

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

18 March 2009

REPORT OF THE HEAD OF PLANNING SERVICES

Reports for Information

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

- 1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**
 - a) Appeal by 3D Land And Property C/o P A Brown and Co And 3R Land And Property C/o P A Brown And Co Ltd
Site at land to Back Silver Street, (rear of 21 Market Place) Durham
 - b) Appeal by Mr A Hamilton
Site at 93 Deerness Heights, Brandon, Durham, DH7 8TY
 - c) Appeal by Mr R Breward
Site at 8 Frederick Street South, Meadowfield, Durham, DH7 8LZ
 - d) Appeal by Mr J Thompson
Site at Town Kelloe Paddock, Town Kelloe, Kelloe, DH6 4PR
 - e) Appeal by Durham Market Company
Site at Durham Indoor Market, Market Place, Durham, DH1 3NW
 - f) Appeal by Mr M Paterson
Site at Morton Acres Farm, Off Black Boy Road, Chilton Moor, Houghton Le Spring, DH4 6PY
 - g) Appeal by Ms Anne-Marie Gray
Site at 4 Pelham Court, Coxhoe, Durham, DH6 4SH
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

4. Confirmation of Tree Preservation Orders

- a) PN1/413
Site at 169 Gilesgate, Durham

This Tree Preservation Order (TPO) was served on the 19th September 2008. The Order was made to protect 2 mature Beech trees located on land adjacent to 169 Gilesgate, Durham. This has had effect for 6 months and it is now necessary to confirm or revoke the Order.

The trees form part of a group sited on the drive and garden to Grove House, a substantial property accessed from the lower end of Gilesgate Bank. 169 Gilesgate and adjacent properties were constructed on an adjacent plot with access from the Grove House drive. The ownership of the section containing these two trees has passed to 169 Gilesgate.

The trees are assessed as mature and for a Beech this indicates growth over a substantial period of time, potentially a century or more. They were present before the construction of No. 169 Gilesgate.

Ongoing dialogue over trees in relation to recent improvements at Grove House has led to the preparation of an arboricultural survey and three trees were felled as a result of this. This was because they were noted as being in dangerous condition. The survey also covered the trees subject to the TPO and these were identified as High quality and Moderate quality with a lifespan of 40 years and 20 years plus respectively. Notice of intention to fell these two trees was received from the owners and a TPO made shortly after the six week notice period.

The owners, J. R. and A.A. Elliot object to this TPO on the grounds that:

1. The trees have grown enormously and now are a severe nuisance.
2. The trees are so dense that they restrict the 'right to light'.
3. The shedding of leaves onto the car park is a safety hazard.
4. The removal of leaves from the trees is a burden and the council do not collect bagged leaves.
5. In spring the trees drop sticky residue onto a car and shed husks blocking car air vents causing a problem in removal particularly given the health and age of one occupant.

In addition, the method and timing of the TPO was questioned and is the subject of a complaint. Notwithstanding this complaint there is nothing in the objection/complaint letter or accompanying solicitor's letters that draws attention to the TPO being procedurally invalid that can be taken as an objection. It should be noted that the essence of the complaint is that a prior Council response to notice of felling constituted permission to fell if the applicant did not hear from the Council. This is based upon a model letter suggested by Central Government for response to a Section 211 Notice of tree work in a Conservation Area. This does not preclude the making of a TPO within a six week period of receiving the notice. The applicants can carry out works if they subsequently do not hear from the Council by the specified date. However, if a TPO is made after the 6 week period, this stands or falls on its own merits providing the trees were not felled at the time of making the TPO. In this case the 6 week period ceased on the 11th September and the TPO was made on the 19th September.

The response to the objections raised is as follows:

1. There is no identifiable actionable nuisance either from the objection or the arboricultural report covering the trees. 'Actionable' relates to causing harm to a third party. There is no evidence that recent tree growth has been excessive and this would not be defined as actionable nuisance.
2. There is no right to light in a situation such as this.
3. The shedding of leaves is not considered an actionable nuisance and whilst being sympathetic to owners who need to clear up leaf and debris fall, this is not sufficient to recommend removing protection for trees.
4. As above
5. As above
6. As above

If tree work is desired by the tree owners this would be considered under application on its merits in relation to good practice.

The trees are significant in relation to Gilesgate and have substantial amenity value.

Recommendation

That Tree Preservation Order PN1/143, 169 Gilesgate, be confirmed without modification.

5. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment. I set out below a summary together with my recommendations:

Number And Applicant	Location	Proposal	Recommendation
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ITEM 1

08/00996/OUT City of Durham Council	Land Between 124 and 126 and 135 and 147 Braunespeth Estate New Brancepeth Durham	Outline application with all matters reserved for the erection of 1 no. dwelling	APPROVE
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ITEM 2

08/1048/FPA Durham Villages Regeneration Company	Land At Finchale View West Rainton Durham	Erection of 55 no. two and three storey dwellings with associated vehicular and pedestrian highways, landscaping and parking (revised and resubmitted)	APPROVE
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ITEM 3

08/1078/FPA Halls Of Durham	Forster House Finchale Road Framwellgate Moor Durham	Erection of two storey office building with associated access and parking	APPROVE
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ITEM 4

08/1106/FPA Mr T Macallan	7 Warwickshire Drive Durham DH1 2LU	Erection of detached bungalow (revised and resubmitted)	APPROVE
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ITEM 5

09/0030/FPA Durham Villages Regeneration Company	Land At Woodland Terrace And College View Esh Winning Durham	Erection of 31 no. 2, 3 and 4 bedroom dwellings with associated access, parking and landscaping, together with closure of existing access road	MINDED TO APPROVE
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ITEM 1

08/00996/OUT	Land Between 124 and 126 and 135 and 147 Braunespath Estate, New Brancepeth, Durham
City Of Durham Council	Outline application with all matters reserved for the erection of 1 no. dwelling

SITE AND APPLICATION DESCRIPTION

The application relates to a strip of land located within New Brancepeth situated between Nos. 124 and 126 and 135 and 147 Braunespath Estate. The application site comprises of a parcel of outdoor amenity space.

The application seeks outline planning permission for the erection of one detached dwelling with all detailed matters reserved. The indicative layout shows a detached dwelling located between Nos. 124 and 126 with a single garage located between Nos. 135 and 147.

RELEVANT HISTORY

No planning history of direct relevance to this planning application or the application site exists.

POLICIES

NATIONAL POLICIES

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

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal 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.

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. 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.

LOCAL PLAN POLICIES

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units. Exceptionally and where deemed appropriate, the limited development of small Greenfield sites for the beneficial regeneration of certain coalfield villages shall be permitted.

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 E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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

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

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

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

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

The above represents a summary of those policies considered most relevant in the Local Plan, the full text, criteria, and justifications of each may be accessed at www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority has raised no objections to the proposal subject to adequate access and parking provision.

PUBLIC RESPONSES

Four letters of objection have been received on the application. Several objectors' state that the land was to be left as a landscaped buffer between the Council properties and the self build properties and that this was previously promised by the Council. An objector points out that previously an application had been made to purchase the land but this was refused at the time. A query is also raised as to whether the site has had any previous planning permission. One objector states that the application does not make it clear whether the new properties are to be occupied by private occupiers or Council tenants. An objector considers that the village requires more regeneration than merely new homes on such plots of land.

