this zone is limited due to the existing development to the west.*

*There are no existing turbines within the zone. In principle the landscape could have the capacity to accommodate a small scale development (i.e. <4 turbines). However, the constraints map indicates that there is potentially little unconstrained land.*

The main reason the ARUP report found little unconstrained land in the zone is that they modelled a buffer zone of 600m radius around OS address-points as a proxy for the area in which unacceptable impacts on the visual / aural amenity of residential properties would occur. They are at pains in the report to point out that this is not a development control criterion in itself. It is indicative, however, of the fact that there is little opportunity in this zone for development other than in relatively close proximity to residential properties. This is confirmed by Durham County Councils GIS constraints model which uses a buffer of 500m generally, or 5 times turbine height where known. The only unconstrained area they found in the zone lies within the site of the proposed Seaham Centre for Creative Excellence and the turbine which was initially proposed near this site has been removed in the current, amended application.

Neither RSS nor the ARUP report give a definitive value for the capacity of the East Durham Limestone Area, and certainly not one that would rule out any otherwise acceptable individual development. They do however indicate that the area is at or approaching its capacity generally.

The sub-regional renewable energy target for County Durham given in RSS is 82 MW installed capacity. At the time of writing the County has around 82.38 MW of operational wind development and a further 42.50 MW of development permitted. It is likely that by the end of 2010 the overall total will be around 124.88 MW for wind energy alone, which is well in excess of the 82 MW target for all renewable technologies. While the targets in RSS are 'thresholds' and not 'ceilings', and progress needs to be made towards the aspirational target for the region of 20% by 2020, the performance to date in Durham indicates that sufficient sites are being found to meet those targets and that there is no need to approve sites found to be environmentally unacceptable.

The District of Easington's saved Local Plan policies that relate to development in the countryside are not specific to renewable energy proposals. The County Council (Easington Area Office) relies on guidance within PPS 22 at the present time.

## **Landscape and visual impact.**

Wind turbines by their scale and tendency to be formed in groups, will always have a visual impact upon the landscape within which they are located and an impact on the amenities of people who live in the locality. The degree of impact depends on the form and character of the landscape and the perceptions of the public who are affected by the development.

The turbines will be visible over a wide area; however the fact that they are visible does not necessarily mean that they are visually harmful to such an extent as to warrant refusing planning permission.

This part of the report will address the impact of the development on the local landscape, nearby settlements, local residents and other more distant receptors. The Council's Senior Landscape Officer has assessed the proposals in this respect; some of the more pertinent comments are reproduced below:

### ***Physical Impacts***

The direct physical impacts of the proposals on the fabric of the landscape; the development of access tracks, operational areas, and the removal of short sections of hedgerow vegetation is not considered to be significant.

The Design and Access Statement says in 1.5 that 'where possible any damage to hedgerows will be restored or replaced'. If the proposals are approved, a scheme should be required by condition dealing with the treatment / restoration / management of any hedgerows affected by the proposals. This should include provision for either coppicing roadside hedges (for short term construction period sightlines) or translocation of them (for permanent sightlines) as necessary, and should be submitted before development commences. A scheme covering re-instatement / restoration works on de-commissioning would also be required and should be submitted closer to the time of decommissioning.

As it is difficult to mitigate the wider landscape and visual effects of wind turbines it is important to take every opportunity to enhance the fabric of the landscape of the site and its surroundings, and particularly where it is, as here, a bit run down in places. As it stands the proposals are thin in that respect

The spatial strategy shown for land within the site in the County Durham Landscape Strategy is to 'enhance', 'restore or enhance' or 'conserve and restore' the character of the landscape. The most appropriate form of enhancement here, and particularly in the context of wind farm development, would be to bring all of the field boundaries in the site (and the wider land holding) into favourable management condition, by laying, coppicing, gapping up and new planting where appropriate.

West of the A19 the area of land within the applicant's control contains a relatively intact early post-medieval field system and the remnants of an old (probably medieval) track-way (Burn Loaning / Lonnen) followed by a bridleway. Hedges are relict or threadbare and would benefit from comprehensive restoration. Those parts of Batter Law under pasture, where there are archaeological remains and what appear from the aerials to be areas of relict rigg & furrow, would benefit from a long term conservation grazing regime.

Should the proposals be approved such works could be secured by a planning condition requiring the submission of an enhancement strategy and management plan to be agreed with the planning authority – augmented as necessary by a section 106 or Section 39 agreement.

### ***Impacts on landscape character***

The most significant impacts would occur within around 5km of the site. The approximate theoretical zone of visual influence (TZVI) of the proposals. These TZVIs show that there are two broad zones of visibility.

In the east the turbines would be visible from parts of the East Durham Limestone Plateau, particularly from the *Clay Plateau* and *Coastal Limestone Plateau* landscape types and more localised parts of the *Limestone Escarpment* and *Limestone Coast*.

In the west they would be visible from the West Durham Coalfield (*Coalfield Valley* and *Coalfield Upland Fringe*) and the Wear Lowlands (*Incised Lowland Valley* and *Lowland Valley Terraces*). There are also some isolated pockets of visibility to the south & south-west on the Tees Lowlands (*Lowland Plain*).

Views from the West Durham Coalfield and the Wear Lowlands are views across visually complex settled or semi-rural landscapes where existing wind turbines, overhead power lines and other infrastructures are often present in the view. At the distances involved, typically 15 – 25 km, it is not considered that substantial impacts would occur.

Some of these landscapes are assessed as being in themselves of low-medium sensitivity in the Landscape Appraisal for Onshore Wind Development (*Coalfield Upland Fringe*, *Lowland Valley Terraces*). Others (*Coalfield Valley*, *Incised Lowland Valley*) are identified as being of medium-high sensitivity. That higher sensitivity relates largely to their scale which isn't affected by distant features. The significance of impacts in this area would therefore be generally low. The only important sensitivity in that area which could be affected by distant features is the setting of the Durham Cathedral & Castle World Heritage Site which is dealt with below.

Views from the Tees Lowlands are likely to be very shallow views of rotor tips at distances of around 15 – 25 km. The landscapes here are generally of medium sensitivity in themselves and it is not considered that the low impacts that may occur would be of any great significance.

### ***Impacts on the local landscape***

Closer to the site, the turbines would be prominent, and in places dominant, features in the local landscape, certainly within 2 or 3km. This is usually true for development of this nature wherever it occurs. The local landscape is generally broad in scale and visually open. In some views it has an urban fringe or semi-rural quality with built development and overhead services prominent in the view. In other views it has a more rural character. It is not considered that the proposed wind turbines would be generally out of scale or out of keeping with the character of the landscape here in most views, but clearly there will be many views in which the impact would be substantial. Parts of the local landscape have a higher sensitivity and particularly the AHLV that covers Hawthorn Dene and its immediate surroundings and nearby parts of the Heritage Coast discussed below.

The topography north of Batter Law has been heavily compromised by the tipping of colliery wastes and their re-shaping as part of the Dalton Park reclamation. This has reduced its 'singularity' as a landscape feature in views like those from Dalton Terrace. It is considered that there would be an adverse impact on the local landscape in that respect, it is not considered that it would be of more than local significance.

### ***Impacts on the Hawthorn Dene & coastal AHLV***

From within Hawthorn Dene itself, from paths within woodlands, and from much of the main coastal path, the turbines would be screened by topography or vegetation. From much of the footpath network around and within the AHLV there would be more open views out from the AHLV (north of the dene) or back across the AHLV (south of the dene) towards the turbines.

Views out from the AHLV in the north, are views out across a rather different landscape of open arable farmland and don't in that sense have a substantial effect on the landscape of the AHLV itself, although they would be dominant elements in the view and would reduce the tranquillity of the experience.

Views back across the AHLV, would see the turbines as generally smaller, but still prominent, features in the backdrop to the AHLV, becoming more dominant at closer distances towards its western end. The AHLV is a relatively small tract of land and is already visually influenced by elements outside of it like settlements and industrial buildings. To that extent it is not considered that the visual influence of the turbines as bringing about a 'step change' in its character, although again they would reduce the tranquillity of the view and the sense of scale of the landscape as a whole and the woodlands in particular.

The LVIA assesses this as a *medium high* impact overall. It is considered that this is a correct assessment.

It is considered that an objection to the proposals on the grounds of impacts on the AHLV which was designated in a plan predating PPS22 and current Government policy on energy would not be reasonable. While there clearly are locations elsewhere within the county where development could take place without affecting this AHLV, a number of sites are already approved which are close to and affecting AHLVs (Tow Law, High Hedley, High Hedley II, West Durham, Langley) and some sites currently being considered lie within AHLVs.

### ***The coast***

Typical views from the Blackhall Rocks/Crimdon area would be of rotor tips around or above hub height at distances of 8 to 12 km. It is considered that the turbines would bring as much to these views as they take away from them. They would add visually distracting movement and slightly inland focal points that would detract in some degree from the tranquillity of the scene at the same time as invoking the elements (which are part of the character of this landscape) and adding to the drama of the view. The Durham coast is a settled coast with urban and industrial influences. It is not considered that the turbines would bring about a 'step-change' in that character although they would reinforce that aspect of the coast's character at the expense of its 'naturalness'. Overall it is considered that their impact on coastal views is relatively neutral.

It is considered that the *medium-high* and *medium-low* values given in the Landscape Visual Impact Assessment (LVIA) are accurate. Given the lack of visibility of the turbines from parts of the coast and the nature of those views in which they are visible it is

considered that the overall impact of the proposal would be relatively low. The magnitude and significance of these impacts is something on which judgements will, quite reasonably, vary.

### ***Impacts on the World Heritage Site***

The proposed turbines would be visible in the backdrop to Durham Cathedral and Castle World Heritage Site (WHS). The setting of the WHS is protected by Policy E3 of the City of Durham Local Plan.

The proposed turbines would be visible on the skyline forming the backdrop to the Cathedral and Castle in the Briarville area of Durham City (Viewpoint 13). The clearest views from a public vantage point are from the footpath to the rear (east) of Briarville which enjoys commanding views of the World Heritage Site. There may also be views from upper storeys of some properties in Nevilledale Terrace and Briardene. The existing Hare Hill turbines are visible on the skyline to the south (right) of the Cathedral tower. The permitted Haswell Moor and High Haswell turbines will also be visible in future in the same vicinity. The existing High Sharpley turbines are visible on the skyline further north as will the permitted Great Eppleton turbines.

The proposed turbines would be more distant and therefore smaller features in the view than the existing and permitted turbines, and would lie very low on the horizon where they would be largely screened by woodland on the edge of the Durham Bowl. It is considered that their impact in this view would be negligible.

The turbines would also be likely to be visible on the skyline in views towards the cathedral in views from the East Coast Main Line on, and immediately south-west of, the railway viaduct. This is a potentially more important, if transitory, view. It is considered that their impact in this view would be negligible; the turbines would be very small and distant features generally occupying an oblique position in direct views towards the cathedral from the viaduct itself.

There would be cumulative impacts on the WHS with other developments in these views but given the intrinsically low impact of the proposals the cumulative impacts would also be low. It is not considered that the impact of this proposal would conflict with City of Durham Local Plan Policy E3.

### ***Cumulative impacts***

Given the widespread visibility of wind turbines, cumulative impacts of some order are inevitable. The issue is whether the combined impacts of two or more developments reach levels that would have been unacceptable for an individual development. Policy M45 of the Minerals Local Plan uses this approach in dealing with minerals and says that “permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan”. It is in those terms that cumulative impacts arising from wind development should be judged.

There are currently three broad zones of development in this part of the region: the West Durham Coalfield, the Tees Plain and the East Durham Plateau.

On the higher ridges of the West Durham Coalfield there are a number of operational sites (Tow Law, High Hedley, High Hedley II, Langley, Holmside and Greencroft) and permitted sites (West Durham, Broomhill, Royal Oak). These sites are between 20km and 30km from the Hawthorn proposal. While there is a high degree of intervisibility between these sites,

as combined ZTVs indicate, the distance between them is such that the kind of cumulative impacts that would arise (in essence simply a general increase in the number of wind farms visible in panoramic and sequential views of the wider landscape) don't have much bearing on the planning merits of any one individual proposal. The contribution of the proposals at Hawthorn to this wider change in the landscape would be small and incremental. It is not considered that there are any individual viewpoints where cumulative impacts with developments in this zone would be significant.

The second broad zone of development lies to the south on the Tees Plain where there are a number of operational sites (High Volts, Walkway), permitted sites (Butterwick, Hydro Polymers) and proposed sites at scoping stage (Great Stainton, East & West Newbigin, Moorhouse). These have (or would have) some intervisibility with turbines at Hawthorn, but they primarily affect different landscapes. The impacts of the Hawthorn turbines on the landscape of the Tees Plain (typically blades above hub height visible as small features in shallow views) would be slight. The impacts of the various Tees Plain schemes on the landscape of the northern plateau (again, typically blades above hub height visible as small features in shallow views) would be slight.

There are areas in between Hawthorn and these southern developments where there is a fairly high degree of intervisibility at medium distance ranges (around 7 or 8 km) but it is not considered that there are any individual views or sequential views where the combined effects would give rise to acute problems. In views between the two areas they lie in opposite directions. In views where both can be seen together within a reasonable angle of view one or more developments is likely to be a small and distant feature. It is therefore not considered that the cumulative impacts from Hawthorn and these southern schemes would be substantial enough to cause concern.

For sites closer to Hawthorn on the Limestone Plateau - Hare Hill, High Sharpley and Trimdon Grange (operational), Haswell Moor, High Haswell and Great Eppleton (permitted) and South Sharpley (proposed) cumulative impacts are more tangible. The areas referred to in the ARUP study as *zones of visual dominance* (around 3km) and *zones of visual prominence* (around 5km) of the existing and permitted sites already coalesce, which means that for most of the East Durham Plateau more than one development could (subject to local factors) be dominant or prominent in the view. It should be noted that the map taken from the ARUP report is slightly inaccurate as it doesn't appear to model in High Sharpley which is the nearest development to Hawthorn. The proposals at Hawthorn would extend this general zone eastwards and intensify it in the area south of Murton.

Elsewhere, the ARUP report recommends separation distances of >5km between individual developments. This is not suggested as a development control criterion but is broadly indicative of the kind of distances that prevent the zones of potentially stronger visual influence from coalescing. Separation distances between Hawthorn and Hare Hill / High Haswell / Haswell Moor are >5km. Separation distances between Hawthorn and High Sharpley (3.75 km) and Great Eppleton (4.37) are lower. It should be noted that separation distances of >5 km have not been observed for many existing or permitted sites elsewhere in the county. This has partly been because much of that development has been relatively small in scale and there has been a degree of acceptance that the overall level of impact arising from a number of small or medium scale clusters in closer proximity would be acceptable.

That is the situation that currently obtains in East Durham where operational and permitted schemes are of a modest scale and separation distances between them fairly low. This is creating a fairly loose form of development where no individual development dominates a



large area, but where wind turbines are beginning to have a continuous presence across the landscape as prominent features in many views.

It is not considered that there are any individual viewpoints in this area, where cumulative impacts with developments in this zone would be particularly acute, or would cross a tangible threshold of what is or isn't an acceptable level of overall impact on the character of the landscape. However, it is difficult to make fully informed judgements about developments that aren't yet built and the permitted turbines at Haswell Moor and Great Eppleton are bound to have a big impact on the overall sense of the scale of wind development in the area and the extent to which it is seen to dominate the landscape.

