



Area Planning Committee (Central and East)

Date **Tuesday 10 July 2018**
Time **1.00 pm**
Venue **Council Chamber - County Hall, Durham**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 12 June 2018 (Pages 3 - 10)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/18/01115/FPA - Fram Well House, Diamond Terrace, Durham, DH1 5SU (Pages 11 - 42)
Redevelopment to provide 2/3 storey office building of 1251sqm floor space.
 - b) DM/18/00969/FPA - Land To The South And West Of Oakerside Drive, Peterlee (Pages 43 - 66)
67 dwellings with associated infrastructure and landscaping.
 - c) DM/18/00189/FPA - Seaham Hall Hotel, Lord Byrons Walk, Seaham (Pages 67 - 92)
Change of use of land for holiday accommodation, engineering operations to create 20 bases for holiday lodges, access and car parking, erection of four permanent holiday lodges and landscaping.
 - d) DM/17/04124/FPA - Tamar Close and Teign Close, Peterlee (Pages 93 - 110)
14 dwellings at Tamar Close and 27 dwellings at Teign Close, Peterlee (41 dwellings).
 - e) DM/18/01043/FPA - Garden Villa, Newcastle Road, Crossgate Moor, Durham (Pages 111 - 132)
Demolition of existing residential dwelling and construction of four residential dwellings.

- f) DM/17/02848/OUT - The Bungalow, Sandgate, Shotton Colliery
(Pages 133 - 148)
Residential development – Outline (all matters reserved).
6. Such other business as, in the opinion of the Chairman of the meeting,
is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
2 July 2018

To: **The Members of the Area Planning Committee (Central and East)**

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan,
M Davinson, D Freeman, A Gardner, K Hawley, S Iveson, P Jopling,
R Manchester, J Robinson and O Temple

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 12 June 2018 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Blakey (substitute for I Cochrane), G Bleasdale, D Brown, K Corrigan, M Davinson, D Freeman, A Gardner, K Hawley, P Jopling, J Maitland (substitute for A Laing), R Manchester and O Temple

Also Present:

Councillor L Mavin

1 Apologies for Absence

Apologies for absence were received from Councillors J Clark, S Iveson and J Robinson.

2 Substitute Members

Councillor J Blakey substituted for Councillor I Cochrane and Councillor J Maitland substituted for Councillor A Laing.

3 Minutes

The minutes of the meeting held on 8 May 2018 were confirmed as a correct record by the committee and signed by the Chairman.

4 Declarations of Interest

Councillor A Gardner declared an interest in Item 5a as an employee of Durham University, noting he would speak and then leave the meeting and take no part in the decision. The Solicitor – Planning and Development, Neil Carter noted that based on what the Member had said this was a matter for the Councillor in terms of wishing to leave the meeting.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

DM/18/00747/FPA – 7 St. Joseph's Close, Gilesgate, Durham, DH1 2JA

The Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from C3 (dwellinghouse) to C4 (house of multiple occupation).

The Planning Officer noted there had been no objections from statutory consultees, however, an objection had been made by: Durham Constabulary, via their Architectural Liaison Officer, Local Members, Councillors E Mavin and L Mavin; and 11 letters of objection from local residents. It was explained that reasons for objection included: detriment to residential amenity through noise and disturbance; an imbalance in terms of the demographic of the cul-de-sac, predominantly elderly at the current time; impact upon waste collection and litter; drainage; devaluation of property prices in the area; and in terms of the planning application not having been publicised widely within the locale.

The Committee were referred to the report which set out the relevant planning policies in terms of the application and explained that the application was in an area with a density of 9.3% student properties within 100 metres, being less than the 10% threshold set out within the Council's Interim Policy relating to student properties. It was added that the Noise Action Section had noted that while not likely to constitute a statutory nuisance, there could be an increase in noise levels from the application which could have an adverse impact upon residential amenity. The Planning Officer noted that the Highways Section had noted no objections, with adequate parking both at the site and nearby on the main road at the entrance to St. Joseph's Close.