Several objectors raise concern with regards to potential impacts upon property values and the ability to sell other properties in the area. One objector considers that the land subject to the application has already been sold. Several concerns are raised with regards to impacts upon residential amenity including issues of a loss of privacy, loss of light, overshadowing, visual amenity, parking and highways issues. Concern is raised regarding the layout of the development proposed and that the site is too narrow for the development. Neighbouring occupiers have also stated that the site is a well used pedestrian route. A final point made by one objector is that the Council is merely selling the land for financial gain and so that they no longer have responsibility for its maintenance.

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 www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

In accordance with Policies H3, H13, Q8, H14, T1, E5a, T10 and U8A the main planning considerations relate to the principle of residential development at this location, the impact upon the character of the area, impacts upon the residential amenity of adjacent and nearby occupiers, the impacts upon highway safety and congestion and impacts upon trees.

This application originally sought outline consent for the erection of 3 no. dwellings. However, revised plans were received during the course of the application which sought the erection of one dwelling with an associated single garage. The letters of representation received on the application relate to the original proposal of three dwellings. Since the change in the nature of the proposal there have been no additional letters received, nor any withdrawal of comments.

The land to which the application relates is a parcel of open space land and is previously undeveloped. Policy H3 of the Local Plan relates to new housing development in the District's villages and states that, exceptionally the limited development of small Greenfield sites will be permitted where there are clear regeneration benefits and that those benefits could not be achieved through the development of previously developed land. The application makes reference to a Cabinet Minute of December 2006 when it was resolved to market and dispose of this site. It was considered by that the requirements of Policy H3 could be met via the sale of the Council owned land provided that any receipts from any such sale contribute to the "Flourishing Communities" fund and used for regeneration purposes.

The land itself is a parcel of open space and although it contains some trees they are not particularly mature and the land is not considered to be of exceptional visual quality. An objection to the proposal is that the development of the land would result in the loss of a pedestrian route through the site. It is acknowledged that the site may at times be used by pedestrians. However, the land is not a formalised public footpath or right of way and therefore does not have the specific functional purpose for providing a route for pedestrians through the estate. As a result officers do not consider that there are strong grounds for objection against the development on the basis of this informal use of the site. It is therefore considered that the development of this greenfield parcel of land is acceptable in principle.

All detailed matters have been reserved and therefore the final positioning, design and size of the proposed dwelling would be agreed at a later date. However, the indicative plans show a single dwelling of a scale which would be commensurate with the local area. Objections have been received raising concern with regards to impact upon residential amenity. No. 126 Braunespath Estate, "The Lindens" is a bungalow with a blank, flanking gable. No. 124 Braunespath Estate does have windows within a flanking gable, however, they are not windows to the main habitable rooms of the dwelling. The location of the dwelling between the two properties would not create any significant loss of light or outlook. Provided that the windows of the new dwelling are appropriately located at the Reserved Matters stage, no loss of privacy should occur for neighbouring occupiers.

A single garage is proposed to the rear of the dwelling between Nos. 135 and 147 Braunespath Estate. No. 135 Braunespath Estate has a blank gable flanking the proposed garage but No. 147 does have windows in the gable including to kitchen. However, taking into consideration the separation distance to the garage and the small scale nature of a single detached garage, officers do not consider that a significant loss of outlook or light would occur for the occupiers of No. 147. The separation distances to all neighbouring properties are in accordance with the guidance contained within Policy Q8 of the Local Plan and as a result it is considered that no significant harm to the residential amenity of neighbouring occupiers would occur.

Some objection has been raised on the grounds of parking and highways issues. The indicative plans indicate sufficient off-street parking spaces and the County Highway Authority has been consulted on the application and raised no objections.

Some objection has also been raised with regard to the impacts of the development upon property values and the ability to sell properties. However, the impact of any development upon existing property values is not an issue that can be given any significant material weight and officers cannot support any objections on such grounds. Representations received also stated that previous efforts to purchase the land have been refused. Officers consider that little weight can be attributed to the issue of the history of previous enquiries to purchase the land and the current availability of the land. Irrespective of when a parcel of land is purchased and by whom, the material planning considerations relate only to the acceptability the land for the proposal and not the circumstances surrounding the availability of the land.

CONCLUSION

The Local Planning Authority considers that the development of the small parcel of greenfield land is in accordance with the requirements of Policy H3 of the Local Plan. A single dwelling can be located on the land and successfully integrate into the character of the local area without harm to residential amenity or highway safety. As a result the proposal is considered to accord with relevant Local Plan policies and gains officer support.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
7. Notwithstanding the provisions of Article 3 and Classes A to E (inclusive) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the Local Planning Authority.
8. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
9. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
10. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Supporting Planning Statement
Planning Policy Statements 1 and 3
The North East of England Plan - Regional Spatial Strategy to 2021
City of Durham Local Plan 2004
Response from County Highway Authority
Internal Responses
Public Consultation Responses
Government Circular 11/95 (Use of Conditions)
Various File Notes and Correspondence

ITEM 2

08/01048/FPA	Land At Finchale View, West Rainton, Durham
Durham Villages Regeneration Company	Erection of 55 no. two and three storey dwellings with associated vehicular and pedestrian highways, landscaping and parking (revised and resubmitted)

SITE AND APPLICATION DESCRIPTION

This application, from Durham Villages Regeneration Company, proposes the erection of 55 family dwellings, mainly of two and three bedrooms on an area of land on the western edge of the village, on a site identified for housing within the Local Plan. The application is a resubmission, representing a variation of a scheme previously approved by the Council, with conditions, in July 2007.

Whilst site investigation works relating to decontamination have been carried out, and the site fenced, the land is still covered by rough scrub, with the remains of a loop road going through it. It is sloped towards the west, where it bounds an area of tree planting that separates the site from the dormant Leamside railway line. On the higher ground to the east of the site, 16 semi-detached local authority built two-storey houses overlook the site across their rear gardens. Four further semi detached units face across the site from the south, with the land to the north open, across a paddock, playing fields and a bowling green, to the countryside. There are two vehicular approaches to the site possible, through a Council-built estate, via Prospect View or The Crescent. These main access roads to the site are narrow with a high level of on-street parking.

West Rainton is an attractive village with a mix of private, and local authority built estates built in depth from an older core of more traditional buildings. Prominent on the skyline from the east, and conveniently sited near the A690 to Durham and the A1(M), and Sunderland and the A19 to the west, the strong local character and existence of key local services has attracted development of varying sizes over recent years, and improvements to the village environment.

This application proposes an estate built either side of a loop road, re-sited centrally, with 16 no. 2 bed, two storey properties; 34, 3 bed two storey properties, and 5, 4 bed two and a half storey properties. This last element has been revised during the course of the application, the five four bed properties having been originally proposed as full three storey. Areas of formal and informal green space are included, with each property having its own parking, either attached, or in garage courts. The area of paddock in the north-west corner of the site is retained. The resubmission is a response to the routeing of mains services through the site.

The house types have been modified from the developer's standard range to include references to local and traditional architectural vernacular, and give the new development a strong character and sense of quality, appropriate to the village.

RELEVANT HISTORY

As noted above, approval was granted for erection of 56 no. dwellings with associated vehicular and pedestrian access, parking and landscaped open space by committee in July 2007. Two subsequent applications have sought first the substitution of a single house for another type, on the southern boundary of the site, and subsequently substitution of house

types on a further 18 plots. Both applications were approved, subject to the conditions attached to the original consent.

POLICIES

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.