While it is possible to analyse individual cumulative impacts in great detail, the decision as to whether the overall level of impacts is acceptable or not is a matter of judgement. An assessment needs to be made whether an eastward extension of the loose development structure described above is acceptable, or whether further development of this character, in combination with existing and permitted schemes, would lead to wind development dominating the landscape of the area as a whole to an unacceptable degree.

### ***Impacts on the Hawthorn Village Conservation Area and Listed Buildings***

Surrounding the site are a variety of Listed Buildings ranging from Grade I – GII\*. The proximity of the listed buildings considered are located within both a 2km and 5km radius of the proposed location.

The majority of these buildings are situated within existing settlements, and as such are relatively screened from the direct visual impact of the proposal. For example those listed structures located within Hawthorn, and Murton, due to their locations and the relatively dense nature of settlement patterns, benefit from an element of screening. The Rectory located on the edge of Hawthorn, due to its location, would have a stronger visual relationship with the proposed development. The presence of mature tree cover within the site, and the location of outbuildings are such that the principle relationship will be limited to a portion of the building's frontage, currently devoid of screening. As such a direct visual relationship will be present between the two structures, with a significant portion of the turbine visible from this location. However, it is considered that due to the presence of the A19, other transport routes, and wire scapes, the addition of two wind turbines will appear as a moderate intrusion/addition within the wider landscape context. As such the detrimental impact upon the character and appearance of the listed building that will occur is of an insufficient level to justify refusal of the application, on listed building grounds.

The GII\* listed Dalton Water Pumping Station and associated GII Lodge building are situated in close proximity to the proposed site, being located to the north east beyond the A19. The buildings both front a principal access road, and are separated from the site by the A19 and a series of buildings. Despite this relative proximity, the resulting visual relationship is interrupted sufficiently by topography and development to reduce the impact of this proposal on the setting of the listed building. Whilst some detrimental effect will occur, this is insufficient to justify refusal.

The height and scale of the proposed turbines is such that at least part will be visible from the majority of listed buildings within the vicinity. However, it is considered that the potential impact is such that it will not result in significant detrimental harm upon the character or appearance of the structures. As such a refusal in relation to the impact upon the character or appearance of surrounding listed buildings is not considered to be justified.

Three Conservation Areas are located within the 5km study area surrounding the proposed location. Of these Hawthorn is located within a 2km radius of the proposed site. Due to the nature of Hawthorn and its relationship with the surrounding area, the village itself is centrally focused. With a relatively compact residential form, this limits the views to the wider landscape from within the centre of the village. The rear elevations of the properties, facing west, will have a degree of visual relationship with the site, albeit at a distance. Again, due to the presence of major roads, such as the A19, their associated screening, and additional access roads, this is considered to reduce the overall level of additional visual intrusion and interruption that will result from the development. As a result it is considered that the A19 will remain as a dominant factor within the environment, and due to its presence, in addition to the surrounding transport links and wirescape, the two wind turbines will appear as a relatively minor scheme in comparison.

Both Easington Village and Seaham Conservation Areas are located within the 5km study area surrounding the site. Easington Village is located to the south of the area, and features the A19 to the west. The Conservation Area itself is relatively compact, and centrally focused, therefore reducing the number of views available both into and out of the Conservation Area. The presence of the A19 interrupts direct views and results in a significant level of visual disruption within this environment. As such the impact caused by the erection of two wind turbines is not considered to result in a significant detrimental impact upon the character or appearance of the Conservation Area.

Seaham Conservation Area is situated to the north east of the site, and is located around the harbour area and sea front. Between the site and Seaham Conservation Area is a variety of development. The direct impact of the proposal will be limited, due to the level of urban development surrounding the Conservation Area. As such the effect upon the character and appearance of the Conservation Area is not considered to be of sufficient degree to justify refusal of the application.

The overall reduction in the number of wind turbines proposed, following the initial discussions is considered acceptable. The containment of the turbines within the site to the west of the A19 assists in reducing the overall impact upon the neighbouring heritage assets, particularly those to the east of the A19 such as Hawthorn Conservation Area and the various listed properties.

It is concluded that the proposed construction of two wind turbines would not be detrimental to the character, appearance or quality of the surrounding Listed Buildings, or Conservation Areas and therefore accords with the relevant policies.

### ***Impacts on residential amenity***

The turbines would be visible at relatively close distances from areas of terraced housing in the East Moor Estate area of Murton – Oliver St, Hawkins Rd, Mathews Rd and Forster Avenue. The western turbine would be a dominant element in the visual environment of this residential area being both very close to, and on an elevated site above the Estate.

Visibility would vary across the area. Views from properties would range from relatively direct to oblique. Views of the closer turbine would generally be oblique although views from some gardens of properties at East Moor Estate and individual properties east of the A19 would be more direct. In some views the turbines would be screened or partially screened by existing vegetation and the growth of tree planting areas along the new road would increase this in future years. Views from many vantage points would be interrupted by intervening buildings although it can be anticipated that rotor tips would be visible in places sweeping above the roofline. The development as a whole would be visible on the

approach to East Moor Estate from the north and the western turbine in particular would dominate its setting.

It is difficult to accurately assess impacts on the complex visual environment of relatively dense terraced housing. Experience elsewhere would suggest that partial and intermittent views of moving rotors are particularly disturbing at this kind of distance (435 – 690m) and that the effect of buildings in the immediate foreground is generally to increase the perceived scale of turbines. This effect can be observed in Railway Street, Craghead, for example, where the turbines of the Holmside wind farm are visually dominant at distances of >1km from within the fabric of the village but less so from its edges. It is considered that the impact of the western turbine in at least some views from East Moor would be dominant and overwhelming.

Views of and from this area are not of a particularly high quality being rather urban fringe in character with prominent overhead services, and areas of reclaimed and unmanaged land. It is not considered this would have much of a bearing on the visual amenity issue which is more concerned with the impacts of large moving structures in close proximity than with the quality of the view.

The turbines also lie close to individual properties at Hillcrest and Plum Tree Lodge to the east, the eastern turbine lying 360m and 395m away respectively; occupants of both of these properties have raised objections. The rear elevation of Hillcrest has windows (kitchen and living room) looking directly towards the site. Turbine 2 would be dominant and overwhelming at this distance. Although the A19 intervenes, it is in a relatively deep cutting at this point and doesn't intrude into the view. Plum Tree Lodge is a little further away at 395m and doesn't have habitable rooms overlooking the site. The turbines would be visible from the garden, screened or filtered in some degree by garden vegetation, but would again be dominant or overwhelming at this distance.

The turbines lie relatively close to individual properties at Little Coop House Farm (474m) and East Batter Law (480m). Little Coop house farm doesn't have habitable rooms facing the turbines and they would be screened in views from ground level by rising ground. East Batter Law is a complex of residential and business uses. The turbines would be visible in views from first floor windows but largely screened from ground floor windows by intervening vegetation and outbuildings. Gardens face away from the site. It is not likely that impacts on these properties would be overwhelming.

As noted in previous correspondence the extent to which the level of impact on visual amenity brings the proposals into conflict with Policy 1 and 35 of the District of Easington Local Plan is a matter of judgement. However, the case officer's view is that the proposals would be in clear conflict with Policy 35 (iv) (and Policy 1 viii) in that they would have a 'serious adverse affect on the amenity of people living and working in the vicinity of the development.'

The area in which the proposals would have their most significant impacts – roughly within a 5km radius of the site, contains a number of settlements. The turbines would be prominent features of the local environment, visible from some residential areas and from roads and footpaths serving those communities. In this respect they are not unique and the situation here would be similar to that in the locality of existing and approved wind farms elsewhere in the county. These proposals do differ, however, in terms of the large numbers of properties lying in very close proximity, where impacts on residential amenity might be more acute.

Residential amenity means levels of visual disturbance, that might arise for example from having large structures and moving rotors in very close proximity to a dwelling and as distinct from changes in the character of the landscape setting or the quality of views from the property. The line between the two is subjective and difficult to draw. In modelling constraints for wind farms the Durham County Council Senior Landscape Architect uses a figure of 5 x turbine height (t.h.) as a proxy for the threshold at which impacts would start to become acute. Of the 69 operational or permitted turbines in 28 separate wind developments across the county only three turbines come within 5 x turbine height of a non-involved residential property. The West Durham Wind Farm will have two at 4.92 and 4.88 x turbine height. The smaller turbines at Glaxo have one at 4.93 x turbine height.

Each of the proposed Hawthorn turbines comes much closer than that to uninvolved properties – the figures for the nearest to each by my measurements are approximately 333m (3.15 x t.h.), 372m (3.54 x t.h.) and 398m (3.79 x t.h.). There are somewhere between 90 and 100 properties within 525m or 5 x turbine height of a turbine overall. While this distance isn't in itself a tangible threshold of acceptability, the proposals would clearly come closer to larger numbers of people than has generally been considered acceptable elsewhere in the county to date. Noise constraints are often a factor in keeping separation distances above that. It may be that these proposals have been assessed as being able to come closer because of high background noise levels from the A19 or assumptions about how noise levels could be controlled through an environmental management system.

Although the proximity of residential properties was raised as a key issue at an early stage, the LVIA does not assess impacts on all of these properties individually so it is difficult to quantify all of its impacts. For those properties which have been considered the LVIA assesses impacts as being high. Apart from impacts on the closer isolated farmhouses, there are significant concerns about impacts on the area of terraced housing in East Moor Estate, Murton and in particular Oliver Street, Hawkins Rd, Mathews Rd and Forster Av. Turbine T1 would be a dominant element in the visual environment of this residential area being both very close and being on an elevated site above the village. Turbine T2 would be close to properties east of the A19 and would be a dominant and overbearing feature from these properties.

### ***Landscape, visual impact and residential amenity - summary***

- The proposals would lie within an area identified in RSS as a 'broad area of least constraint'.
- The proposals would not have significant adverse physical impacts on the fabric of the landscape. What impacts they did have could be offset by landscape improvements in and around the site, though these have yet to be quantified.
- The proposals would be widely visible. Their significant impacts would fall largely on the landscape of the East Durham Plateau. In wider views they would be generally small features in visually complex views. They would not be out of scale or out of keeping with the settled character of the landscapes they would affect.
- The proposed turbines would be prominent, and in places dominant, features in the local landscape. They would not be out of scale or out of keeping with the broad and open character of the plateau landscape, but would bring a considerable change to their immediate locality.

- The proposals would be visible from, and across, the Central Area of High Landscape Value and would detract from its special character and quality in some views. The revised scheme would have lower impacts than the previous submission due to the removal of the turbine closest to the AHLV.
- The proposals would have visual impacts on some parts of the coast although the overall impact would be relatively low. The revised scheme would have lower impacts than the previous submission due to the removal of the turbine closest to the coast.
- The proposals would be visible in some views of the Durham Cathedral and Castle World Heritage Site. Impacts on its setting would be low and would not conflict with Policy E3 of the City of Durham Local Plan.
- The proposals would not detract significantly from the character, appearance and setting of the Hawthorn Conservation Area and would not therefore conflict with Policy 22.
- The proposals lie very close to a large number of residential properties. They would have serious adverse effects on the amenity of people living and working in the vicinity in terms of visual intrusion and would be in conflict Policy 35 (iv) and Policy 1 (viii).

## Noise Issues

The Councils Environmental Health team have assessed the potential noise issues that may arise from the proposed development in accordance with the relevant guidance that covers proposals for wind farms. This is provided in Planning Policy Statement 22 (PPS 22): Renewable Energy and in The Assessment and Rating of Noise from Wind Farms that is referred to as ETSU-R-97.

Planning Policy Statement 22: Renewable Energy sets out the Government policy and approach on renewable energy. In relation to noise, it states:

*Renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources - for example traffic). Local planning authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels. The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy developments.*

The 1997 ETSU report ‘describes a framework for the measurement of wind farm noise and gives indicative levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or local authorities’.

The ETSU-R-97 report describes the method of how and where ambient (background) noise measurement surveys should be undertaken. It also establishes the levels of turbine noise that are acceptable in different locations and situations, as either a fixed limit, a level relative to the prevailing background noise level, or a combination of both of these.

ETSU-R-97 suggests noise limits at receptors that are related to the wind speed at the proposed development site. The document indicates receptor noise limits that are 5dB above the background noise level for each wind speed. For the night time period, a fixed limit is suggested based upon World Health Organisation (WHO) and Planning Policy

Guidance on sleep disturbance, this fixed limit being an LA90 10 mins of 43 dB(A) and applies through the range of operational speeds of the wind turbines (4m/s to 12m/s). An allowance is then made for attenuation provided by an open window and adjusted for the noise measurement indices used to comply with the WHO and PPG.

The noise conditions are, in addition, divided into day and night periods. For the daytime consideration is given to the amenity for outside spaces and is based on the times normally associated with leisure such as at weekends and during evenings but any day time limit would apply throughout the day. For the night period (23:00 to 07:00) consideration is given to the impact of the noise on sleep and therefore the emphasis is on the amenity of indoor spaces within residential properties. Higher noise levels are considered appropriate for any properties with a financial interest in the development.

The assessment of wind turbine development proposals should follow the methodology detailed in ETSU-R-97 and if constructed, should comply with the noise limits established by and that result from applying this method. Satisfactory evidence that the two wind turbines can comply with the ETSU-R-97 requirements and that noise levels arising from the proposed development would be within the noise limits determined from the guidance would therefore demonstrate that noise control measures for the scheme are both appropriate and can be achieved.

Measurements of the prevailing background noise (ambient) were undertaken throughout a consecutive thirty four day period in December 2006 and January 2007 including the Christmas period at four receptor sites. However the measured prevailing background levels were only reported in Appendix 7.3 of the Environmental Statement for three of these sites. Wind data was collected over the same period at a representative location on the proposed site.

Noise monitoring was carried out at selected locations that provided a wide coverage in terms of the nearest residential properties in the vicinity of the proposed development. It is considered that the selected locations appear to provide a realistic assessment of the residual prevailing background noise (ambient) within the area surrounding the development site.

The prevailing background noise and wind data provided in the Environmental Statement show the correlation or relationship between wind speed and background noise levels at the three monitoring sites and levels that are typical of that experienced in this type of environment. During periods that the assessment was carried out the measured LAeq was significantly higher than the measured LA90 at both the Batter Law and East Batter Law measurement points during the night-time period (23:00 to 07:00) although this difference was not as apparent at higher wind speeds. Both of these locations are close to the A19 trunk road and therefore the difference between these noise parameters is likely to indicate the influence of intermittent traffic noise during this period. This difference is also not as apparent at the other measurement location at Little Coop House.

The data for all three of the receptor sites illustrates the trend of increasing background noise level with increasing wind speed. This correlation was less well defined in the case of both of the locations at Batter Law and East Batter Law in comparison to the other measurement location at Little Coop. The deviation from the line of best fit indicates a greater degree of variability in the background noise climate with respect to wind speed at both Batter Law and East Batter Law during the night-time period when compared to the other chosen measurement site at Little Coop.