Policy Planning Statement 3: Housing, sets out the requirements of the government in this topic area, complimenting the broad policies in PPS 1.

Planning Policy Statement 9: Biodiversity and Geological Conservation, read in conjunction with primary legislation such as the 1981 Wildlife and Countryside Act sets out the requirements for the protection of flora, fauna, and the natural environment, listing protected species, and providing mechanisms for protection.

Planning Policy Guidance 13: Transport, addresses the Government's aspirations for transport policy and managing traffic demand, both through traffic management and use of sustainable alternatives.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation sets out guidance on assessing need, opportunity, and supply of these subject areas.

Planning Policy Statement 23: Planning and Pollution Control, set out the responsibilities of Local Authorities where pollution and contamination issues are present on development sites.

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.

LOCAL PLAN POLICIES

The current planning document in Durham City's administrative area, against which all planning applications must be considered, is the City of Durham Local Plan 2004. The following policies are considered those most relevant to the consideration of this application.

Policy H1 (New Housing Development - Allocated Sites) identifies this particular site as one on which housing development is appropriate. The supporting justification notes the site as previously developed land, and further, that the densities of sites vary, but in many cases they will be high, thus making the most efficient use of the land.

Policy H12 (Affordable Housing) states that on sites of 25 or more dwellings or 1 hectare or more in size, and where a local need exists, the Council will negotiate with developers for a fair and reasonable proportion of affordable housing, and for an appropriate variety of house types and sizes.

Policy Q1 and Q2 (General Principles) relate to the layout and design of new development indicating that new developments should take into account the requirements of users and embody the principle of sustainability.

Policy Q6 (Landscaping - Structural Landscaping) states that all new development on the outer edges of settlements or exposed sites should include peripheral structural landscaping.

Policy Q8 (Layout and Design - Residential Development) states that the layout of new residential development will be required to have a clearly defined road hierarchy; provide adequate amenity and privacy for each dwelling and minimise the impact of the proposal upon occupants of existing nearby and adjacent properties; provide adequate areas of safe, accessible and attractive open space in accordance with policy R2; take into account the need to retain existing features of interest; be appropriate in scale, form, density and materials to the character of its surroundings; and make the most efficient use of the land.

Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of development. Due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area.

Policy E11 (Environmental Improvements Transport Corridors) states that the Council will protect and enhance areas visible from the road network, railway lines and recreation routes by improving unsightly land, protecting landscape features and not permitting development that detracts from such routes.

Policy R2 (Provision of Open Space - New Residential Development) states that in new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with: Informal play space 0.4ha per 1000 population - Amenity space 0.8ha per 1000 population. Where appropriate a planning agreement will be entered into to.

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

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

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority, noting their previous approval for the existant consent, note that the scheme is of a layout suitable for adoption, car parking is provided to an acceptable standard, and in consequence no objection is raised to the proposals.

Northumbrian Water offer no objection to the proposals.

The Environment Agency note drainage matters should be agreed with Northumbrian Water, and consider sustainable construction and renewable energy principles should be included in the design.

PUBLIC RESPONSES

The response to the consultation exercise reflects the nature of the application as a resubmission: 43 consultation letters were sent to individual properties, with 3 replies. Representation has also been received from the Parish Council. (Over 80 responses were received in response to the original application).

Two local residents have concerns as to the increased traffic that will derive from the development, with one correspondent worried at a potential influx of strangers. The potential for devaluation of existing property values is a concern, with one resident experiencing difficulty in selling their property with buyers uncertain as to the potential impact of the development.

West Rainton Parish Council raises issues of traffic, drainage, and effects on the infrastructure of the Village, but confirm no objection.

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 www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

To restate the justification for the existing approval, this resubmission relates to a site designated for residential development in the current 'Local Plan'. The Plan establishes the acceptability of development in principle for this area of the City. Both national and local policies urge the most efficient use of land, to protect both the countryside, and the more important greenfield spaces within settlements. This must not be, however, at the expense of the quality of new development, or the effect and relationships with existing development. To this end the developer's standard house types have been redesigned to give a strong local feel to the character of the proposals. Vertically proportioned windows, with heads and cills, panelled doors, flush pointed roof verges, eaves without soffits, a predomination of walls over openings, and a lack of unnecessary detailing, result in 'clean' and characterful houses, which, with the careful control of materials, have the potential to reflect the architectural character of the area.

The separation to existing residential property set out in the guideline justification of Policy Q8 of the Local Plan is far exceeded in most cases, and given the topography of the site, with the existing housing for the most part set at a higher level, the potential for loss of amenity or privacy is further reduced. Sections provided by the architect show the site falling with the existing ground level, with not expensive or dramatic areas of cut or fill proposed across the site. Internally the site is well laid out, with well designed and located gardens, and garage courts incorporating a good degree of overlooking to ensure security. The resubmission has introduced 5 no. higher properties than originally approved. These are situated along the northern boundary of the site and have no impact on existing residential property. Whilst proposed as 3 storey in the submitted application, and in the scheme shown to residents during the consultation exercise, an amendment has been submitted proposing these be reduced to 2½ storeys, and it is on this basis the application should be assessed.

The site, and the village generally has good access to recreational facilities, both formal and informal. The scheme still incorporates areas of both formal and informal space, and requirements for tree planting in the scheme can be conditioned. The development retains the maturing tree belt to the west of the site. Unfortunately the revised layout has led to the substitution of prominent and well located public open space, for hidden, but space-consuming parking area, in an area adjacent the paddock area on the northern boundary. This does however lend a more open aspect through the middle of the development.

The proposals do not include the provision of 'affordable housing' as defined in PPS3, however the scheme seeks to provide low cost market housing which itself provides a regeneration benefit to the community and from the quantifiable benefits it is proposed that monies the City Council accrue from the development of the scheme are directed back to the village and community benefits, so in addition to those areas provided within the site, improvements to other existing local facilities can benefit. Local communities, through their elected members play a prime role in ensuring this is directed to most benefit the individual villages. Given the proven delivery of the Durham Villages Regeneration company on sites elsewhere in the district where more than 565 low cost houses and 260 for rent have been provided in recent years and the clear economic and social benefits these schemes have brought to the regeneration of the villages, it is considered that, there are exceptional circumstances which mitigate the need for affordable housing provision in this case; an argument having been previously accepted.

The proposed development will provide traditional family housing, for sale, and will add to the range and type of dwelling available in the village, adding to the range of options for a balanced community as required in the Planning Policy Guidance Statements.

The site has good access to local facilities, with a range of small shops in the village catering for various needs. The village itself has good links to Gilesgate via the A690, on the outskirts of Durham and the large retail parks and supermarkets concentrated there.

The development proposed will result in an increase in traffic through the estate. On the original application, revised details of the detailed vehicular layout of the site, and the provision of additional parking were produced in response to the views of the County Highway Authority, who remain satisfied with the revised arrangement proposed here.

The site has been cleared of housing for a number of years, and potentially, in a manner that did not ensure that contamination issues have been resolved to modern standards. This issue was contentious on the original application, and a range of conditions to ensure potential contamination issues are fully investigated, and resolved before development commences are to be repeated. Technical information to address these problems was submitted with the application, and the applicants are in direct contact with the Council's Specialist Advisors for such. A repetition of the conditions previously proposed is appended to the recommendation.

The site has not been identified as containing protected species of fauna or flora specified in the Wildlife and Countryside Act 1981, but the provisions of that legislation prevent building operations at certain times of the year that would disturb nesting birds.

Members will be aware that the disruption of the development process can be given little weight in the planning process, which seeks to ensure the finished development would be acceptable. There are safeguards at the Council's disposal through the Environmental Health legislation, should problems occur. The planning system gives little weight to the potential for devaluation of property, an argument that cannot be properly quantified, despite the views of Estate Agents. The neighbour experiencing problems with potential buyers concerned at uncertainty has some comfort of the specific relationships shown in the layout, and the time limit for development proposed imposed.

CONCLUSION

The revised and resubmitted development proposed through this application, still represents a good quality scheme for an identified housing site. A considered layout ensures privacy and amenity of new and existing residents, with a vehicular layout and access to the satisfaction of the County Highway Authority. The detailed design and proposed materials complement the local architectural vernacular, and incorporates areas of open space and planting that should mature into an attractive compliment to the built scheme. Standard conditions to ensure built quality should be added to those requested by statutory consultees, and the developer will have to address the access constraints the site offers during the construction phase. The application is offered support by officers.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The details of all materials to be used externally and the standard of their finish shall be implemented in accordance with the details shown on plan QD107-90-02, Nov 2008, unless with agreement of the Local Planning Authority in writing.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be implemented in accordance with the details shown on plan QD107-90-02, Nov 2008, unless with agreement of the Local Planning Authority in writing. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. The details of all flues, vents, and extracts shall be shall be implemented in accordance with the details shown on plan QD107-90-02, Nov 2008, unless with agreement of the Local Planning Authority in writing.

8. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
9. Surface Water from the development must be discharged into the public sewerage system.
10. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information in a diagrammatical representation [Conceptual Model] for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations [Conceptual Model]. This should be submitted to, and approved in writing, by the LPA, prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.
11. The development of the site should be carried out in accordance with the approved Method Statement.
12. If, during the development, contamination not previously identified is found to be present at the site then no further development [unless otherwise agreed in writing with the LPA] shall be carried out until the developer has submitted, and obtained, written approval from the LPA for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

13. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement[s]. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
14. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forward-most part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

BACKGROUND PAPERS

Submitted Application Forms, Plans, and Amended Plans.
Design and Access Statement
Planning Policy Statements (PPS) No's 1, 3, 9 & 23
Planning Policy Guidance (PPG) No's 13 & 17
The North East of England Plan - Regional Spatial Strategy to 2021, July 2008
City of Durham Local Plan 2004
Responses from Statutory Consultees
Public Consultation Responses including Parish Council
Various File Notes and Correspondence

ITEM 3

08/01078/FPA	Forster House, Finchale Road, Framwellgate Moor, Durham
Halls Of Durham	Erection of two storey office building with associated access and parking

SITE AND APPLICATION DESCRIPTION

The application relates to a roughly "L" shaped parcel of land located to the rear of Forster House and Aiden House in Framwellgate Moor. The land currently comprises of a car park with existing office and light industrial buildings bordering the site to the north and east. To the west the site borders a large residential development currently under construction at the former Durham County Council Service Direct site.

The application seeks to erect a two storey office building providing 380m² of office accommodation. The building itself is to be constructed of brick with aluminium framed windows and incorporate a pitched roof with interlocking roof tiles. The car park remaining is to provide 34 parking spaces and an additional 2 disabled parking spaces.

RELEVANT HISTORY

A previous application for the erection of a two storey office building housing five office units on the site was withdrawn in October 2001. A two storey office building was approved within the site in August 2003.

POLICIES***NATIONAL POLICIES***

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 6: Planning for Town Centres, sets out the Government's key objectives for town centres as being to promote their vitality and viability by; planning for the growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

Planning Policy Guidance Note 13: Transport, sets out the objectives 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 4: Industrial and Commercial Development and Small Firms, takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main theme is that economic growth and a high-quality environment have to be pursued together. The locational demands of industry should be a key consideration in drawing up plans. Development Plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality. The advice covers mixed uses, conservation and heritage, re-use of urban land and other matters.

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. 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.

LOCAL PLAN POLICIES

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

Policy EMP11 (Employment Outside Designated Sites) states that planning permission for new business or industrial uses within settlement boundaries but outside designated sites will be granted provided that there would be no significant adverse impact on the amenity of neighbouring occupiers, the proposal would not adversely affect the character and appearance of the area and the proposal would not result in an increase in traffic to the detriment of highway safety and local amenity.

Policy EMP14 (Office Development – Outside Designated Areas) states that planning permission for new office development within settlement boundaries but outside the City Centre, Local Centres and designated sites outside the City Centre will be granted provided that there is no significant adverse impact on the amenity of neighbouring occupiers, the site is accessible by a choice of means transport and the site is served by roads capable of accommodating the traffic generated by the proposal.

Policy Q7 (Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.

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

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

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

The above represents a summary of those policies considered most relevant in the Local Plan, the full text, criteria, and justifications of each may be accessed at www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority has raised no objections to the proposal.

PUBLIC RESPONSES

Two letters of objection have been received on the application. The occupiers of No. 5 The Carrs, Old Pit Lane have stated that although the plans indicate no windows within the gable of the proposed office building which flanks No. 5 The Carrs, should any windows be sought within this gable they would object and would expect obscure glazing to be imposed at the least.

The occupier of The Carrs Mill, Old Pit Lane has also submitted a letter of representation and objects on the grounds that the access is unsuitable and constitutes a safety hazard to road users and pedestrians.

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 www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

In accordance with Policies H13, EMP11, EMP14, Q7, T1, T10 and E14 the main planning considerations relate to the principle of the development at this location, the impact upon the character of the area, impacts upon the residential amenity of adjacent and nearby occupiers, the impacts upon highway safety and congestion and impacts upon trees.

This application site has previously been subject to similar office development proposals. A proposal for a two storey office building containing 5 no. office units was withdrawn from consideration in 2001. An application was approved for a two storey office building in 2003 of near identical appearance and size to that proposed within this pending application. It has therefore previously been considered appropriate for a development of the nature proposed within this application to be implemented at this location.

However, the issues must be considered under the current policies and guidance of the most recent Planning Policy Statements, Planning Policy Guidance Notes and the Local Plan, adopted in 2004.

Planning Policy Statement 6 (PPS6) considers office development to be a main town centre use and that the most sequentially preferable sites are those within an existing, appropriate centre. The application site is not located within an existing centre as such, however, it is located within 100m of the Newton Hall Local Centre and thus can be deemed an edge-of-centre location which is sequentially, the next most appropriate location for such development. PPS6 also considers that applications for the development of a main town centre use, such as an office, shall require a needs assessment where proposed within an edge-of-centre or out-of-centre location. No such needs assessment has been submitted with this application. However, PPS6 also considers that the requirement of such a needs assessment and the most stringent application of the sequential approach to site selection, is most necessary where an application cannot be considered to be in accordance with an up-

to-date development plan document. The current City of Durham Local Plan is an adopted, up-to-date development plan document and contains specific policies (EMP11 and EMP14) which accept the principle of office development in locations within settlement boundaries but outside designated sites such as the site to which this application relates. As a result no objection is raised to the principle of the development at this location.

The proposed office building is two storey in nature with a ridge height of approximately 9m. It is a substantial building but not excessively sized and being located behind and adjacent to existing office and light industrial buildings it would not appear as an incongruous feature or unduly prominent in the area. The design approach incorporating a pitched roof, largely glazed entrance and use of heads and cills around window openings is considered to be appropriate and in accordance with the requirements of Policy Q7 of the Local Plan.