The reported measured prevailing background noise levels provided in Appendix 7.4 in the environmental statement show the increased range of ambient noise levels with measured wind speed at both the Batter Law and East Batter Law locations and also show higher background noise levels. This can be explained by the proximity of the A19 and therefore the effect of traffic noise on the prevailing background noise at both of these locations.

It is reported in Section 7.5 of the Acoustic Assessment that there are no existing or planned wind turbines in the vicinity of the Hawthorn Farm site with the potential to create a cumulative impact at residential properties. Therefore no subtraction of the noise from existing wind farms from the prevailing background noise as required by ETSU-R-97 is necessary.

It is concluded that the prevailing background noise (ambient) data provided in the acoustic assessment is representative for the measurement locations selected in proximity to the proposed site. Therefore it is considered that the data provided is adequate for the purpose of the assessment.

Noise predictions have been submitted for the development, based on a typical turbine selection. The predictions have been carried out in accordance with an internationally recognised method. Using this methodology the predicted levels of the noise from the wind turbines has been calculated at seven locations around the development site. Calculated predicted noise levels for the wind turbines at each wind speed from 4m/s to 12 m/s at all of the locations were determined.

Noise criteria have been established in accordance with ETSU-R-97 from the prevailing background (ambient) noise levels measured at Batter Law, East Batter Law and Little Coop. For the additional four receptor sites at Oliver Street, Murton, East Farm, The Old Rectory and Wet Batter Law the prevailing background (ambient) noise levels obtained at Little Coop have been used. Using this method, the acoustic assessment has demonstrated that the noise criteria established in accordance with guidance in ETSU-R-97 can be complied with at each receptor location.

There are a number of other issues that potentially may have an adverse impact on receptors around the proposed development site. These include the following:

**Low Frequency Noise:** There is potential for low frequency noise to occur around wind-farms from both aerodynamic and mechanical sources. Resultant aerodynamic noise occurs from the passage frequency of the rotating blades while mechanical noise occurs from the working parts of the turbine itself including the gearbox and the generator. It is recognised that low frequency noise may cause health effects. However research carried out has determined that the level of low frequency noise from a wind farm is several magnitudes lower than that required to observe health effects. The same applies in the case of infrasound which is noise that occurs at a frequency below the audible range.

**Tonal Noise:** The mechanical design of the modern wind turbine does not exhibit 'tonal' noise properties. They do have a characteristic sound, which can be subjectively different in comparison to distance from the turbine due to propagation effects. However should tonal noise occur from the operation of the wind turbines it is recommended a condition be included to ensure protections if provided against the effects of tonal noise. It is considered that the assessment and penalty method contained within ETSU-R-97 is the method that should be used.

**Wind profile Effects (Van den Berg):** A recent study by GP Van den Berg highlighted the case of a site in Europe where the predictions of wind shear under certain specific conditions were inaccurate. At this site the actual turbine speed was found to be much higher than predicted (for a given wind speed) giving rise to higher noise levels. The condition under which this effect was observed was peculiar to the specific site, and was most likely caused by the long flat run of land leading to the wind farm. It is highly unlikely that this condition would occur in the UK. Even if they were found, having set the noise limits relative to background noise levels, the development would not be able to operate with higher noise levels than the set limits.

**Vibration:** The construction phase of the development may involve piling operations that is predicted may give rise to vibrations to be transmitted to the nearest dwellings. Where piling is to be carried out then assessment needs to be made of the resultant levels of vibration arising to ensure they are below levels that would cause either structural damage or give rise to adverse comments from the occupiers of the nearest residential properties.

In summary, the applicant's submission appears fully compliant with the requirements of the ETSU-R-97 methodology, as required under the PPS22 Planning guidance. Using this method, the acoustic assessment has demonstrated that the noise criteria established in accordance with guidance in ETSU-R-97 can be complied with at each receptor location.

### **Impact on nature conservation**

The bat surveys undertaken for the previous, withdrawn proposal were undertaken almost four years ago in 2006 and have been resubmitted for use with this current planning application. The surveys do not conform to Natural England's current guidelines - Natural England Technical Information Note TIN051 Bats and onshore wind turbines Interim guidance 11 February 2009, as they only covered the site on the dusk of 25th July 2006 and dawn of 26th July 2006 and as such, Natural England considers the surveys insufficient.

The surveys should include establishing bat activity across and within the site including flight paths (particularly for high risk species such as noctule), and locating any roosts on or close to the site. Surveys should investigate use of the site throughout the year with survey effort spread across the season during April-October including the late summer/autumn mating and swarming season.

With regard to turbine locations, Natural England welcomes the clarification of the turbine locations at greater than 50m away from hedgelines, however it is considered that decisions about turbine locations must be informed by the findings of bat surveys which are at present incomplete. This information should inform the development of an appropriate and targeted scheme of mitigation to be agreed with the local planning authority prior to determination of the planning application, to address the requirements of PPS9 *Biodiversity and Geological Conservation* and as described within paragraphs 98 and 99 of Government Circular 06/2005.

The Council's Senior Ecologist concurs with Natural England that the surveys, which have been carried out in relation to bats, are not sufficient. The survey data relied on in support of this application was collected to support a previous scheme for three turbines and no up to date surveys were done to inform the current application. The study area chosen effectively covers the northern half of the site however does not pick up bat activity to the south, especially bats commuting between the SSSI's & woodlands to the north and west of the site and the Hawthorn Dene complex. One nights survey, albeit an evening survey



followed by another at dawn, is insufficient to provide an assessment of the likely risk to bats posed by this application.

It is noted that the applicant's own ecologists - Wild Frontier Ecology Ltd acknowledge that the survey work undertaken at this site does not conform to Natural England's guidelines Natural England Technical Information Note TIN051 Bats and onshore wind turbines Interim guidance 11 February 2009.

In summary, insufficient information has been provided with the application to allow the Local Planning Authority to consider whether or not the proposed development would have a detrimental impact on bats, a species protected by law, contrary to saved policy 18 of the District of Easington Local Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation which seek to protect the interests of biodiversity and protected species.

## **Archaeology**

Guidance set out in PPG16 notes that where nationally important archaeological remains, whether scheduled or not, are affected by a proposed development, there should be a presumption in favour of their physical preservation in-situ, and a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant effect on the setting of visible remains (para. 27). Whilst the preservation in situ of archaeological remains is preferred (para. 13), it may be possible to mitigate impacts to archaeological remains of less than national importance via programmes of archaeological excavation and/or Watching Brief, enabling the 'preservation by record' of archaeological deposits destroyed or damaged by a development. Mitigation of impacts to the setting of archaeological remains is much harder to define and requires specific assessment.

The applicant has conducted pre-determination archaeological assessment and evaluation works in order to determine the impact of the proposed works on any currently unknown below-ground archaeological deposits. The results appear to indicate that the potential for below ground deposits in the vicinity of the Batter Law monument is low - although the Archaeology Officers state that prehistoric features are often difficult to identify in evaluation works often due to their ephemeral nature. It should be noted that the applicants Environmental Impact Assessment confirms that there would be no physical impacts on the monument and that the development would have a temporary lifetime of 25 years, and although this is a significant period of time, it is relatively short in comparison to the existence of the ancient monument.

However, the impact of the development on the setting of the Neolithic round barrow, known as Batter Law (HER record number H2), has not been assessed or mitigated in any way by the current scheme. The current national guidance provided by English Heritage in their document "Wind Energy and the Historic Environment" clearly states that "...consideration should be given to the impact of wind energy developments on the wider landscape setting and visual amenity of historic sites" (p.8). The guidance goes further to state that 6 particular factors should be considered when "...assessing the acceptability of developments within the setting of historic sites." These are:

- Visual dominance
- Scale
- Intervisibility
- Vistas and sight-lines
- Movement, sound or light effects

- Unaltered settings

The Archaeology Officers state that the first three points are particularly relevant to this application. It is stated that “the barrow, which is of regional and local significance, is one of several sited along the ridges of higher ground of the magnesian limestone plateau in this part of East Durham. The barrows will have been specifically located on the higher ground so as to be seen - i.e. to be the most visually dominating feature in the prehistoric landscape (and to have intervisibility between them). The location of Turbine 1, directly to the north/north-east of it will drastically impinge on the setting and its intervisibility with the barrow at Copt Hill (Tyne and Wear) which is 6km to the NE; the cluster of prehistoric barrows at Murton Moor (HER H541, H551 and H1154) which are 2.4km due west of the site; as well as the barrow near Kinley Tower known as Hawthorn Barrow (H61) which lies 2.8km to the east of Batter Law. There are other prehistoric features recorded within this wider landscape, which may be ploughed out barrows but certainly are evidence of the prehistoric use of the area. Taken together it is clear that this part of East Durham was significantly used during the prehistoric periods, in particular through the placing of visually dominant barrows.”

Given the above comments with regards to setting, the Archaeology Officers have objected to this planning application.

The archaeology issues raised above give reason for concern and have been fully considered with regard to PPG16 which states that “where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation”. Archaeology Officers have stated that the barrow is not of national importance, PPG 16 goes on to state that “cases involving archaeological remains of lesser importance will not always be so clear cut and planning authorities will need to weigh the relative importance of archaeology against other factors including the need for the proposed development.” In this instance, it is considered that national, regional and local renewable energy and sustainability policies outweigh the need to protect the setting of a monument which is not of national importance, moreover, there are no saved local plan policies that seek to protect the settings of regionally or locally important monuments. It is also noted that the archaeological site itself would not be physically affected, it is only the impact of its setting that has been considered.

The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications and although the issues raised by Archaeology Officers give reason for concern, they are not considered to have sufficient policy weight as to warrant a reason to refuse planning permission.

## **Other related issues**

### ***Shadow Flicker***

Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as ‘shadow flicker’.

A residential property must usually be within 10 rotor diameters of the turbine in order to experience shadow flicker. For the Hawthorn Wind Farm, the applicant has stated that a few residences may be affected but this could be mitigated against should flicker occur. In the event that shadow flicker occurs, mitigation should be ensured through a condition which controls a programming system that stops the wind turbine(s) when shadow flicker

could occur. Subject to the use of appropriate conditions, it is not considered that any detrimental effect on local residents through incidences of shadow flicker would be sufficient to refuse planning permission.

### ***Aviation***

There were no aviation objections or safety concerns raised when these schemes went through the planning process. Newcastle Airport, Durham Tees Valley Airport and Defence Estates have been consulted regarding the proposed development. No objections have been raised on aviation grounds.

### ***TV and other interference***

OFCOM, as independent regulator for the UK communications industries and managing fixed microwave links across the country, was initially consulted on the likely effects of the proposed Hawthorn wind farm on links in the surrounding area. OFCOM consulted several operators, each operator was consulted individually and any concerns have been overcome, either by more detailed studies or by turbine micrositing.

Wind turbines have the potential to disrupt analogue TV signals within the local vicinity. The outcome of this interference is a 'ghosting' effect on the TV screen. To assess the impact of the Hawthorn wind farm proposal on television reception, the BBC Windfarms Tool website was used. This concluded that the Hawthorn wind farm proposal was likely to affect some homes if approved.

In the event of reception problems, the applicant suggests improving the receiving aerials or providing the affected households with an alternative source of television signals through a different transmitter, an existing cable connection or a digital system, which could be dealt with as a condition of planning.

### ***Traffic impacts***

The development proposals will generate abnormal load movements during the construction phase. A range of traffic management measures will be employed to enable the safe movement of abnormal loads. Traffic impact has been assessed and it has been demonstrated that construction traffic will not create significant impact on the surrounding highway network. The construction phase will last approximately five months, after which the development will generate negligible traffic volumes. The Highways Authority have raised no objection to the proposed development.

### ***Renewable Energy Targets***

Representations received in relation to the planning application have suggested that there is not a need for any more wind turbine developments within the County as Durham has already exceeded its targets in relation to renewable energy production. It is correct that the sub-regional renewable energy target for County Durham given in RSS is 82 MW installed capacity, and that at the time of writing the County has around 82.38 MW of operational wind development and a further 42.50 of permitted developments. It is therefore likely that by the end of 2010 the overall total will be around 124.88 MW for wind energy alone, which is well in excess of the 82 MW target for all renewable technologies. While the targets in RSS are 'thresholds' and not 'ceilings', and progress needs to be made towards the aspirational target for the region of 20% by 2020, the performance to date in Durham indicates that sufficient sites are being found to meet those targets and that there is no need to approve sites found to be environmentally unacceptable.

## **Other Representations**

Various letters of representation have been received in relation to the proposed wind farm development. It is considered that the majority of issues raised by objectors have been covered in this report. However some representations received have raised issues that are not considered to be relevant to the determination of the planning application. Issues in relation to the economic viability, reliability, and success of wind turbines have not been discussed in any detail; this is because it is established Government policy, where all other environmental and social impacts are controlled, to support wind turbine proposals.

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## **CONCLUSION**

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It is accepted that the proposed wind farm would make a contribution towards the overall supply of renewable energy, and contribute towards reaching regional and national targets in terms of energy production. There is very strong and consistent policy support for renewable energy projects. The scheme would have significant benefits in this respect, and the key consideration in determining the application is whether or not this policy support for the proposal outweighs any environmental or social impacts the proposal may have.

In terms of visual impact, the proposed wind turbines due to their scale and design will undoubtedly have an impact on the landscape, and will be highly visible features in the locality. Any impacts the proposed development will have on the wider landscape are considered to be commensurate with the benefits the turbines will provide in terms of the production of renewable energy. Any impact the proposed turbines will have on the landscape would not be considered sufficient to warrant refusal of the planning application.

However, on a local level, and in terms of the effect on residential amenity, it is considered that the residents of East Moor Estate, and the individual properties at Plum Tree Lodge and Hillcrest would experience a marked and unacceptable reduction in their amenity if the proposed turbines were to be erected. Although evidence has been provided to show noise and shadow flicker should not impact upon residents, the relatively small separation distance between wind turbine and residence would result in an overwhelming detrimental visual impact upon residents.

Ecological impact has not been fully addressed; Natural England and the Council's Senior Ecologist have both stated that the information provided is not sufficient for the Council to make an informed decision as to whether there would be a harmful impact on a species protected by law.

As stated earlier, the issues raised by Archaeology Officers give reason for concern, however they are not considered to have sufficient policy weight as to warrant a reason to refuse planning permission.

Therefore the proposed wind turbines are considered to be contrary to saved Policies 1, 18 and 35 of the District of Easington Local Plan and PPS 9.