A key consideration is the impact upon the amenity of neighbouring occupiers. A letter of representation has been received from the occupiers of No. 5 The Carrs. No windows are proposed within the gable elevation which flanks The Carrs and therefore no privacy concerns are raised. Should new windows be sought within this gable planning permission would be required (a point drawn to the attention of the applicant through an attached informative).

A separation distance of 18m exists between the proposed two storey office building and the nearest windows within the rear of No. 5 The Carrs and further separation still to the remaining properties on The Carrs. Officers consider that such a relationship will not harm the residential amenity of the occupiers of properties within The Carrs. To the west of the application site is the former Durham County Council Service Direct site currently being developed as a residential estate and some consideration must be given to potential impacts upon the new dwellings. The proposed office building is set in from the western boundary of the site and once all proposed works are completed 20m will remain between the gable of the office building which does contain windows and the rear elevation of the dwellings proposed within the adjacent development site.

The proposed office building with a ridge height of approximately 9m will not appear as a significantly more prominent building than a detached two storey dwelling and taking this and the separation distances into consideration officers consider that no detrimental impact will occur upon the amenity of future neighbouring occupiers to the immediate west.

Separation distances to residential properties of in excess of 45m exist to the front and even greater distances exist to the rear. The proposed office use is not one which would create any significant noise, emission of smells or general disturbance and on balance officers consider that the proposal will not create any significant adverse impacts upon residential amenity.

An objection has also been received from the occupiers of The Carrs Mill raising concern with regards to vehicular access and a potential highway safety risk to other road users and most notably pedestrians. The objector also points out that the County Highway Authority raised objections to a previous application for office development in 2001 on the grounds that it was prejudicial to highway safety. However, during the consideration of a revised application in 2003 no objections were raised and both the parking provision and safety of the access was considered appropriate. Similarly on this proposal the County Highway Authority has raised no objections. Officers are in agreement with the County Highway Authority that the access arrangements are adequate and will not be prejudicial to highway safety. The entrance has good visibility, aided in part by the boundary treatment surrounding the access being of transparent mesh construction. The access road is relatively narrow but by this very nature would result in any driver approaching the road with caution and at slow speed. On balance officers raise no objection to the proposal on the grounds of highway safety, traffic generation or parking provision.

The proximity of the site to Finchale Road and Pit Lane allows employees and visitors access to a main bus route through Durham and as a result the site allows for a choice of means of transport in accordance with the requirements of Government Planning Policy Guidance 13 and Policy EMP14.

Adjacent to the application site, running along the eastern boundary there are 3 no. trees with some branches overhanging into the site. The trees are not mature or considered worthy of a Tree Preservation Order. Nevertheless the trees help to screen the proposed and existing office and light industrial buildings from the residential properties at The Carrs and should be retained. Some pruning works would be required in order for the proposed office building to be erected and it is proposed that a condition is attached ensuring all tree works are justified and are to the current arboricultural best practice standards. Officers consider that the issue of the works to the trees can be resolved through the attachment of such a condition and through the attachment of an informative to draw to the attention of the applicant of their obligation to negotiate the matter regarding the trees with the adjoining land owner(s).

It is frequently to the benefit of office development to seek a landscaping scheme to be implemented in the interests of visual amenity. On this occasion, however, due to the size of the application site, the car parking spaces and the required space for the manoeuvring of vehicles, there is not the available space to provide significant landscaping. Despite this, given the nature of the site and relatively secluded location officers raise no objection to the scheme due to the inability to provide significant landscaping.

CONCLUSION

The Local Planning Authority considers that the proposed office development is acceptable at the location and will cause no detriment to the character of the area. No detriment to the amenity of neighbouring occupiers and no hazard to highway safety is considered to occur. On balance the proposal is considered to accord with relevant Local Plan policies and has officer support.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. That before development commences, agreement shall be reached with the Local Planning Authority regarding the appropriate protection of the trees and root protection zones adjacent to the eastern boundary of the application site. The trees shall remain so protected in accordance with the agreed scheme until the cessation of the building works. Details of this protection shall be submitted to and approved in writing by the Local Planning Authority. No pruning, lopping or topping of the trees shall occur until any proposed works to the trees have been

first agreed to in writing by the Local Planning Authority and thereafter shall be implemented in accordance with the provisions of BS5837, 2005.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statements 1 and 6 and Planning Policy Guidance Notes 4 and 13

The North East of England Plan - Regional Spatial Strategy to 2021, July 2008

City of Durham Local Plan 2004

Response from County Highway Authority

Internal Responses

Public Consultation Responses

Government Circular 11/95 (Use of Conditions)

Various File Notes and Correspondence

ITEM 4

08/01106/FPA	7 Warwickshire Drive, Durham, DH1 2LU
Mr T Macallan	Erection of detached bungalow (revised and resubmitted)

SITE AND APPLICATION DESCRIPTION

This application proposes erection of a single detached bungalow on a site at the head of a small cul-de-sac in a mature housing estate in Belmont. This is a site with much recent history, and dispute that has spread beyond the immediate environs of the land in question. The application must however be assessed on the merits of the scheme presented, and the impact of such upon the immediate locality.

The site at 7 Warwickshire Drive was until recently occupied by a bungalow of standard 1960's design, set within a very large garden at the head of a cul-de-sac of nine bungalows. The demolished building was the only bungalow in the cul-de-sac not to have been extended and had the largest curtilage by far. This building has been demolished, the site cleared and levelled, fenced and made secure. Due to its position on the hammerhead of the road, the demolished building had been set back behind the adjacent properties, being screened to a degree on the approach to the site. Likewise the site had been bounded on two sides by a tall conifer hedge that has been of source of neighbour dispute in the past, this also having been removed during the course of demolition. The site is backed on two sides by the two storey, predominantly detached houses of Devonshire Road and Shropshire Drive. Whilst the site is at the head of a cul-de-sac, with no through road for vehicular traffic, pedestrian and bicycle access to Rennys Lane is possible, and well used.

The application proposes a large new bungalow, of a complex design, providing two bedrooms, and separate living, dining, kitchen, study and sun rooms. An attached double garage sits to the side of the dwelling.

RELEVANT HISTORY

This site has been subject to a number of recent planning applications. Since January 2007, there have been 10 no. applications/notices for this site. Two applications for two dwellings were refused – one of these decisions subsequently upheld on appeal. Two applications to extend the demolished property were submitted and withdrawn. Two applications for a replacement bungalow were submitted and withdrawn. Two prior notifications of demolition have been submitted, one withdrawn, one accepted. One application for a new bungalow was returned invalidated. The current application is the first opportunity for members to assess proposals for a single new bungalow on the land.

POLICIES

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. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997. Particular reference is given to matters of design quality.

Planning Policy Statement 3: Housing, underpins the delivery of the Government's strategic housing policy objectives and its 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.

Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, with a range of housing opportunities to ensure balanced communities, whilst highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development.

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.

LOCAL PLAN POLICY

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

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

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

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

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

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

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority offers no objection to the proposals subject to agreement to a footpath crossing.

Northumbrian Water offer no objection to the proposals.

PUBLIC RESPONSES

At the time of report writing 27 objections had been received to the proposals, including one from the Parish Council, with 3 letters submitted in support.

Objectors are split evenly between residents of the cul-de-sac and neighbouring the site, and those from the wider estate. There is a general concern that the redevelopment of the site may represent some sort of precedent that will lead to a flood of similar applications in Cheveley Park. Objectors have made reference to disruption during demolition/building works, perceived flooding problems, amenity and traffic, however the main concerns relate to the scale and character of the buildings, and its height, in the context of the cul-de-sac. The height of both the main building, and its garage are noted as higher than that of the adjacent bungalows, a specific criticism of the refusal of a previous scheme for two dwellings on the site that included roof-space accommodation, by a Planning Inspector. That Inspector's comments that the spacious appearance of the cul-de-sac is characterised by bungalows of spacious design and uncomplicated pitched roofs is noted. The amount of development proposed for the site is criticised in relation to the size of the plot, and considered to be 'overcrowding'. The letter from Belmont Parish Council reflects these concerns, with extensive reference to precedent, in relation to scale, character, appearance, separation distances, and affect on amenity.

One of the Local ward Members has expressed formal objection during the consultation process.

Supporters consider the proposals will enhance this 'well kept area', with the size of the plot able to accommodate the size of the building, the majority of it being out of sight. It is noted that one of the supporters occupies one of the properties most affected by the development. These note disquiet that elements of the opposition have become personalised.

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 www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

The extensive recent planning history on the site of 7 Warwickshire Drive has through the ten applications submitted since January 2007 become increasingly polarised. Much of the recent activity on site has not reached full Committee, either through applications having been withdrawn before determination, or being in the form of Notices upon which the Council has limited influence. At this current point in time, the bungalow that occupied the land has been demolished, all building materials have been removed, the site levelled, with wooden fencing erected on the rear boundaries, and secure site fencing on the front. The Council had no control over whether the property was demolished, and the demolition is of no relevance in the consideration of the current set of proposals.

The current planning application is for the development of a new bungalow on an open brownfield site. The bungalow is considerably larger than those surrounding, in terms of footprint, massing, and height. However the majority of the surrounding bungalows are on plots less than half the size of the application site. All of the bungalows in the cul-de-sac

appear to have been extended to various degrees. Many of the relationships between the existing properties in Warwickshire Drive and surrounding streets fall below those suggested in the current Local Plan, a reflection on many extensions having been built under 'permitted development rights', and a pragmatic approach to considering each site on its individual merits.

The proposed development must be considered in the light of the current planning context, both in terms of the definitive planning document – the 'City of Durham Local Plan, 2004', and current Government advice, principally as set out in Planning Policy Statements 1 (Delivering Sustainable Development) and 3 (Housing). With Government requiring Councils to ensure new development makes the best use of brownfield land, it is reasonable to expect that new developments are likely to be higher density than was previously acceptable, but with design issues paramount.

Effectively, officers have taken the view that there are three elements to this proposal: whether the proposed scheme is in scale with the plot, whether the proposed property is in scale and character with the existing cul-de-sac and its surroundings, and whether the scheme provides sufficient privacy and amenity for existing and prospective residents. These elements reflect the requirements of Policy Q8 of the Local Plan.

The cleared site shows the disproportionately large plot available. Taken in its own right the proposed dwelling is in acceptable proportion with the amount of land available, with the size of the gardens available after development comparing favorably with those of surrounding plots of both one and two storey dwellings, given that the proposed development will effectively have two good-sized rear gardens.

The proposed building must also be appropriate in terms of its scale in the existing street-scene and its surroundings. The architect's brief therefore was to create a design that can fit in with the scale of the surrounding bungalows, whilst allowing for a volume of accommodation that meets the aspirations of the applicant on what is an oversized plot. To achieve this the architect has tried to design a central main building, of comparable length to other properties in the street, and add visually subservient extensions and wings as add-on elements that provide the required internal volume. Hipped roofs have been used in attempt to further reduce the visual bulk, albeit the depth of the building has resulted in a roof height that is still higher than its other single storey neighbours. This is mitigated to a degree by the front elevation of the dwelling being pushed back from the building line by the position of the road hammerhead at the head of the cul-de-sac, with the result that the building only becomes visible part way down the street. The eastern wing of the building is set back 1.5m again to emphasize the 'main' part of the elevation on approach, further helped by the boundary wall between the proposed dwelling, and the garage of no. 6. The over-sized and poorly-detailed porch does nothing to help reduce the scale of the front of the building, and the plan presentation does not help the applicant's case, with its apparent length and overcomplicated roof-form, in considering what is actually proposed, and how much of the building will actually be visible from the street. The presence of a thorough-fare with the presence at the cul-de-sac head of the well used pedestrian/bicycle access to Renny's Lane is acknowledged as increasing the visible impact of the site compared with cul-de-sac situations more generally. Assessment does however need to be considered in relation to the degree of harm of all the various elements proposed. The specific relationship of the siting of the bungalow and its various elements to the public domain, although contrived, do work to minimise the potential impact. The hipped roofs, and roof heights alleviate the massing of the dwelling but are discordant with other dwelling types and designs. A determination as to the acceptability of the proposals, in the final analysis, depends upon the balance of all these various factors, and any that may be of particular importance. Officers consider the position of the footprint, set back and off-set from the main street and the ridge 4.3m behind that of the neighbour, mitigates the additional height. The use of a hipped roof design, also helps in assimilating the impact although the porch could be re-designed to a appropriately smaller scale.

The privacy and amenity of the proposal for new and existing residents also requires detailed inspection of the specific relationships proposed. The distance of the proposed bungalow to 3 Shropshire Drive has been increased to exceed the guideline in the Local Plan. That guideline requires 21m between dwellings window/window and 13m window/blank gable. The rear of the dwelling is 12.9m from the rear of 124 Devonshire Road, and although windows are included in this elevation they are of a 'slit' design to let light in and provide a feature, but prevent the perception of a facing relationship from the property opposite. It is noted the occupant of the facing property supports the proposals. Subject to conditioning of the detailed design of these windows the relationship is considered appropriate. The facing distance to the extended rear elevation of 126 Devonshire Road is less than the required distance of 21m. However given the proposal is for a bungalow, the actual relationship is with the windows on the original elevation at first floor, which meet the required standard. The rear windows of 128 Devonshire face the garage/utility room without detriment to either. The hipped roof on the side elevation of the garage mitigates the 6m the property overlaps the rear of 8 Warwickshire Drive.

This application is considered on the specifics of its own merits in the context of current planning legislation. It does not represent a significant precedent for potential applications elsewhere in the street or the estate, an officers have given minimal weight to arguments of precedent. Likewise whilst objections on disruption during the building process, and devaluation of property have been taken into account, they hold minimal weight. With officers of the County Highways service satisfied with vehicular implications, and Northumbrian Water raising no objection on drainage issues, planning officers consider no refusal could be sustained on these grounds. A condition is specifically proposed relating to restricting the extent of the vehicular hardstanding - on the basis of recent legislation for such to avoid flooding on housing estates.

CONCLUSION

The applicant would appear to seek the largest possible bungalow that may be acceptable on this site. If amenity/privacy are accepted, the determination becomes whether the applicant has achieved an acceptable balance between a property that of a size in proportion to the plot, against a property of a scale appropriate to the street. Officers have taken into account the appeal decision relating to two dwellings on the site. No weight has been given to the applications submitted and withdrawn. The submitted plans and supporting information are considered to not represent the likely actuality of the impact of the proposed bungalow, the impact of which will be mitigated by the architectural devices employed to reduce the visual bulk on the front elevation, and take it away from direct comparison with its immediate neighbour. Acknowledging the recommendation is a judgement of balance of harm, officers consider the proposals to be, on balance, acceptable.