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## RECOMMENDATION

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

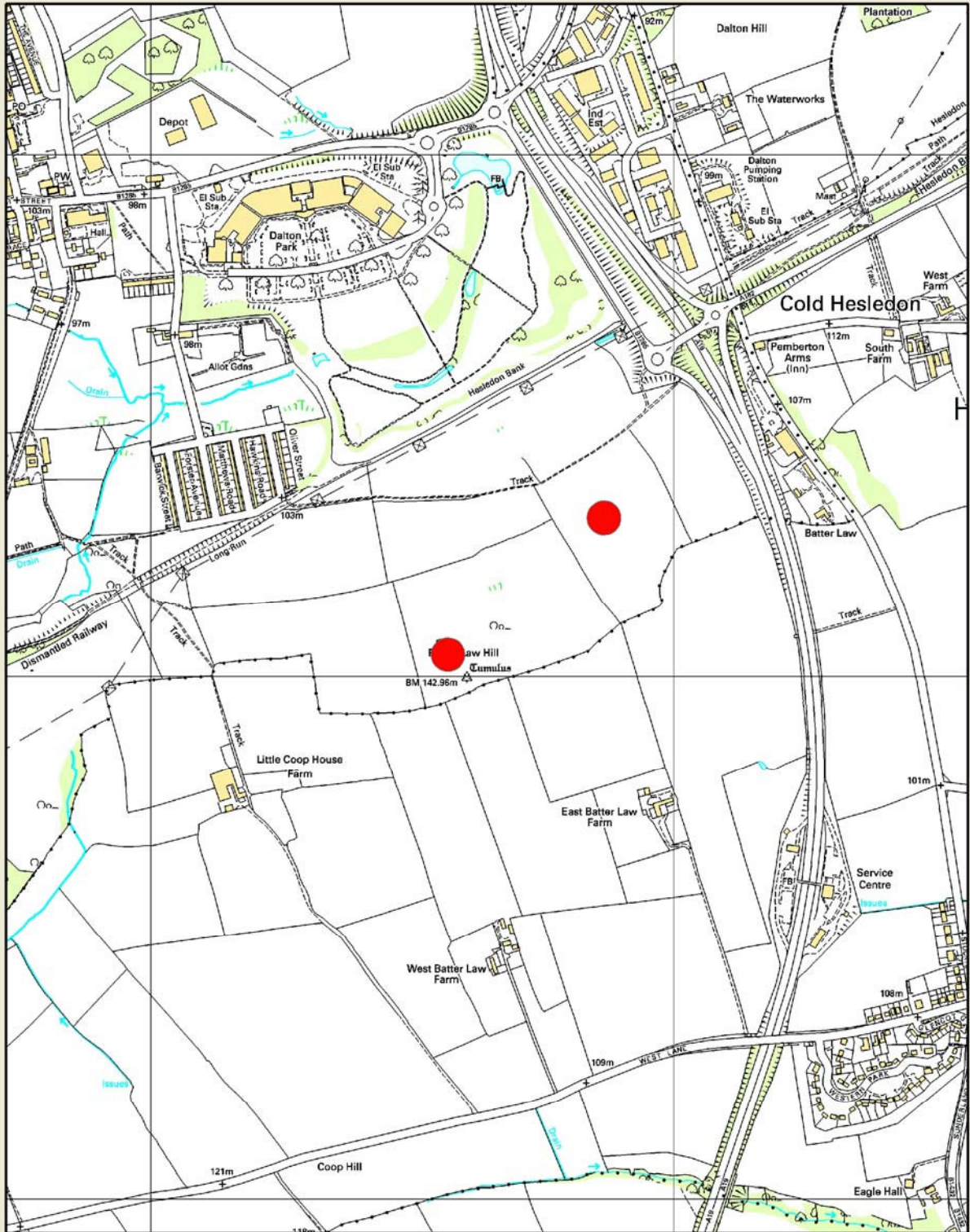
1. Due to the location and scale of the proposed wind turbines, it is considered that the proposed development would have a significant adverse visual impact on nearby residential occupants. Due to their proximity to residential properties at Hillcrest, Plum Tree Lodge and at East Moor Estate, the proposed wind turbines will appear as obtrusive, overbearing and dominating features in the landscape to the detriment of residential amenity. As such the proposal is considered to be contrary to Policies 1 and 35 of the District of Easington Local Plan.
2. Insufficient information has been provided with the application to allow the Local Planning Authority to consider whether or not the proposed development would have a detrimental impact on bats, a species protected by law, contrary to saved policy 18 of the District of Easington Local Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation which seek to protect the interests of biodiversity and protected species.

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## BACKGROUND PAPERS

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- Submitted Application Forms, Plans and Associated Documents.
- Planning Policy Statements / Guidance, PPS1, PPS7, PPS9, PPG15, PPG16, PPS22, PPG24
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- North East Regional Renewable Energy Strategy (March 2005)
- ARUP Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain
- Consultation Responses



Scale: 1:9,640



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# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0479</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>EXTENSIONS TO FRONT, SIDE AND REAR(RESUBMISSION)</b>
<b>NAME OF APPLICANT</b>	<b>MRS H CLARKE</b>
<b>SITE ADDRESS</b>	<b>FAIRFIELDS, THE DENE, DALTON-LE-DALE</b>
<b>ELECTORAL DIVISION</b>	<b>DENESIDE</b>
<b>CASE OFFICER</b>	<b>Laura Hallimond 0191 5274612 laura.hallimond@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### Site

The application site relates to a semi-detached property situated within the village of Dalton-le-Dale. The property is constructed with a tiled pitched roof and is faced in facing brickwork. To the rear of the site is a large detached garage with outbuildings attached, which is currently utilised as storage by the applicant. To the front and side is an area of hard standing, which is utilised for off-street parking. Further to the rear of the site is a large garden, which overlooks a wooded area.

#### Proposal

Full planning permission is sought for the erection of a front, side and rear extension at the site.

The new extension would wrap around the side of the existing property, with proposed works to all three elevations. A two storey peaked gable feature will be created to the frontage, and would project 1.2 metres from the existing building line. To the side and rear of the property a 2 ½ storey extension will be created, as the rooms within the third floor will be contained mostly within the roofspace.

To the rear of the site, the 2 ½ storey extension will project 4.4 metres in depth from the main rear elevation of the house. A further 3.6 metre extension is proposed at ground floor level only, with an atrium style glazed roof. This section will measure 6 metres in width. To its highest point the rear/side extension will measure 8 metres in height to the ridgeline, with an eaves height of 6 metres. Where it projects to the rear of the house, this part of the development would be located about 4 metres from the shared boundary with the adjoining neighbouring property Bel-Air.



There would also be a single storey rear extension located in the space between the 2 ½ storey extension and the boundary with Bel-Air. This would project from the existing building line by 4.1 metres and measures 3.2 metres in width. It will be completed with a mono-pitched roof with rooflights and would be 1 metre from the shared boundary.

The new extension would allow the reconfiguration of the existing accommodation and create the following accommodation: -Garage, porch, kitchen, 5 bedrooms with associated en-suites, study, breakfast room, play room, lounge and additional storage.

### **Applicants Statement**

The proposed extension to Fairfields is designed to provide the additional accommodation required by the present owners for their growing family while also rationalising the internal layout and accommodation for the enhancement of the occupants. The present incumbents of the dwelling have firmly established themselves at the present location and wish to remain at the property and therefore require the extension to accommodate the needs of their family. The extension and internal rationalising of the existing dwelling also provide for a home office to allow the occupants to work from home, avoiding commuting on a regular basis.

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## **PLANNING HISTORY**

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PL/5/2009/0142 Extensions to front, side and rear Refused 10 November 2009 and currently the subject of an appeal, a decision on which is awaited.

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## **PLANNING POLICY**

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### **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.

*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 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.

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*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/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Parish Council- raises concerns for the following: -

- Design not in keeping with the area
- Scale of the development and impact upon character of the area.
- Set an undesirable precedent
- Increase in car parking demands
- Long term usage of the property

### **INTERNAL CONSULTEE RESPONSES:**

Highways Section- raises no objections

### **PUBLIC RESPONSES:**

28 letters of notification were sent to residential properties within the area. 22 letters of objection have been received stating concerns for the following: -

- Design not in keeping with the area
- Set an undesirable precedent
- Excessive form of development
- Highway safety
- Questioning energy efficiency of the building –in particular the large amount of glazing in the northern elevation
- Adverse impact upon the visual and residential amenity of neighbouring properties.

Neighbours were reconsulted on an amended scheme showing a reduction in the eaves height of the rear extension and a further 18 letters have been received up to the time of report preparation confirming that they would still like their objections to stand.

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*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=106781>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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The proposal represents a resubmission of a revised proposal to a previously refused scheme. The scheme has been revised with the eaves reduced in height and a reduction in the rear projection of the 2½-storey element.

The main planning considerations in this application are:

- Design and scale of the development (Visual amenity)
- Highways safety
- Intended usage and precedent of extension
- Impact upon visual and residential amenity
- Responses to neighbour concerns

### **Design and scale of the development (Visual amenity)**

The design of the extension to the frontage of the property has been amended and has been reduced in height from three to two storeys. This front projection incorporates a gable feature. Whilst such a feature is not currently present on the front of the main property there are a number of similar architectural features of this style within the streetscape and as such it would not be considered an alien feature within the area. The projection is in compliance with the guidance contained within Appendix 7 of the Local Plan as it projects 1.2 metres from the existing building line. The front extension appears subservient to the main dwelling and is considered to have minimal impact upon the streetscape or wider setting.

Whilst it is acknowledged that the extension would increase the property from 3 bedrooms to 5 bedrooms with associated facilities it is considered that the extension would not adversely impact upon the visual amenity of the area. The majority of the works are to the rear and side of the site and are substantially screened from most public views by the main dwelling and neighbouring properties. There are no direct views into the rear part of the site and it is not overlooked to the rear other than from the immediate neighbouring properties. Furthermore the extension has been designed in accordance with the requirements of the guidelines contained within Appendix 7 of the Local Plan and as such is considered to be in compliance with the relevant privacy distancing standards.

The plot itself is very large and is capable of accommodating the extension whilst leaving more than adequate garden area remaining. As part of the application process the height of the eaves to the rear extension has been reduced in order for it to appear more in keeping with the design of the main house. It is now proposed at 0.5 metres above the eaves height of the existing house, which is considered acceptable. Whilst the design of the rear elevation is modern in appearance it does not detract from the visual amenity of the area given its rear location and overall built form, which reasonably reflects the proportions of the main dwelling. The front elevation has been designed to replicate the pattern of fenestration and overall character of the host dwelling and as such impact upon the streetscape would be minimal.

It is considered that the proposed design and scale of the development are acceptable and would not give rise to adverse impacts upon visual amenity within the setting or wider area of the site.

### **Highway Safety**

It is considered that the increase in bedroom numbers at the site would not give rise to adverse impact upon highway safety within the area due to the availability of off-street car parking within the application site. The applicant has provided evidence to demonstrate that the site is capable of accommodating 2 cars within the driveway area to the frontage and also an additional car parking space in the new integral garage. The Highway Authority has

been consulted as part of the application and considers this to be acceptable and these arrangements would not give rise to adverse impact upon highway safety at the site.

### **Intended usage and precedent of extension**

The proposal would result in a large five bedroomed property on the site. As long as the extension is being used in conjunction with the main dwelling, however, 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.

In terms of setting an undesirable precedent, each planning application is judged upon its own merits and as such the approval of this application would not necessarily lead to further developments of this nature being automatically approved, as conditions would differ from site to site.

### **Impact upon residential amenity**

It is considered that the new extensions at the site would not give rise to adverse conditions to residential amenity for neighbouring properties. This is due to the proposed projection of the extension and the relationship with neighbouring properties, location of existing structures at neighbouring properties and the overall design of the proposal. As previously stated the extension is in compliance with the guidelines in Appendix 7 of the Local Plan in terms of projection, and the main bulk of the building has been set back from the shared boundary with the adjoining semi-detached property Bel-Air. Furthermore, apart from rooflights, no windows have been placed in the side elevation to avoid any direct overlooking into the neighbouring property. A condition to ensure that no further windows can be inserted without the prior consent of the Planning Authority would be part of any approval to ensure that loss of privacy at the site does not occur. In addition, as previously stated the main bulk of the extension is set away from the boundary with the adjoining property Bel-Air and the closest section is the single storey element. There is a distance of 4 metres separating the boundary with Bel-Air to the nearest point of the 2 ½ storey extension at the site, thus reducing the impact further that the proposal may have upon the neighbouring property.

To the west of the application site the property shares a boundary with Wingrove. Wingrove and Fairfields currently share a garage wall at the site, and Wingrove's wall would be made good as part of the current planning application. At ground floor level the majority of the extension would be within the footprint of the existing garage/outbuildings and as such the current status quo would be maintained with Wingrove. At first floor level the works are largely opposite the side gable wall of Wingrove and are also in accordance with the guidance in relation to privacy distances. The proposed eaves and ridge heights have been designed to reflect the proportions of the main dwelling and avoid being overly dominant upon the host dwelling or neighbouring properties.

The proposal, it is also worth noting, is located on the northern elevation of the site, thus minimising any loss of sunlight to the neighbouring property.

Whilst it is acknowledged that the extension is of a large scale it is considered that it would comfortably contained within the plot without adversely impacting upon the current residential amenity enjoyed in the area.

## Responses to neighbour concerns

It is considered that the concerns raised by neighbouring properties have been addressed in the foregoing report except for energy conservation. The applicant has confirmed that in terms of energy efficiency of the building, they would be required to comply with Building Regulations and as such Thermal Separation calculations would need to be carried out. In addition, thermally the main dwelling is in a poor state and with the addition of the extension the property would gain loft and cavity wall installation.

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## CONCLUSION

As a result it is considered that the proposed development is in keeping with the appearance, character and design of the existing premises and will not have a detrimental impact upon the amenities of the adjacent occupiers or the character/appearance of the wider area sufficient to warrant refusal of planning permission.

Whilst a number of concerns have been raised by nearby residents, it is considered that all issues have been addressed, and there are no reasons to refuse planning permission. It is therefore considered that the proposed development is acceptable and accords with the District of Easington Local Plan Policies.

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## 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 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 further windows, including dormer windows, or other openings shall be formed in the eastern and/or the western elevation of the extensions hereby approved without the prior written approval of the Local planning authority upon an application submitted to it.