On the basis that the applicant has tried for approval for the largest dwelling acceptable conditions to remove permitted development rights for future extension are included in the recommendation.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Notwithstanding the information shown on the submitted plans details of the extent of and surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
4. That notwithstanding the information shown on the submitted plans a scheme of new fenestration on the north elevation facing 122/124 Devonshire Road, window sizes, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
5. Notwithstanding the information shown on the submitted plans, agreement must be reached with the Local Planning Authority, and confirmed in writing, for a reduced scale porch on the front elevation, the scheme subsequently being built in accordance with said agreement.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no conversion of the roof-space to any form of habitable accommodation, and no rooflights or dormer windows shall be inserted into any plane of any roof-slope or erected at any time without the grant of further specific permission from the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1 & PPS3
Responses from County Highways, Northumbrian Water
Public Consultation Responses
Belmont Parish Council Response

ITEM 5

09/0030/FPA	Land At Woodland Terrace And College View, Esh Winning, Durham
Durham Villages Regeneration Company	Erection of 21 no. 2, 3 and 4 bedroom dwellings with associated access, parking and landscaping together with closure of existing access road

SITE AND APPLICATION DESCRIPTION

This application by Durham Villages Regeneration Company proposes a residential development of one and two storey properties on a prominent corner site currently used as informal grassland on the south-west corner of the village Esh Winning. The site is bounded to the west by the Local Authority built properties of College View – with a number of these properties taking access to their rear gardens across the land. The existing dwellings are in the main two storey houses with the long rear gardens that often characterise Local Authority dwellings of the period. To the south-east, Esh Winning Primary School backs onto the site, separated by a 2m security fence. This rear part of the school is well used, with play areas and gardens evident. The two northern boundaries of the site are shared with public vehicular highways, north of which is sited a cemetery.

The site itself is close mown sloping grassland, with the only notable features a roughly surfaced track extending diagonally to a head 50metres into the land. A small group of trees is evident adjacent the gable of 47 College View.

The application proposes an ‘affordable’ residential development, consisting 16 no. bungalows to the front of the site, leading to a cul-de-sac of 15 no. two storey dwellings, including 2, 3 and 4 bed-roomed units. In this regard a bid by Nomad E5 (Durham Aged Mineworkers Housing Association) for funding from the Home and Communities Agency has recently been successful. The existing trees on the site would be removed. Provision will be made to maintain access to the rear of those existing properties in College view that already have it.

RELEVANT HISTORY

In the Esh Winning Village Appraisal (2006) part of the site was identified with the northern part suitable for ‘a small-scale residential development of appropriate layout’. A Masterplanning exercise subsequently undertaken in 2007 for the village identified the site as an opportunity for development An Outline application for the residential development of the site, submitted in 2000 was withdrawn before determination.

POLICIES**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. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

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

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

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

Planning Policy Guidance 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.

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.

This document reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008. Policies are also included to ensure incorporation of alternative energy production methods to reduce carbon emissions.

LOCAL PLAN POLICIES

Policy E14 states that in considering proposals affecting trees and hedgerows the Council will not permit the loss of ancient woodland, designate TPOs as necessary, require development to retain important groups of trees, individual trees and hedgerows, requiring a survey of such when development may affect such.

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 H3 addresses the Council's approach to new housing development in the villages, Hett being identified as a 'smaller' 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, where clear and quantifiable regeneration benefits can be demonstrated, and cannot be achieved on brownfield land. Hett is not an identified village.

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

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

Policy H14 encourages developments and initiatives which secure environmental improvements within existing housing areas, providing that development respected and where appropriate enhanced local character.

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.

The inclusion of Recreational and Amenity Space in new residential developments is required by Policy R2. In 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.

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.

In Policy Q8 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 Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

Policy Q15 states the Council will encourage the provision of artistic elements in the design and layout of development, with supplementary guidance having been adopted to formalise procedures for such.

The requirements for accommodation of the requirements for foul and surface drainage within development schemes are outlined in Policy U8a.

Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

Northumbrian Water has suggested a number of conditions to be attached to any approval.

The Environment Agency note the scheme falls within the scope of their standing advice.

The County Highways Department note the application's highway layout is suitable for adoption. Sufficient parking is provided within the layout, and providing satisfactory arrangement can be made for the opening and closing of the gates into the bungalow court, no objection is proposed. A fence adjacent 46 College View should be removed to improve visibility.

PUBLIC RESPONSES

Five letters of objection have been received from local residents, one objection from a former resident living in Norfolk, and the Headmistress of the adjacent school objects. One note of support has been received.

Most objectors feel the loss of open, supervised play space unacceptable. One correspondent is aggrieved that the land was not offered for purchase by local residents. With a number of new residential developments in the village, the lack commensurate investment in community facilities is considered unacceptable, it being suggested that the proposals are moved to countryside on the outskirts of the village. Devaluation of property, and loss of light and view, and disruption during building works are of concern. The implications of additional traffic, for residents and children, given the proximity of the adjacent Primary School is raised. One correspondent fears the development will lead to a severe loss of law and order for the neighbourhood.

A consultation exercise undertaken in relation to the preparation of a Masterplan for Esh Winning would indicate that there is overall support for development of the site in order to meet imbalances in housing provision and local need in the village. The findings of the consultation event were reported to Cabinet on 18th February 2009.

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 www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

In proposing the use of a 'greenfield' site for residential development, above the threshold allowed for such in Policy H3 of the City of Durham Local Plan, 2004, this application represents a departure from adopted Council policy, has been advertised as such, and must have any decision proposed by Members ratified by the Government Office North East.

PPS3, Housing, states that good locations for new residential development are those, 'which offer a range of community facilities, and (have) good access to jobs, key services, and infrastructure'. Whilst situated towards the outskirts of the village, the site is adjacent to the primary school, and less than 400m walk from the market place, which has a range of shops and facilities, and a regular bus service to Durham. A bus service runs approximately every 35mins. along Woodland Terrace, that fronts part of the site.

As noted above, Policy H3 of the Local Plan allows for the development of 'greenfield' sites, up to a size of 0.33ha in the former coalfield villages most in need of regeneration. The application site is over twice this size. Furthermore, the Esh Winning Village Appraisal of Jan. 2006 assessed the site, and additional land to the south, dividing it into two areas, concluding that the northern area was suitable for 'a small-scale residential development of appropriate layout', but the southern area was unsuitable because it provided, 'an informal recreation area', and a 'setting for the school'. Objections from the school and residents of College View reflect this assessment, and Members must consider whether any perceived benefits of the proposals are sufficient to outweigh these concerns, noting that the development does not cover the full area suggested for retention as open space, and leaves 1360m² outside the developed area untouched. The site is 160m from the well used Deerness Valley Walkway/Cycleway, and 150m from the large Play Area on Newhouse Road. It is important that the adequacy and the quality of open space provision available as an amenity to existing and future residents should not be unduly compromised. This issue is addressed in the Masterplan, which contains a commitment to the enhancement of local green spaces and the consolidation and improvement of community amenities. The Masterplan notes the abundant supply of open space in the village but also a weakness in the quality of amenity and recreational areas; an aspect of provision that is consistent with the recently published Open Space Needs Assessment, adopted by Cabinet in February 2009. Areas have been identified in the Masterplan where the standard of public open space may be raised and be made more accessible and usable.