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## 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

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
HOU73 - Extensions and/or alterations to dwellinghouses  
PPS1 - Delivering Sustainable Development

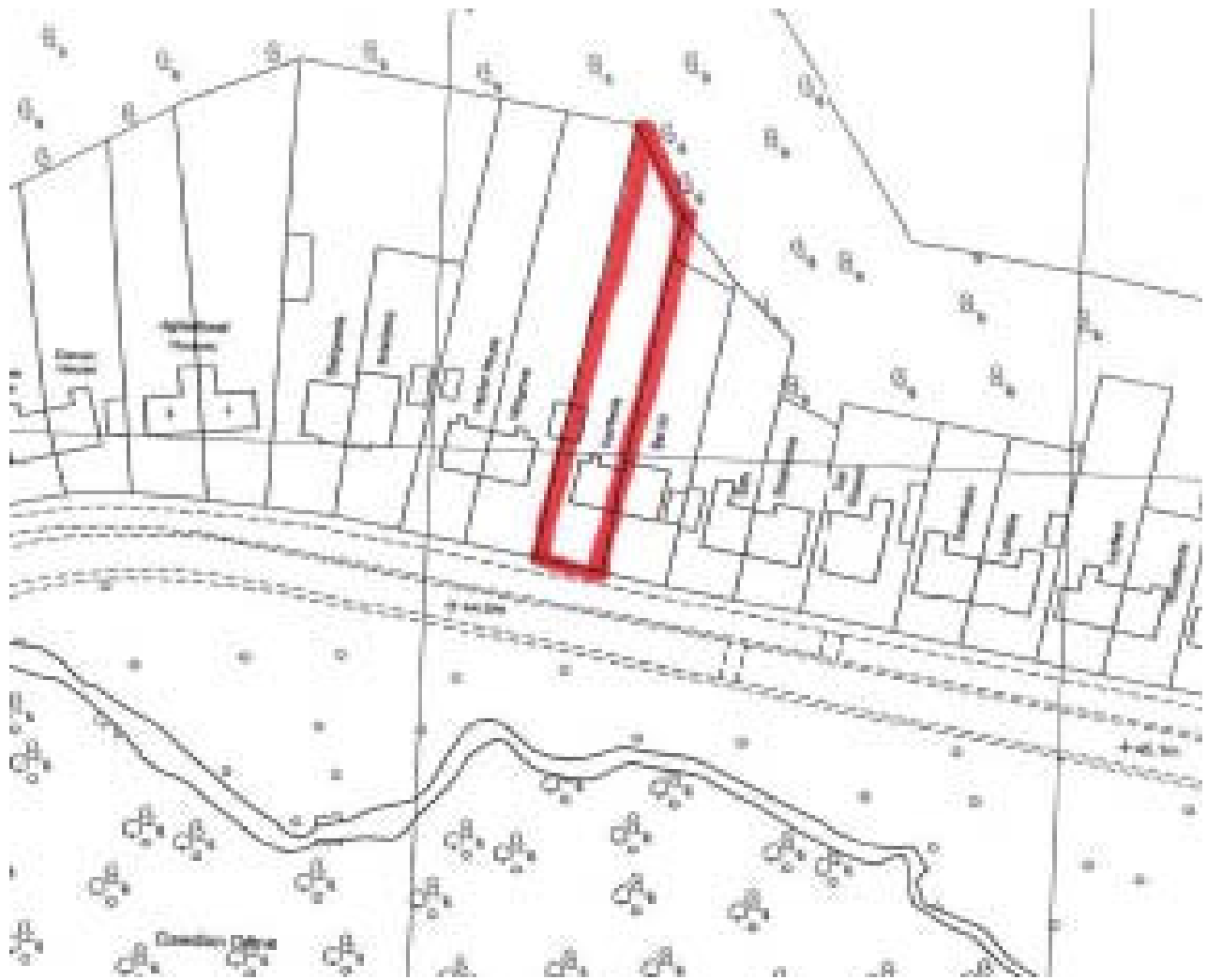
2. *In particular the development was considered acceptable having regard to consideration of issues of highway safety, impact upon the character and appearance of the host dwelling and wider setting and impact upon visual and residential amenity.*
3. The stated grounds of objection concerning highway safety, possible future uses, change in the character and appearance of the area , setting an undesirable precedent, adverse impact upon the adjoining and neighbouring properties and over development of the site, 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.

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## **BACKGROUND PAPERS**

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- 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

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2010/0001</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>COMMUNITY BASED GARDEN CENTRE WITH RETAIL SPACE, OFFICE SPACE, HORTICULTURAL UNITS AND VOCATIONAL WORKSHOPS</b>
<b>NAME OF APPLICANT</b>	<b>HUGH MASSEY ARCHITECTS</b>
<b>SITE ADDRESS</b>	<b>LAND ADJACENT EASTLEA COMMUNITY CENTRE, STOCKTON ROAD, SEAHAM</b>
<b>ELECTORAL DIVISION</b>	<b>DENESIDE</b>
<b>CASE OFFICER</b>	<b>Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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**Site:** The application site lies within the settlement boundary of Seaham and was formerly occupied by Seaham High Colliery School. There is a medical centre adjoining the site to the north and residential properties further to the north across East Dene Road. There are also residential properties to the east and west of the site across Stockton Road. Eastlea Community Centre adjoins the site to the south.

**Proposal:** This application proposes a community based horticultural enterprise, which would comprise of polytunnels, a greenhouse and workshops to the rear of the site and an associated retail unit to the front of the site with office space above. Access would be taken from the existing access from East Dene Road and there would be 8 no. parking spaces provided. In addition to this parking provision, the applicant has confirmed that the adjacent community centre has agreed to share its parking facilities with the garden centre.

The retail and office building would front onto Stockton Road and would measure 23.8 metres wide and 9.2 metres deep and would be 6.4 metres high. It would be constructed of timber and would have a mono-pitch 'green roof' which would be covered in sedum or grasses and flowers. The workshops to the rear of the site would measure 24.7 metres long by 8 metres deep and would have a height of 4 metres, they would also be constructed of timber with a 'green roof'.

## **Applicant Statement**

The aim of the proposed scheme is to develop a self sufficient community based horticultural unit. The proposed buildings all have level access and aim to be inclusive of all community members, irrespective of age, disability, ethnicity or social grouping.

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## **PLANNING HISTORY**

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None relevant.

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## **PLANNING POLICY**

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### **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.

*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>*

### **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 106 - The preferred location for garden centres is within or adjoining defined settlement boundaries. If it is demonstrated that suitable sites are not available then they maybe located elsewhere. In all cases they must be in accordance with policy 36, not affect local amenity and must not undermine the vitality and viability of existing centres.

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*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/>*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

Durham Constabulary – no objections – informal advice offered.

Northumbrian Water – No objections.

### INTERNAL CONSULTEE RESPONSES:

Environmental Health – A contaminated land ‘desk top study’ is required.

Tree Officer – the two trees which are to be removed to the front of the site are not good specimens, no objections.

Planning Policy – no objections – complies with relevant policies.

DCC Highways – no objections subject to signage being provided which directs traffic to the adjacent community centre car park.

### PUBLIC RESPONSES:

One letter of support has been submitted stating that the proposals would be invaluable asset to the area, which would create jobs and training opportunities.

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*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=107442>). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## PLANNING CONSIDERATION AND ASSESSMENT

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The planning considerations relevant to this planning application are the principle of development and planning policies, the impact on the street scene and surrounding occupiers and highways issues.

### Principle of Development and Planning Policies.

The most relevant planning policy in this instance is saved policy 106 of the District of Easington Local Plan. Policy 106 identifies that the preferred location for garden centres is within or adjoining defined settlement boundaries. It is therefore accepted that the principle of a community based garden centre in this location is acceptable.

Policy 106 also identifies that the assessment should consider any impacts on the vitality and viability of existing centres, village shops or the rural community. It is considered that due to the small scale of the retail element proposed with this application (approx 110 square metres) that there would not be any adverse impact on nearby local shopping centres or the town centre in terms of vitality and viability. In addition, due to the small scale of the retail and office unit, it is not considered that a condition is necessary that would require the unit to operate in conjunction with the community horticulture facilities.

The policy also states that consideration should be given to safe and adequate access in accordance with policy 36 and the amenity of adjacent occupiers in accordance with policy 35. These issues are discussed below.

### **Impact on the street scene and surrounding occupiers.**

The retail unit proposed with this application fronts onto the main road and would create an 'active frontage' which is welcomed. As noted in the site description above, a medical centre and community centre are located either side of the application site, it is considered that this proposal would add to the community facilities on offer in this location which is well served by local buses. The scale and design of the buildings, which would have flat 'green roofs' is considered appropriate for this prominent site, as is the use of timber for the elevations.

It is not considered that the use of the site as a community garden centre facility would have any adverse impacts on nearby residents. The nearest residents to the east have gardens backing onto the site, the dwellings are approximately 10 metres from the application site boundary. The proposed layout plan shows polytunnels located on this area of the site, it is not considered that either the polytunnel structures, or the activities carried out in the polytunnels would lead to any adverse impacts on these residents. Therefore the proposals are considered to be in accordance with saved policy 35 of the District of Easington Local Plan which seeks to protect the amenity of surrounding occupiers.

### **Highways Issues.**

The highways officer has no objections to the use of the existing access off East Dene Road, which would be shared with the adjacent medical centre (the access is located on land owned by the applicant). In terms of parking provision, the highways officer has indicated that a development such as this would normally require a maximum of 19 car parking spaces, the application only provides for 8 spaces. However, the applicant has confirmed that the community centre, which adjoins the site, has agreed to share its car parking provision with the community garden centre. The community centre has confirmed this agreement. As such, the highways officer is satisfied with the level of car parking provision subject to the applicant being advised that signage should be erected on Stockton Road and in the proposed car park advising potential customers/visitors that the community centre car park is also available. It should be noted that such an arrangement can not be guaranteed in perpetuity as it relies on the agreement of another party, however the highways officer is satisfied that the agreement will overcome any parking issues. Accordingly, the proposals are considered to be in accordance with saved policies 36 and 37 of the District of Easington Local Plan.

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## **CONCLUSION**

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In summary, it is considered that the proposed development would provide a valuable community facility that would benefit the residents of Seaham and surrounding areas. The scale and design of the proposals are considered acceptable and would have no adverse impacts on the street scene or surrounding occupiers. The use of the land for a community garden centre enterprise accords with the relevant planning policies and as such, the proposals are considered to be in accordance with saved local plan policies 1, 35, 36, 37 and 106.

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## RECOMMENDATION

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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. 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. The car park shown on the plan hereby approved shall be constructed and marked out and made available for use prior to the development hereby approved being brought into operation, in accordance with details to be agreed with the Local planning authority. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.

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## REASONS FOR THE RECOMMENDATION

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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	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	SHO106 - Garden centres

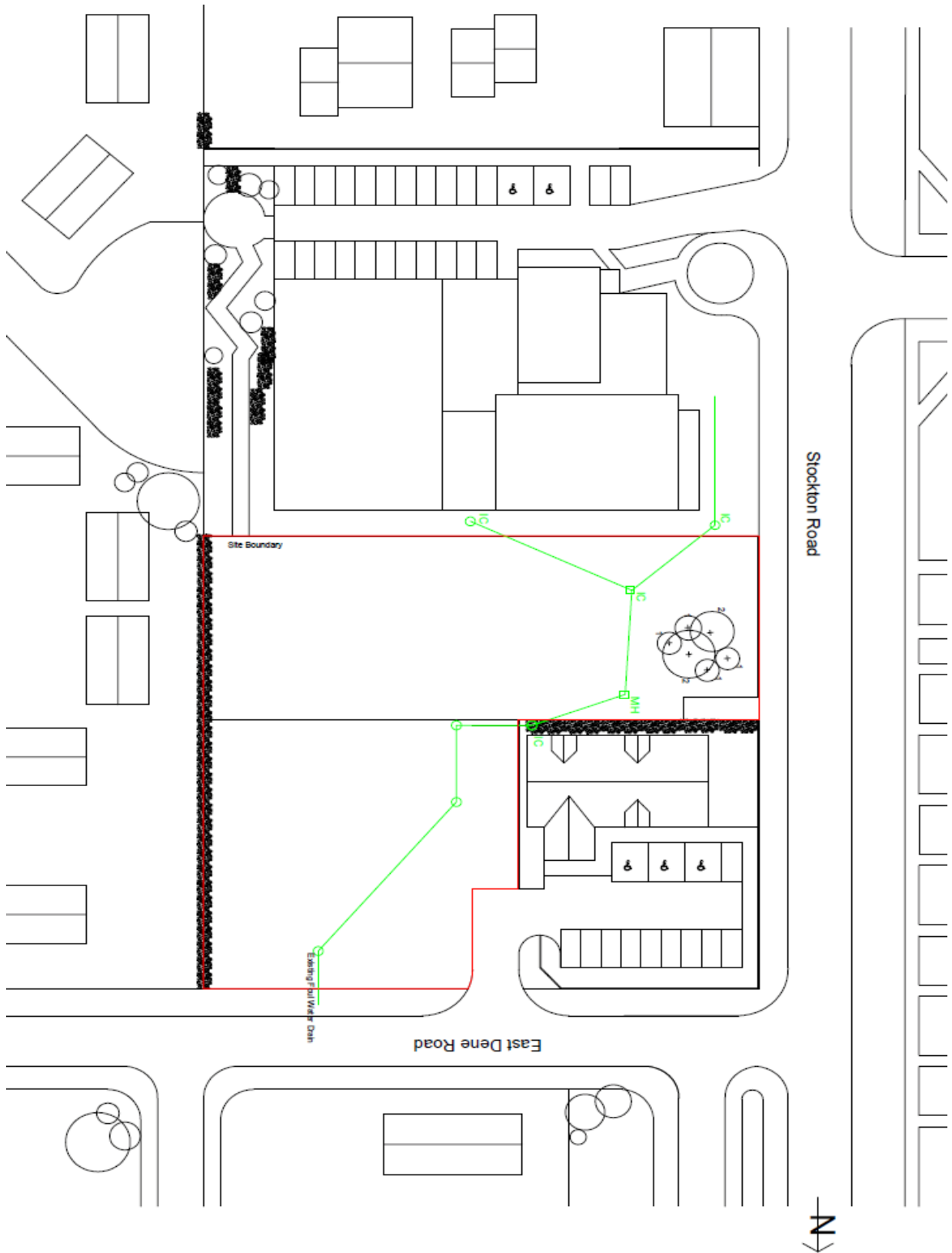
2. In particular the development was considered acceptable having regard to consideration of issues of the impact on design, amenity of neighbours, highways issues and planning policy.

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## BACKGROUND PAPERS

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- 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
- Consultation Responses



# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2010/0023</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>21 NO. DWELLINGS(SUBSTITUTION OF HOUSE TYPE)</b>
<b>NAME OF APPLICANT</b>	<b>BEN BAILEY HOMES</b>
<b>SITE ADDRESS</b>	<b>LAND AT FAIRBAIRN ROAD, PETERLEE</b>
<b>ELECTORAL DIVISION</b>	<b>PETERLEE EAST</b>
<b>CASE OFFICER</b>	<b>Grant Folley 0191 5274322 grant.folley@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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The application relates to a current construction site situated within Peterlee. Planning permission was approved in December 2007 for the development of the site to form 90 no. houses and for the refurbishment of 10 no. existing dwellings (see relevant planning history). The approved scheme was developed to replace existing council owned properties which were in need of refurbishment. The current application specifically relates to a piece of land situated on the northeastern side of the junction between Crawford Avenue and Fairbairn Road. The site has been cleared and is currently enclosed by security fencing. Construction works are progressing on the wider application site situated to the north and east of the current proposal.

Planning permission is currently sought to change the design of 21 of the approved dwellings. The applicant has stated the changes are required due to the current market conditions, and the need to make the site more viable. The proposed changes to the house types will allow the developer to implement a partnership agreement with a local Registered Social Landlord, and to provide 20 no. of the dwellings on an affordable basis. The proposed substitution of house type will have no effect on the layout of the development or involve any changes to the approved access and parking arrangements. All properties covered by this application are three-bedroomed two-storey dwellings, in keeping with those approved previously.

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### PLANNING HISTORY

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PLAN/2007/0401 – 90 No. New Dwellings, 10 No. Refurbished Dwellings, Demolition of 19. No. Dwellings with Associated Works and Construction of Gable End to 10 Johnson Close – Approved 20/12/2007

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## PLANNING POLICY

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

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

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

*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).

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*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/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Police Liaison Officer – Standard “Secured By Design” advice in relation to securing HCA funding. Information passed to the applicant.

### **INTERNAL CONSULTEE RESPONSES:**

Highways Authority – The pedestrian and vehicular access to the 21 no. proposed dwellings reflects that associated with the previous approved site layout and as such is acceptable. Parking provision is considered to accord with relevant guidelines. No objections to the scheme from a highways perspective.

Design and Conservation Officer – The substitution house types are generally acceptable, however they would benefit from some minor modifications to the design and detailing, these changes can be secured through the use of suitable planning conditions.

Sustainability Officer – Code for Sustainable Homes level 3 is welcomed. Suitable condition required to secure 10% of energy usage from on-site renewables.

Tree Officer – No objections to the proposal subject to tree protection works being secured through a suitable condition.

### **PUBLIC RESPONSES:**

The application has been advertised in the local press and by a site notice erected on the site. Neighbour consultation letters have also been sent. No letters of representation have been received in relation to this application.

### **APPLICANTS STATEMENT:**

The application seeks planning consent for house type units, which have been specially designed to meet stringent design standards in terms of size, space and quality along with highly efficient and sustainable ‘green’ measures in order to meet Code for Sustainable Homes Level 3.

The development proposal has attracted support under the national Government ‘Kickstart’ scheme run by the Homes and Communities Agency, where this regeneration site in Peterlee has scored highly against a total of 673 national projects and is recognised as having a positive impact on the further regeneration of the Edenhill neighbourhood.

If planning consent is obtained, the proposed house types would be constructed by March 2011 and purchased and managed as Affordable Homes for low cost rent by Registered Social Landlords - Housing Hartlepool.

The properties would incorporate environmentally friendly measures and use all the latest methods such as renewable energies to provide attractive quality homes with low maintenance and low running costs.

I trust the Planning Authority can continue the support this proposal has received at a national level and approve this development, which will bring an important economic and social benefit to the local area.

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*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=107653> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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Planning permission is sought for the substitution of house types on a recently approved planning application, as such the principle of development is considered to have already been accepted. The main issues to consider in determining this application are whether the proposed changes are acceptable in terms of design and the effect the changes will have on the residential amenity for future occupants. Affordable Housing, Open Space and Renewable Energy will also be considered.

### Design

The proposed changes to the houses involve changes in footprint and internal layout and minor exterior changes to the design and appearance. In principle the proposed dwellings are considered to be in keeping with the locality and recently approved dwellings currently under construction to the north and east of the application site. The Council's Design and Conservation Officer has stated that the substitution of house types are generally acceptable, subject to minor modifications to the design and detailing to be secured through the use of planning conditions: no objections have been raised to the scheme. Conditions to agree the materials to be used, the window detailing, and roof design will be attached to any grant of planning permission.

### Residential Amenity

The proposed changes to the house type do not impact on the layout of the development as approved, each individual dwelling is essentially in the same position as originally approved. Therefore it is not considered that the proposed changes would have any detrimental effects in terms of privacy or amenity space for future residents of the proposed dwellings or existing occupiers of adjacent residential properties.

### **Affordable Housing**

The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. There was no requirement for affordable housing in relation to the previous application on this site. The current application proposes 100% affordable housing, which would be provided through a Registered Social Landlord.

Normally the developer would be required to enter into a Section 106 legal agreement in order to secure the affordable housing in perpetuity. However in this case the proposed development is being funded through the Homes and Communities Agency "kickstart" scheme, which requires that the housing built with the grant is utilised for social housing only as per the original bid by the Housing Association concerned. Any future changes to the use of the accommodation is subject to grant claw-back and could only be achieved with the express permission of both the Homes & Communities Agency and, as part of this process, by the Local Authority. With this protection in place it is considered that the use of the s106 condition of social housing in perpetuity would be an unnecessary burden on the developer given the current financial climate and restricted access to private finance funding that they will be using as their own contribution to this development scheme. As such, it is accepted that a Section 106 legal agreement is not appropriate in this instance.



### **Open Space Provision**

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 does not include any open space provision. However, the original planning application on this site was subject to a S.106 Legal Agreement, which secured a financial payment in lieu of open space provision on the site. The council has already received the payment required through the S.106. The secured funds have been utilised by Peterlee Town Council to upgrade the children's play area and to provide new multi-use equipment at Eden Lane in Peterlee. As such there is no requirement to secure any further payment from the developer in relation to open space with regard to the current proposal.

### **Renewable Energy**

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

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## **CONCLUSION**

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The proposed substitution of house type is considered to accord with the relevant development plan policies. The proposed changes in terms of design and scale are in keeping with the previous approval on the site, and will not impact on the residential amenity of future residents.

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## **RECOMMENDATION**

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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 samples of the external walling and roofing materials, and details of all proposed windows and doors, 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. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, chimneys, ventilation, parapets, rooflights and guttering shall be submitted at a scale of 1:20 and approved in writing by the Local planning authority before the development commences, and thereafter implemented in accordance with the approved scheme.

5. *Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.*
6. 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.
7. 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.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of buildings or commencement of use 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.
9. No construction work shall take place nor shall any materials or machinery be brought on the site unless all the trees and hedges indicated on the approved plans as being retained are protected by the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of 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 all as indicated on, and in accordance with, the approved landscape plan and retained throughout construction works. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without the prior written agreement of the Council's Chief Environmental Services Officer. 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. Any removal of limbs of trees or other tree work shall not be done except when the appropriate approval has been sought and granted by the local planning authority.

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

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## **REASONS FOR THE RECOMMENDATION**

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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	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing

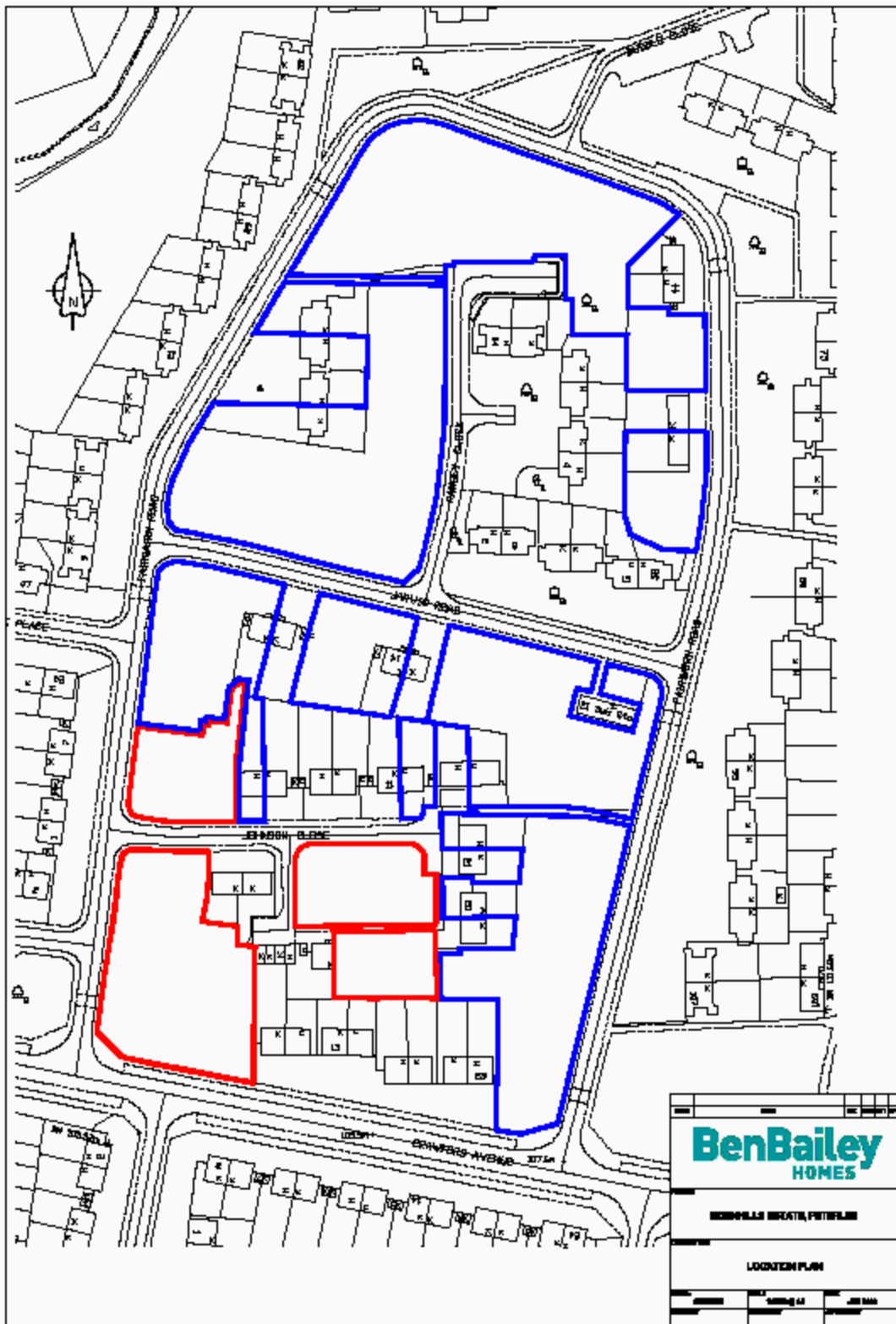
2. In particular the development was considered acceptable having regard to consideration of issues of design, scale of development and impact on adjacent residents.

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## **BACKGROUND PAPERS**

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- 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



# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NUMBER:	4/09/00876FPA
FULL APPLICATION DESCRIPTION:	Alterations to fenestration to front elevation of existing coffee shop
NAME OF APPLICANT:	Mr Gatenby
ADDRESS:	Foxtons Coffee Shop, 17A Church Street, Coxhoe, Durham
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Hilary Sperring <a href="mailto:hilary.sperring@durham.gov.uk">hilary.sperring@durham.gov.uk</a> 0191 301 8742

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## DESCRIPTION OF THE SITE AND PROPOSALS

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Foxton's Coffee Shop is a prominent commercial building sited on the commercial Front Street north of the crossroads at the centre of the village of Coxhoe. The site is within the defined local centre, and Coxhoe is defined as a 'larger' village in the City of Durham Local Plan. The site is opposite the Village Hall and its car park, with the local mini-supermarket beyond. A residential flat occupies the upper floor of the two storey building, with the café on the ground floor. Whilst the shop-front at ground level has suffered from modern alteration, and the upper floor has been rendered over its brickwork, the building retains a traditional appearance.

The application proposes alterations to the existing shop-front, introducing a lower wooden panel, and subdividing the remaining windows into four panes in each of the three existing windows. Works have begun in advance of application being considered.

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## PLANNING HISTORY

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4/96/00386/FPA The premises were granted conditional planning permission for a change of use from insurance office to coffee shop with ancillary retail elements in 1996.

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## **PLANNING POLICY**

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### **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 4 – Planning for Sustainable Economic Growth. The recent guidance states that the Governments overarching objective is sustainable economic growth which it seeks to help achieve by improving economic performance of cities, towns regions and local areas both urban and rural.

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

*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 S5 (Local Centres) permits the development of new retail facilities where this will not adversely affect the vitality and viability of other local centres, whilst ensuring that it will not lead to the loss of community or recreation facilities or areas which may be required in the future for such uses. Infill or change of use to housing will be permitted provided the supply of land required for shopping or community facilities are not eroded.

Policies Q11 and Q12 (Shopfronts) require shopfronts to be sympathetically designed and capable of contributing to a distinctive character and quality of the street.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Coxhoe Parish Council has provided a response to the proposed application. The Parish Council value the role of the facility and owner in the ongoing regeneration of the village and acknowledges difficulties as a result of anti-social behaviour. However, the Parish Council consider that the works appear to have only been partially carried out, are of poor quality finish and in design terms are out of keeping with the character and appearance of the area. The plans are themselves of poor quality and may be insufficient for the planning authority to exercise any significant control, over development, which is currently unauthorised.

The Parish Council do not consider that the long term visual appearance of the village should be compromised by works such as those proposed and partially carried out. Allowing the development in its current form would set an undesirable precedent for poor design and quality of finish. This would have a cumulative and unacceptable impact on the visual appearance of the area.

The Parish Council would request that the current proposals are not approved but negotiation is carried out with the developer to secure a more satisfactory form of development which achieves an acceptable level of security as well as a high quality design and finish.

### **INTERNAL CONSULTEE RESPONSES:**

None

### **PUBLIC RESPONSES:**

None

### **APPLICANTS STATEMENT:**

The applicant has explained the ethos behind the scheme at a site meeting noting the need for anti-social behaviour measures on the Front Street, the Coffee shop having suffered from vandalism in the immediate past. The lower solid panels of the shop-front proposed achieve this aim whilst giving a more traditional appearance. The applicant is carrying out the works to retain the existing tenant, who is seen as a positive contribution for the village and the commercial area. The remaining works are proposed carried out in short order if given approval, and have been carried out by a joinery firm from the village.

*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>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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The application site is in an area covered by Policy S5, as a 'Defined Local Centre' which sets out the parameters for new and alternative uses, however this planning application relates to the alteration of an existing commercial unit, the prime relevant policies therefore being Q11 – Erection of New Shop-fronts, and Q12 Retention of Distinctive shop-fronts. The

main issue is considered to be the impact of the proposals upon the character and appearance of the area. The main issue is therefore whether the proposals respect the scale, proportion, materials and character of the building and area in which they are located.

Q11 states that new shop-fronts will be permitted provided that they respect the scale, proportions, materials and character of the building and the area in which they are located. The existing shop-front retains the original fluted pilasters and capitals that frame the shop-front, and a glazed brick stall-riser detail, but both the fenestration and signage have long-since been replaced with items of modern appearance, being three full height glazed panels and an acrylic non-illuminated fascia sign. The drawings submitted in support of the application are very basic, both in showing the 'existing' and 'proposed' arrangements. Whilst any approval could have been subject to conditions requiring submission of joinery sections before development commenced to give assurance to detail, the applicant has prejudged determination of the application by beginning construction, with two of the three panels now constructed. This does however by default allow for a more accurate visual interpretation of the proposals.

Each of the three window panels is to be divided into a lower wooden panel, and an upper glazed section, sub-divided into four panes. The lower wooden panel serves the purpose of providing a more secure and vandalism resistant element around ground level, and also acting as a vanity board for customers of the café. Whilst the proportions of the openings mean that the window divided into four has a horizontal emphasis, the subdivision does give a more traditional appearance. The execution of the joinery is heavy, and of 'chunky' appearance, however the divisions between the windows have been given a 'fluted' detail, mirroring the traditional shop-front surround. Only two of the three windows have been completed, however the applicant has indicated his intention at a site meeting to complete the scheme if approval is granted.

The Parish Council has written noting the valued role of the premises in the ongoing regeneration of the village, acknowledging the difficulties faced by some businesses in the village from anti-social behaviour. They object to the development in its current form, as of poor quality, and contrary to the character and appearance of the area, further noting the poor quality of the submitted plans and the unauthorised commencement of works in advance of condition.

Officers acknowledge that the execution of the shop-front joinery is not of Conservation Area quality, but do consider it both an improvement to the shop-front, particularly in the finished gloss black, and likely to improve the viability of the commercial activity inside, an important consideration in the current economic climate. Subject to conditions relating to completion of works and painting, the proposal are considered to accord with the requirements of policy Q11, respecting both the host property, and the surrounding local retail centre.

As noted above the original shop-front was dominated visually by the modern glazing panels and fascia, and could not be considered as having a distinctive character or quality justifying retention, being therefore considered compliant with Policy Q12.

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## **CONCLUSION**

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The proposed alterations to the fenestration of the front elevation of the shopfront is considered to respect the scale, proportion, materials and character of the building and area in which they are located in accordance with Policies Q11 and Q12.