The recent Strategic Housing Market Housing Assessment (GVA Grimley, 2008) recommends that the majority of new housing in County Durham should be two- and three-bedroomed houses, while 30% of new Housing in Durham City (District), Teesdale and Chester-le-Street should contain 4 or more bedrooms. With the proposed development including two-, three- and four- bedroomed houses, this aspiration is met, compliant with Policy H12 of the Local Plan, and compatible with the approach set out in PPS3.

Policy H12 also requires the Council to negotiate for a 'fair and reasonable' proportion of affordable housing – the proposed scheme's 100% provision of such both exceeding this policy's requirements, and offering the main justification for a departure from Policy H3 and the recommendations of the Village Appraisal. The scheme is submitted by the Durham Villages Regeneration (DVR) Company, a partnership committed to providing affordable housing in the County Durham Area. The DVRC's proposals for this site involve 100% of the

31 proposed dwellings to be built to the Homes and Communities Agency (HCA) National Affordable Housing Programme, April 2007 Design and Quality Standards. All of the homes will be contracted for sale to a registered Social Landlord, prior to works commencing on site. The DVRC confirms that discussions in this respect are well advanced with NomadE5 and Durham Aged Minerworkers Homes Association, indicating acceptance of a Section.106 legal agreement to ensure the 31 dwellings are passed to a Registered Social Landlord for onward rent or shared ownership, in line with current HCA procedures and policies would be accepted.

The final affordable housing tenure mix between homes for rent and homes for shared ownership will be decided by the Registered Social Landlord, and Local Authority Housing Personnel, based on detailed local needs. The Annual Audit and Inspection Letter issued by the Audit Commission (Feb. 2009) that seeks to draw attention to the key issues specific to the City of Durham Council that should be considered by the new unitary authority commends this 'highly effective Public Private Partnership (in) delivering affordable housing and low cost home ownership within the area'. Specifically, 'working in partnership with the Durham Villages Regeneration Company the Council adopted an ambitious plan to realise the potential of its land assets. This partnership has delivered significant community benefits in terms of affordable housing, enhanced access and better community facilities'.

In assessing the detailed design proposed, the housing layout has been amended during the course of the application, and since the consultation exercise, in order to overcome a specific problem with the relationship to 47 College View. A bedroom window in the gable of that property was within 4m of the gable of a proposed two storey dwelling. This pair of semi-detached properties has been relocated elsewhere within the layout, replaced by a bungalow, whose roof runs parallel with the existing house. The householder has indicated that in respect to this element of his objection, his concerns have been overcome.

The general public face of the development, fronting College View and Woodland Terrace consists of bungalows, with small open front gardens linked to the existing footpath network. The vehicular parking for these units is hidden to the rear of the dwellings, accessed by a gated circulation court. A condition is proposed to address the County Highways request for the detail of this element to be agreed. Each bungalow has a private small rear garden. Tree planting is proposed between plots 4 and 5 fronting Woodland Terrace, and on new open space, fronting plots 11-14. This planting, along with that proposed in the two storey element of the scheme is considered to mitigate the loss of the existing trees alongside the gable of 47 College View, and comply with the requirements of Policy E14 of the Local Plan.

Past the bungalows, 15 two storey dwellings are proposed fronting a cul-de-sac head. These dwellings meet or exceed the privacy and amenity guidelines set out in Policy Q8 of the Local Plan, between themselves and in relation to existing dwellings. With a slight fall across the site, the existing dwellings are set slightly higher than those proposed. Pedestrian access to those existing properties with rear access gates is incorporated into the layout. There is no access from the cul-de-sac head to the retained public open space, the layout having been designed in mind of the 'Designing out Crime' approach. All the proposed house types, one and two-storey, include the head and cill details, flush roof verges, and front elevation fenestration improvements to Keepmoat's standard house-types, required to ensure distinctive, quality dwellings, engendering a sense of place. Provision is made for roof mounted solar panels in the standard designs

The County Highway Authority has indicated the proposals are acceptable in terms of vehicular impact, and whilst the development will result in more traffic movements in the area, noting the presence of the adjacent school, Woodland Terrace is already subject to physical traffic calming measures. Officers consider that the proposals accord with the requirements of Policies T1 and T10, and that refusal could not be sustained on highways grounds.

Very little weight can be given to loss of view, or the potential effect of the development on property values. The school's complaint of too much development on the site must be countered by the requirement in PPS3 for the most efficient use of development land, the 31 dwellings proposed equating to a density of 42 dwellings per hectare. The suggestion to relocate the development to nearby countryside would be contrary to national guidance in PPS3 and PPS7, and Council Policies relating to the protection of the Countryside (Policies E7 and H5), and potentially protection of the Area of High landscape Value (Policy E10). Whilst the Local Authority has recourse through the Environmental Health legislation to address specific nuisance problems that may arise during the unavoidable disruption of the construction process, a condition restricting site working hours is proposed in an attempt to minimise any such potential problems, to the benefit of local residents.

Conditions in line with the requirements of Northumbrian Water are proposed to address their technical requirements, further satisfying Policy U8a.

CONCLUSION

Members are required to consider whether the benefits of a scheme proposing 31no, 100% affordable dwellings outweighs the loss of public open space, as envisaged in the Esh Winning Masterplan (Adopted October 2007). It is officers' opinion that this departure from policy can be justified, and that the proposed scheme can achieve the required quality of development provided by the DVRC projects to date, in parallel with the acknowledged social benefits to further the aims of regeneration in the village as set out in the Masterplan.

RECOMMENDATION

That in accordance with The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, Members be **MINDED TO APPROVE** the application subject to:

- a. Completion of a Section 106 Agreement to ensure the 31 dwellings are passed to a Registered Social Landlord for onward rent or shared ownership.
- b. The following conditions:

CONDITIONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

5. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 75mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. No development shall take place until a scheme to avoid building over the 150mm public sewer that crosses the site, and any easement for such, has been submitted to, and agreed in writing by the Local Planning Authority, Development shall thereafter take place in accordance with said agreed details.
8. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post planting maintenance and such a scheme shall require the approval of the Local Planning Authority in writing before any development is commenced. Such a scheme as approved months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made goods as and when necessary, unless the Local Planning Authority gives written consent to any variation.
9. No building, site works or machinery shall be used or shall be carried out on; any Sunday or Bank Holiday, on Monday to Friday outside the hours of 8.30am and 6.00pm, and on Saturdays outside the hours of 9.00am and 1.00pm.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forward-most part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.
11. No development shall take place until the detailed siting, design and operation of the proposed gates for the bungalow vehicular circulation/parking court, have been submitted to and agreed in writing by the Local Planning Authority. The scheme must be implemented in accordance with said agreement, and remain unaltered thereafter, unless with the grant of further specific consent by the Local Planning Authority.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Amended Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS9, PPG13, PPG17
Responses from County Highways, Northumbrian Water and the Environment Agency
Public Consultation Responses, incl. Esh Winning Primary School
The Annual Audit and Inspection Letter, The Audit Commission (Feb. 2009)
Strategic Housing Market Housing Assessment, GVA Grimley (2008)
Esh Winning Village Appraisal (Jan. 2006)
Esh Winning Masterplan, September 2007 (Adopted October 2007)
City of Durham Open Space Needs Assessment February 2009