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## **RECOMMENDATION**

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

1. 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 NoA4 drawing proposed frontage of Foxtons 17a Church Street, Coxhoe; Date Received 16 November 2009.
2. Within three months of the date of this permission the works as agreed shall be fully implemented.
3. Within three months of the completion of the works the whole of the shopfront shall be painted in a colour to be submitted to, and agreed in writing by the Local Planning Authority, and such works as agreed shall be fully implemented within 3 months of the date of written agreement.

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## **REASON FOR THE RECOMMENDATION**

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The proposed alterations to the fenestration of the front elevation of the premises is considered to respect the scale, proportion, materials and character of the building and area in which they are located in accordance with Policies Q11 and Q12 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.

In particular the development was considered acceptable having regard to consideration of issues of principle of development, detailed design, visual amenity and the character and appearance of the area.

The letter received from the Parish Council raises concerns over the visual appearance of the proposals out of keeping with the character and appearance of the area, poor finish and the precedent the application may set. However, set against the relevant Local Plan Policies Q11 and Q12 the proposals are considered acceptable.

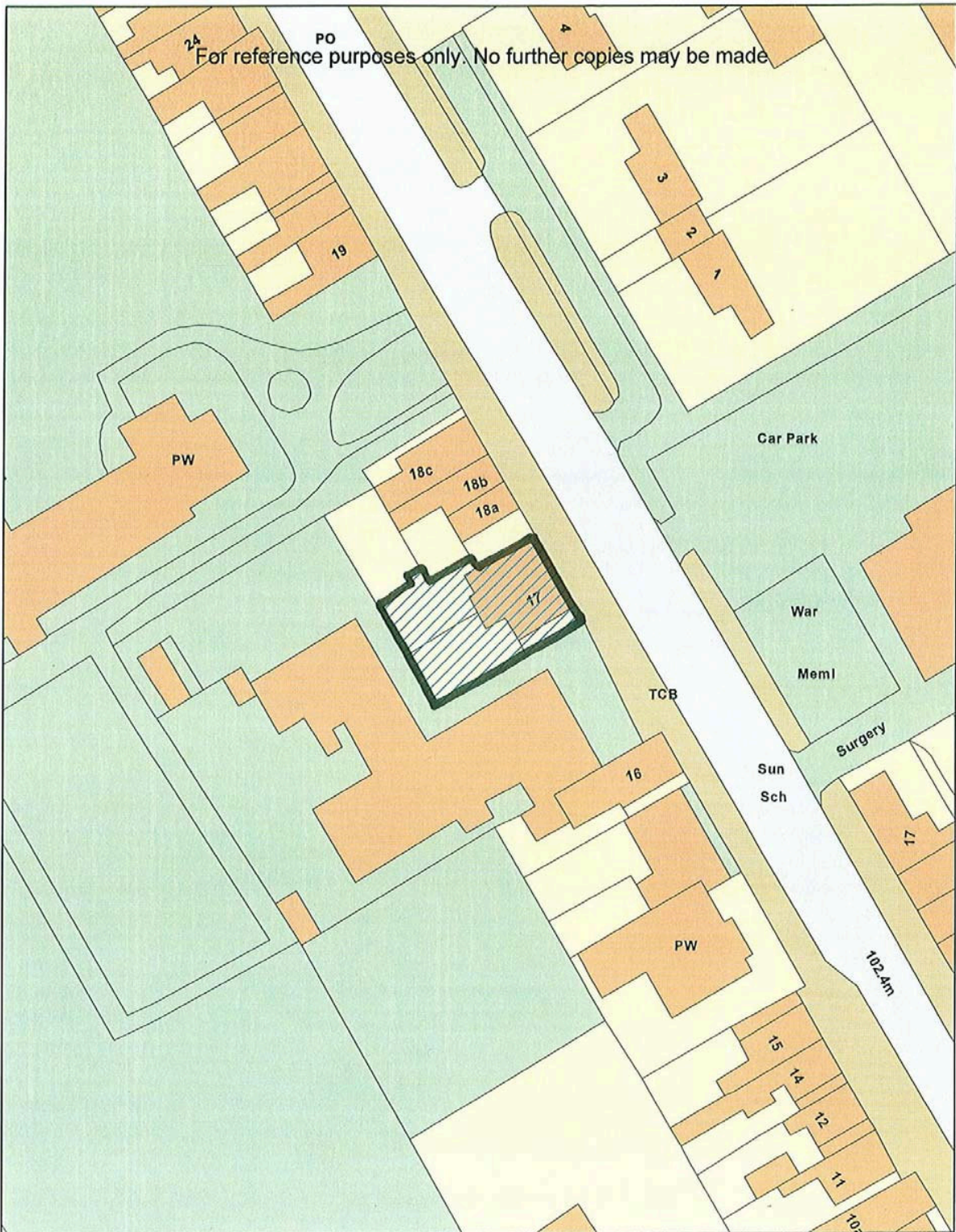
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## **BACKGROUND PAPERS**

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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 and 6  
Response from the Parish Council  
Planning Circular 11/95 (Use of Conditions in Planning Permissions)

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 <b>Planning Services</b>	4/09/0876/FPA - Foxtons Coffee Shop, 17A Church Street, Coxhoe	
	<b>Comments</b>	
<b>Date</b>	02 March 2010	<b>Scale</b> 1:625
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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/10/00035/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 21 affordable dwellings with associated access, parking and landscaping
<b>NAME OF APPLICANT:</b>	Durham Villages Regeneration
<b>ADDRESS:</b>	Land At Colliery Road, Bearpark, Durham, DH7 7AT
<b>ELECTORAL DIVISION:</b>	Framwellgate Moor
<b>CASE OFFICER:</b>	Mr S France, Senior Planning Officer 0191 301 8711 <a href="mailto:Steve.france@durham.gov.uk">Steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site and its context

The site is a rectangular area of mown grassland, around 4710 sq. m in area situated at Colliery Road, Bearpark, with the rear gardens of the Local Authority built properties of Taylor Avenue and a smallholding on the remaining three sides. There is a difference in levels between the site and those dwellings which is represented by the north, south and west boundaries of the land featuring a steep bank, which rises to the east. A post and wire fence separates the boundary from Colliery Road, with the residential properties' fences separating the land from adjacent gardens. There are no features of note on the site itself.

In addition to the sealed footpath running along Colliery road there a public footpath near the north-east corner of the site connecting to the village, a small industrial estate and reclaimed recreational countryside to the north and east of the site.

Bearpark is identified as a 'larger' village in the City of Durham Local Plan, 2004, and as one of the 'Villages most in need of regeneration' where there are special provisions to encourage residential development. Two miles (3km) north-west of Durham City the countryside around former pit village has been extensively reclaimed since the Colliery was demolished in the 1980s, although there are remnants of the villages' social history evident in the three former chapels north-west of the site. The 13<sup>th</sup> Century ruins of Beaufrepaire

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Manor, used as a country retreat for the Priors of Durham is sited north of the reclamation site, represented by the 'Historic Park and Garden' designation of the land to the north.

### The Nature of the Proposals

The application proposes the erection of 21 residential properties, to be developed in two phases, with 9 plots in the first part, and 11 in the second, each phase being fed from a shared surface cul-de-sac. The site would have a density of 44 units per hectare. All the properties on site are two storey, of two or three bedrooms. Each dwelling will be provided with solar panels. The layout has dwellings facing onto Colliery Road, to give the site a visual frontage connection to the existing settlement. The layout proposes to retain the existing sloping around the site to minimise the potential for the site to physically intrude upon existing properties. Tree planting is proposed on the areas of the slope adjacent new parking areas.

The scheme is proposed as 100% affordable housing, with the new dwellings, once complete, being handed to the County Council for rent as Council Housing.

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## **PLANNING HISTORY**

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The land has not been subject to any planning history since the Colliery was removed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

Planning Policy Statement 3: 'Housing' underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. This PPS3 sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities, land supply, and the need for 'balanced communities'.

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

Planning Policy Statement 7: 'Sustainable Development in Rural Areas', sets out sustainability issues as the key principal underpinning rural land use planning, setting out criteria for development and conversion of buildings in the countryside and appropriate land uses.

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

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

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

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

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

Planning Policy Statement 25: Development and Flood Risk sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new

development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

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

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

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

Policy 5 (Phasing & Plan, Monitor and Manage) requires the determination of planning proposals to take onto account changing circumstances and needs as identified through the RSS, LDFs and Annual Monitoring Reports.

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

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

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

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

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

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

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

Policy 33 (Biodiversity and Geodiversity) ensures the Region's ecological and geological resources are protected and enhanced.

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

*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>*

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#### **LOCAL PLAN POLICY:**

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

Policy H5 refers to new housing in the Countryside, including rebuilding of derelict or abandoned housing, requiring a connection to a countryside related business, confirmation provision cannot be made within existing buildings or within settlement boundaries, and respecting the character of the landscape setting in terms of siting, design, materials, landscaping, landscape features, and relationship to nearby buildings. Again the Policy is cross-referenced to E8.

Policy H12 sets out a requirement for affordable housing on schemes of 25 units or more.

Policy H13 seeks to protect the character of residential areas, stating that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

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

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

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

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

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

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

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

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

Policy R2 Requires the inclusion of Recreational and Amenity Space in new residential developments of 10 units or more. Open space is required in or adjacent the development, to a prescribed formula, or where it is shown this cannot be achieved, monies in lieu, to allow the Council to provide for such in the locale.

Policy R14 seeks to protect and develop the recreational potential of the Browney Valley

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

Policy Q5 states that any development that has an impact on the visual appearance of an area will be required to incorporate a high standard of landscaping within its overall design and layout.

Policy Q8 States the Councils standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.



Policy U8a. sets out the requirements for accommodation for foul and surface drainage within development schemes

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

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

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*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/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

The County Highway Authority note that the developers intend to offer the layout for adoption, and consider it meets the requirements of 'The Manual for Streets'. Both the layout, and the amount of parking proposed are considered acceptable.

The Environment Agency note that the scheme falls outside the scope of matters where they are a Statutory Consultee, and therefore they have no comment to make on the application.

### **INTERNAL CONSULTEE RESPONSES:**

The Planning Policy Team concur with the applicant's statement that the exclusion of the site from the settlement boundary appears an anomaly, and note that the site's proposals for 100% affordable housing can be considered an exceptional circumstance fulfilling the requirements of PPS3 and PPS7. They conclude that there is no Policy objection to the scheme.

The County Ecologist confirms no objection to the scheme.

The Contaminated Land and Development Team raise no objection to the scheme in principal, having made some detailed suggestions in relation to the submitted Geo-Environmental Appraisal.

The County Council's Low Carbon Officer noted the applicant's aspiration to achieve Code level 4 for sustainable homes, but commented on a lack of evidence as to how this, and compliance with RSS policy 38 was to be achieved. Noting that it was likely the proposed PV panels would meet the minimum 10% requirement, further detail was required, this request being passed to the developer.

## **PUBLIC RESPONSES:**

Bearpark Parish Council note that whilst they support the principal of new affordable housing, they wish to resist 'a series of significant concerns'. They state that the land is currently used by local children for 'informal recreation', and being overlooked by housing is considered to have a high level of security. The Parish Council request 'the County Council consider relocating these facilities to another area of the village' where similar circumstances exist. Concern is raised as to the potential impact of building works on both residents and children accessing the nearby primary school.

Letters of objection have also been sent from two local residents, one representing 17 no. other residents, 12 no. of whom live immediately adjacent the site. Concern is raised that the development either during development, or afterwards, may exacerbate a perceived existing problems of slope stability, with the correspondent requesting a retaining wall be built instead of the slope. They request a new boundary fence duplicating those existing around the boundaries of the site shared with existing residential properties, and an ongoing maintenance schedule for the slope during and after development. The loss of view and resultant devaluation of properties is coupled with a demand for compensation to mitigate such. Residents request notification of any significant changes that may be made to the scheme following an approval. The potential for disruption during the building process is an objection, with a request that once works have commenced, they be scheduled to be completed quickly. The loss of the field as valued recreational land is objected to by both correspondents. A 'pro-active' approach to both vehicular and pedestrian traffic management by the County Council is requested.

A follow-up e-mail has been sent by one of the objectors stating that he considers the land has been used as a Village Green

## **APPLICANTS STATEMENT:**

The DVRC has been a partnership between the Council, national regeneration specialists and Keepmoat Homes, with the Council providing land assets for Keepmoat and its Registered Social Landlord Partners to provide affordable homes for sale, rent and shared ownership.

In the September 2010 Durham County Council, with support from Durham Villages Regeneration Company, successfully secured grant funding from central government to construct new Council Housing to accommodate the needs of local people in 4 villages in the County. All of the proposed homes will be environmentally friendly and will be constructed to 'Code for Sustainable Homes' Level 4 and HCA Design and Quality Standards. The majority of the new homes will be built on County Council land previously contracted to DVRC but which will be released back to the Council free of charge for the delivery of new homes for rent. Each of the 4 schemes will comprise solely Council Housing for rent. Unlike on other DVRC schemes there will be no homes for sale and as such land receipt or profit share to fund wider area based regeneration initiatives. The community gain will be the homes for rent themselves. In designing the proposed new homes DVRC's architects have taken into account a number of elements; layout, use, amount, scale, and appearance in close proximity to the development. The existing and proposed access and future generation of vehicular movement has been evaluated with reference to the site's integration and interaction with its surroundings.

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*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\\_searchresults.aspx](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx)*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### Introduction

The proposals represent a departure from the Adopted Local Plan, in that the site is outside the settlement boundary, and therefore would usually be assessed against the policies for development of new dwellings in the countryside – E7 and H5. A case has been put however that the settlement boundary has an anomaly around this particular area of land, and therefore the site should be assessed against the policies relating to the residential development of 'greenfield' sites within the villages – H3 and E5a. This report will discuss each of the above elements, and more general policies designed to both ensure development is appropriate, whilst protecting the privacy and amenities of new and existing residents. These include Policies Q8 – new residential development, R2 – inclusion of new recreation and amenity space, T1 and T10 – highways and parking issues.

### Principle

Policy E7 (Development in the countryside) of the Durham City Local Plan (2004) states that the most appropriate location for most housing, is in existing settlements within settlement boundaries as defined on the Proposals Map. However, there are exceptional circumstances where development outside settlement boundaries may be considered acceptable. Settlement boundaries are intended to act as a practical planning tool and do not define settlements in a historical or community sense. In the case of this site the land is closely associated with the settlement boundary, and there are no obvious reasons either historically or on the ground to suggest why the land was excluded from the settlement on the adopted plan, with the site a logical residential extension to Bearpark, as Colliery Road forms a boundary between the village and the countryside.. Policy Officers advise that the proposal satisfies the criteria of PPS3 (Housing) which highlights the Central Government's commitment to providing affordable housing in rural communities. Housing development is encouraged in local policy towards 'larger villages' as it can assist in regeneration and divert new housing development in the county away from Durham City. In the recently issued advice set out in PPS4, the Government set out policies to protect the countryside from inappropriate development, requiring Local Authorities to identify sites for such in the context of existing settlements taking into account the precise nature of proposals, and 'locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together'.

The scheme is obviously in the spirit of this up-to date advice, where 'local authorities should..... have particular regard to PPG3 guidance on the provision of housing in villages and should make land available either within or adjoining existing villages to meet the needs of local people'. The site has a good relationship to the existing facilities and transport network offered by the village.

It is proposed therefore to also assess the scheme against the policies for new development in the villages. Policy H3 defines Bearpark as a 'larger village' and as a former coalfield village 'in need of regeneration'. Housing development in former coalfield villages can assist in the regeneration process increasing the viability of settlements and fulfilling social housing needs. This proposal is for 21 no. affordable dwellings. The site, at 0.47 ha is larger than 0.33 hectares as stipulated by Policy H3 as the threshold beneath which 'green-field', or previously undeveloped land may be developed where there are clear regeneration benefits. Policy H12 sets out a requirement for affordable housing on schemes of 25 units or more. In proposing a scheme of 100% affordable housing the application is presented as

representing a set of exceptional circumstances that justifies the proposed departure from adopted policy.

The developer has submitted an assessment of the suitability of alternative sites for development in the villages in their supporting documentation, using the Strategic Housing Land Availability Assessment (SHLAA), most recently updated in November 2009. This exercise is carried out by Local Authorities as a requirement of PPS3 to identify sites with housing potential, and the various restrictions on their development, for a five to fifteen year period. The land at Colliery Road was one of four in Bearpark considered in the assessment, concluding this site was the most viable development opportunity, despite the Policy context.

Officers recommend that the proposal represent an appropriate set of circumstances to justify departure from the adopted policies of the Council for the development of a 'green-field' site on the edge of the village, in particular with reference to the up-to-date guidance offered in PPS4.

### Design

The proposed housing layout has been designed around two vehicular cul-de-sacs, with shared pedestrian surfaces. Four pairs of semi-detached properties face onto Colliery Road, giving both a site frontage, and visual connection to the existing settlement. Houses have been laid out to ensure that the required separation distances to existing properties are exceeded or met, with the internal layout of dwellings likewise meeting all required separations, with the exception of plot 09, whose windows are 12.5m from the facing gable, as opposed to the suggested 13m. The effect on existing residents' privacy and amenity, is further mitigated to a degree by the difference in levels between the site and Taylor Avenue. Each of the proposed properties has access to an on-street parking place, and there are communal refuse location points for bin-day at the entrance to each of the cul-de-sacs. Each of the properties has footpath access to their rear gardens. The layout, in terms of both the privacy and amenity to be provided within the development, and in terms of the effect on existing residents is considered acceptable compared to the requirements of Policy Q8. The buildings are two storey semi-detached dwellings of a scale and design that will compliment those in the immediate vicinity. Those properties on the road frontage have been given common materials to reflect the consistency of materials on the adjacent Local Authority built estate. The high density nature of the development likewise reflects the appearance of the existing estate. The character, design and scale of the proposals is considered acceptable against the same policy, and the relevant parts of Policy H3.

### Sustainability Issues

The County Council's Low Carbon Officer acknowledged the aspiration to achieve Code level 4 for sustainable homes, and requested additional evidence as to how this, and compliance with RSS policy 38 was to be achieved, noting that it was likely the proposed PV panels would meet the minimum 10% requirement. The developer's Architecture and Sustainability / BREEAM Licenced CSH Assessor has subsequently confirmed that the Code for Sustainable Homes level 4 solution being adopted at Bearpark provides a high level of CO2 reduction through embedded technology, in this instance PV (Photo-voltaics). Whilst the final figures have yet to be submitted, the commissioned required report which will detail the specific implications, initial summary sheet indicates the site easily qualifies for the required 10% reduction.

## Recreation Space

If the land is to be considered as part of the village, as argued by the applicant, and accepted by Policy Officers, Policies E5a - Open Spaces within Settlement Boundaries, and R2 - Recreational and Amenity Space are relevant. Policy E5a seeks to protect open spaces within settlement boundaries which possess important functional, visual or environmental attributes from development. Whilst the land has no intrinsic visual or environmental value, both the Parish Council, and each of the two representations note the value of the land as play space, and that it therefore has a functional role for the local community. In addition, Policy R2 requires that on schemes of 10 residential units or more open space will be required within or adjacent to the development, or where appropriate developers will be asked to enter into a planning agreement to provide monies in lieu of such that will be targeted to facilities in the immediate vicinity. Approval of the proposals would represent a departure from both these policies. Although the proposals do represent a loss to the existing community, the site is adjacent to the wider County reclamation site and the countryside beyond, and the village sports ground is just a short distance away which mitigates against the lack of replacement facilities.

## Highway Safety

County Highways engineers have confirmed that it would be possible for the southern courtyard to remain as a private court, however it is understood that the developers wish the scheme adopted, and assessed therefore against the 'Manual for Streets' the layout is acceptable, and whilst recommending that the access junction is achieved by means of a dropped kerb, state that the scheme is acceptable.

Objectors have asked for a 'pro-active' approach to traffic management of the site during construction works. Given the position of the site between residential properties and the Primary School a condition for management of pedestrian flows when the at peak periods around the school day is suggested.

## Contaminated Land

The applicants have submitted a comprehensive Geo-environmental Appraisal for the site, which has been assessed by the County Council's Contaminated Land and Development Team, who confirm the strategy is acceptable in general terms and there are no objections to the proposed development, subject to resolution of some detailed issues relating to pipe materials and back-fill design. These issues will hopefully be addressed before the Committee meeting or a condition will be suggested, although a condition is appended. The scheme is therefore considered in this respect to comply with the requirements of Policy U11.

## Objectors Other Issues

The loss of the open space and potential highways issues during construction were raised by both the Parish Council, and the objector representing other neighbours. Other issues raised by the last correspondent include a demand for compensation from the loss of views of properties across the site, and potential subsequent devaluation. Members will be aware that minimal weight is given to such objections, and this request is considered unreasonable.

Maintenance of access to existing rear gardens is demanded maintained, with the site layout amended accordingly. There is no evidence of existing access from the land to rear gardens, and for the most part the existing landform precludes it. This request is considered likewise unreasonable.

It is understood that the developers wish to construct the scheme quickly, however if work begins and then stops for any reason, the Council have recourse to 'Untidy Site Notices' if unfinished building works become a problem. Likewise, if for some reason the developer suggests significant alterations to the proposals following an approval, the Council have full control through the required application, and members of the public would be consulted as requested, addressing residents concerns on such.

One letter suggests a stability problem to the existing slope and requests retaining walls. There is no obvious major problem visible on site. The developer points out that in areas to be left relatively exposed, additional tree planting is proposed that will help secure the land, and that any damage to the bank during construction works will be rectified. For the most part however, the existing banks will remain untouched. The one area of retaining wall proposed is not adjacent residential property. There are no proposals to either replace or duplicate existing resident's rear garden fencing. The alleged problem does not compromise the safety of either existing or proposed residents, and is potentially a civil matter between the relative land owners at a later date. However, a condition to ensure remediation for potential problems caused during site works is proposed, to cover implications from Policy U13 and PPG14.

A follow-up e-mail has been sent by one of the objectors stating that he considers the land has been used as a Village Green. The site is not affected by such a designation.

#### Other Policy implications

The site is adjacent land covered by a number of protective policy designations, which have been assessed against the implications of the site. The development is not considered to have the potential for any negative impact on the Area of High Landscape Value – Policy E10, and likewise the Historic Park and Garden designation – E26, PPG15, drawn around Beaurepaire Manor. The County Ecologist has confirmed no objection to the scheme, and therefore the nearby Wildlife Corridor designation – Policy E19, PPS9, is considered unaffected. The conclusions of the submitted Flood-risk Assessment, that the site has a 'Low' probability of flooding are accepted, and meet the requirements of national policy set out in PPS25. The application features new tree planting on the bank, both to help stabilize such and as a positive visual and environmental feature as require by Policy E15.

#### Departure from Policy

In April 2009 The Department for Communities and Local Government issued a new Direction for Consultation procedures changing thresholds for applications that must be passed to the Secretary of State for ratification. Whilst the application, being for 10 residential units or more is termed 'major development' (despite the site being under 0.5ha in size) it is not within the paragraphs specifying the types of development to which the new direction applies. It is therefore for the County Council to decide whether the departure from Policy is justified.

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## **CONCLUSION**

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The planning application proposes the erection of 21 no. new Council Houses on an area of land currently designated as outside the settlement boundary of Bearpark. In planning terms the land is 'green-field' and previously undeveloped. The line of the settlement boundary appears somewhat of an anomaly, and assessed against the policies for development in the countryside, particularly in the light of the new Government advice on edge of settlement development in PPS4, or assessed against the policies for housing development and regeneration in the villages. Officers consider that the principal of 100% affordable Council Housing provides the required special circumstance to justify a recommendation for approval.

It is accepted that the loss of the land, and the lack of any new provision of open space are also contrary to Policy, and the same argument that the regeneration benefits of the new housing development in its own right, and the community benefits of its social tenure are offered by the developer in mitigation.

The proposals meet the required standards of privacy and amenity, and of scale and character, both in appearance and layout. Traffic, flooding, sustainability and contamination issues have all been addressed to an acceptable degree.

It is Officers' advice that the proposals are acceptable on balance, subject to the conditions suggested below.

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## **RECOMMENDATION**

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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. 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.
3. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the development.
4. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
5. Before development commences a scheme to manage pedestrian access across the front of the development site and its access, at those times of the day when parent/child access to the nearby primary school is at its peak, shall be submitted to, and approved in writing by the Local Planning Authority. Access across the front of the site must be managed in accordance with said agreement, within the hours specified therein.

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6. The developer must make good any damage to or failure of the slope around the site attributable to site works, building operations or the building process.
  7. In addition to the methodologies, working methods remediation strategy and recommendations of the Dunelm Geotechnical & Environmental report dated January 2010, pipe materials such as UPVC should not be used in below ground as outlined in section 8.3 of the report as they can be reactive with the made ground which has shown some organic hydrocarbon contamination. In addition, Back-fill materials to service corridor should be so designed that there will not be migration of contaminated water through the passage beyond the limits of the site boundary. Compliant with section 8.4 of the report, the validation report must be submitted to the Local Planning Authority for record, when the site remediation is complete.
  8. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed development provides 21 no. family homes providing high quality and much-needed social housing within the village and assisting its continued regeneration and as such the development of a green-field site and the loss of open space is considered outweighed by the benefits and consequently, the proposals are considered to accord with Policies H3, H5, E7, E15, T1, T10 and Q8 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 1, 2, 4, 5, 6, 7, 8, 9, 11, 24, 30, 33 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to clear and quantifiable regeneration benefits, and in providing a scheme of appropriate scale, form, density and materials proposed, together with impacts upon nearby residents with regard to outlook and privacy loss taken into account, these issues outweighing the loss of the open space.
3. Grounds of objection relating to the proposed loss of open space and the various highways issues raised are considered to not to be determining in this case on the balance of the various relevant Policies.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans  
Design and Access Statement, January 2010  
Flood Risk Assessment, January 2010  
Planning Statement, Signet Planning, January 2010  
Arboricultural Impact Assessment, All About Trees, January 2010  
Geo-Environmental Appraisal, Dunelm Geotechnical & Environmental, December 2009

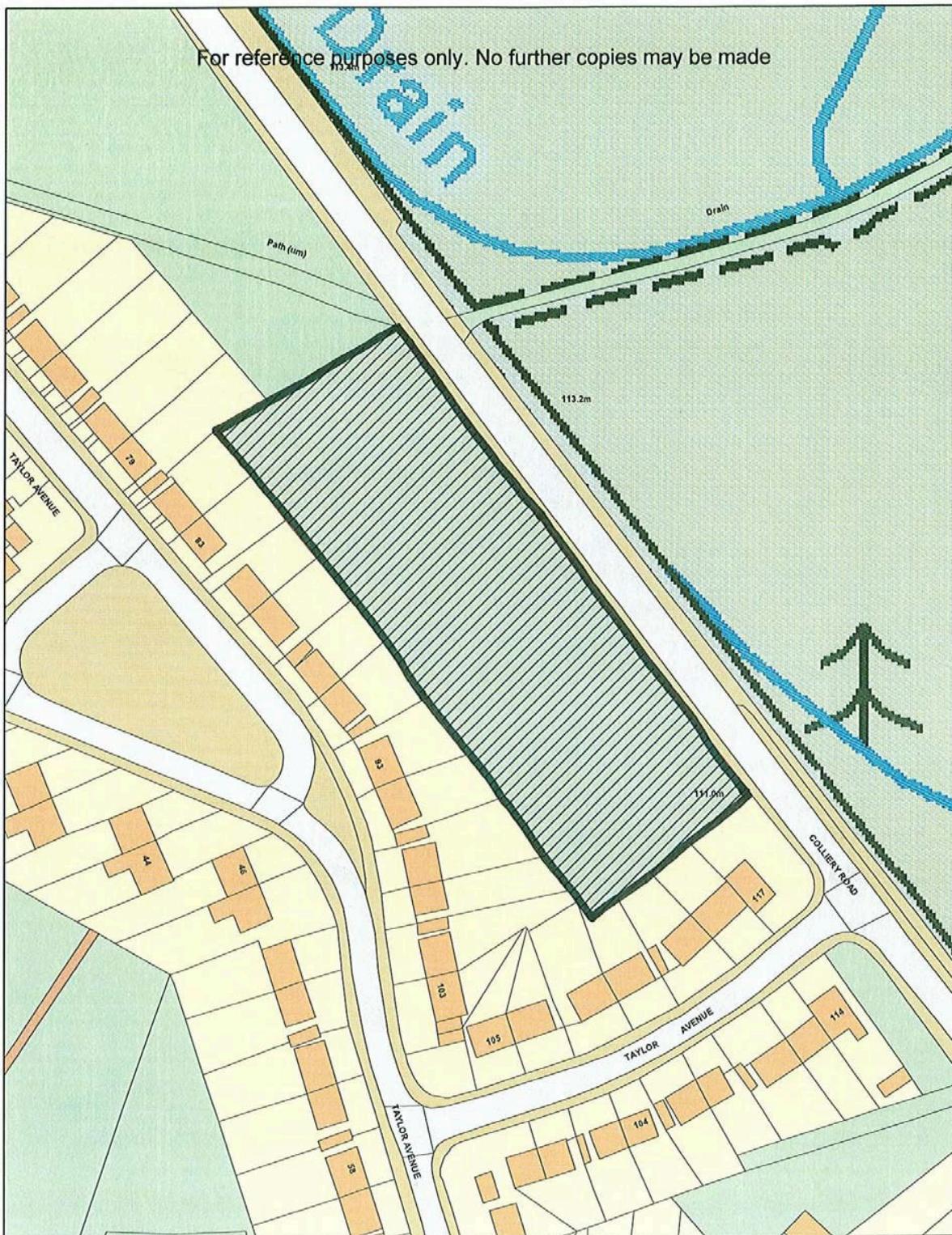


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Protected Species Survey, E3 Ecology Ltd  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008, Policies 1, 2,  
4, 5, 6, 7, 8, 9, 11, 24, 30, 33 and 38  
City of Durham Local Plan 2004  
Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS9, PPG13, PPG14,  
PPG15, PPG17 and PPS25  
Responses from County Highways and Environment Agency  
Bearpark Parish Council  
Public Consultation Responses



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 <b>Planning Services</b>	4/10/00035/FPA - Land At Colliery Road, Bearpark		
	Comments		
Date	02 March 2010	Scale	1:1000
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