Councillor K Hawley entered the meeting at 1.07pm

The Planning Officer concluded by noting that in terms of saved Local Plan Policies H9 and H13 that a single house of multiple occupation (HMO) would not unbalance the area and that the recommendation was for approval, subject to the conditions as set out in the report.

The Chairman thanked the Planning Officer and asked Local Member, Councillor L Mavin to speak in relation to the application.

Councillor L Mavin thanked the Chairman for the opportunity to speak in objection to the application as a Local Member.

She noted that she felt the application was contrary to Policy T1 of the saved City of Durham Local Plan (CODLP), in that it would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property. She added that she also felt the application was contrary to CODLP Policy H13 which states that planning permission would 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.

Councillor L Mavin explained she also felt the application was not in accord with CODLP Policy H9, in terms that the sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that it does not adversely impact on other planning considerations. She added that in this instance there was impact on CODLP Policy T10 which states that vehicle parking off the public highway in a new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land take of development.

Councillor L Mavin noted the issue of HMOs was well documented within the City, with the 2016 Interim Policy on student housing having been in an attempt to gain back some control. She added that the Durham Constabulary Architectural Liaison Officer and many local residents had objected to the application, to which many residents were unaware, save for a letter attached to a lamppost near to the application site. Councillor L Mavin asked the Committee respectfully to refuse the application.

The Chairman thanked the Local Member for her comments and asked the Architectural Liaison Officer, Durham Constabulary, Steve Drabik to speak in objection to the application, having 5 minutes to address the Committee.

The Architectural Liaison Officer noted his role within the Police was to object to applications that would have serious impact upon residents, and while there was no objections to individual students, there were a number that wished to live outside of university controlled halls of residence in years 2 and 3 of graduate courses and that they would use the level of freedom in terms of comings and goings from a property, after 10-11pm at night, and there was the potential in terms of additional rubbish in the street, especially at the ends of term. He added that there could be potential issues in terms of student residents not being security conscious and noted the Police, along with groups such as the City of Durham Trust had lobbied in terms of planning policy, with the Interim Policy on student housing coming in to effect too late for some areas of the City. He concluded by noting that the impact of a HMO in a quiet cul-de-sac of mostly elderly residents was felt to be massive and contrary to CODLP Policy H13, as previously explained, and also in terms of transport policies, with the road being very narrow and in terms of parking provision.

The Chairman thanked the Architectural Liaison Officer and asked the Highways Development Manager, John McGargill to address the points raised by objectors.

The Highways Development Manager noted that data suggested that around 15% of students in Durham had cars, and that the property had 6 students and 2 car parking spaces, equating to a 30% provision of car parking space. He added that he was not aware of any issues in terms of the cul-de-sac, with room to park and the additional public parking, uncontrolled, that was located at the end of street approximately 40 metres from the property and therefore the Highways Section offered no objections to the application.

The Planning Officer noted that in terms of publicising the application, neighbour notification letters had been sent and a site notice had been erected, greater than the statutory duty on the Authority, though a local resident had explained on the visit to the site that she had not received the letter. He added that issues in terms of CODLP Policies H9 and H13 had been set out within the report, alongside the Interim Policy on student housing.

The Chairman thanked the Officers and asked Robyn Craig on behalf of the Agents to the applicant to speak in support of the application, having 5 minutes to address the Committee.

Ms R Craig read out a statement on behalf of the Agent that would be managing the property should the application be successful:

"In relation to the proposed planning application at 7 St Josephs Close, I would like to outline the benefits we, at Nicholas Humphreys Durham, feel this application will bring and hopefully ease any concerns raised. Firstly, my company Nicholas Humphreys Durham, currently advertise over 80 properties for students. I personally manage around 30 of these and will be managing 7 St Josephs Close. I have managed properties in Durham for the last 3 years, and over these 3 years, have managed close to 90 tenancies consisting of hundreds of students. These have all gone without incident, crime, anti-social behaviour or otherwise. For each property managed by us, tenants sign a contract that has multiple clauses regarding the treatment of the property, the gardens and the neighbours and their properties; any conduct that would breach these clauses would result in removal from the property. I always ask my tenants to engage with their neighbours if possible, to build positive relationships and add to the community, rather than ostracise themselves from it. For all our properties, I personally introduce myself to all neighbours and make clear that I am available to contact anytime, day or night, to alleviate any concerns neighbours may have during the tenancy. The majority of the properties I manage are on Marshall Terrace, Wakenshaw Road, Bradford Crescent and Laurel Avenue so I am very familiar with the Gilesgate community. Most of my immediate family are still local to Gilesgate and I am there most days. Currently in Durham we are seeing a huge increase in large blocks of self-contained studio flats earmarked for students and, with the closure of the Durham University Queen's campus in Stockton, this is leading to a shortage of affordable student housing. For example, the three blocks closest to 7 St Josephs for the coming academic year are currently priced at £130 per week to £250 per week, per student. We will be looking to achieve £75-£80 per person per week in a property that, although shared, will be far more spacious and finished to a very high standard.

This will therefore increase the students' disposable income that can be spent in the local area and Durham City and, more importantly, increase the quality of their lives and experiences in Durham so they speak highly of their time here and return multiple times in the future."

The Chairman thanked the speakers for their comments and asked the Members of the Committee for their comments and questions.

Councillor J Blakey apologised for not being able to attend the site visit, though noted she was familiar with the area. She explained that her concerns were similar to those raised by the Police in terms of the location not being suitable for such an application and while she was not against students in the right location, she felt they would not contribute to this local community and that the application should be refused.

Councillor A Gardner noted he worked at Durham University at one of the larger colleges, with over 580 students and noted he felt it hard to accept the applicant's agent's assertion of no incidents in terms of students in his properties. He added he felt the issue and debate around HMOs was important and noted the proactive work of the University in terms of the issues such as the environment, recycling, litter, especially at the end of term. He noted it was important not to "tar all students with the same brush" in terms of engaging within communities and noted the property seemed to be ideal for third year or post-graduate students.

Councillor A Gardner added that he was disappointed with the comments from the Architectural Liaison Officer, in the context of the number of unlicensed HMOs, not all being located within Gilesgate, and that the Police could have been more specific. He added that he had visited the site at 7.30am and the issues in terms of parking did not seem any different than any other street within the rest of the county. He noted that in terms of noise and disturbance that the University worked with landlords and community in terms of any issues. Councillor A Gardner noted he agreed with the Officer's recommendation as set out in the report.

Councillor A Gardner left the meeting at 1.20pm

Councillor P Jopling noted her concerns in respect of adding 6 18-19 years olds into a residential area with mostly elderly residents. She noted cases closer to the City where students moved into a number of properties and permanent residents would move out. She understood that the vast majority of students behaved very well, however, they may have a few drinks and this could lead to increased noise levels, a disturbance for the elderly residents. Councillor P Jopling added she felt the development was wrong for this particular area.

Councillor D Freeman noted that the Police had saw fit to object to the application and added he felt that issues tended to be underreported and that HMOs had severe impacts. He added that there was a number of empty bed spaces in HMOs and therefore could not see an argument in terms of demand.

He noted the figure of 9.3% in terms of student density in the area, noting some doubts that had been raised in the past in terms of the figures from Council he noted from his experience that the University had shown little interest in the students that were outside of their accommodation. Councillor D Freeman noted that he felt the application was contrary to CODLP Policies H9 and H13 in terms of damage to local residential amenity and would support any move to refuse the application.

Councillor K Corrigan noted she had listened to the comments from the Local Member and read as regards the local residents and on that basis she would be happy to move a recommendation for refusal.

Councillor O Temple noted the difficulty in that there would not be many areas where residents would welcome HMOs and students, recalling when he was a Durham student many years ago having great difficulty in finding a property. He noted that each planning application should be looked at on its own merits and he explained that when visiting the site he had noted how quiet the street was, with a number of bungalows and elderly residents. He noted that you would not have to be a bad young person as such to disturb such elderly residents simply by coming home late from a night out. Councillor O Temple noted he could not recall the last time Durham Constabulary had attended a Planning Committee to object to an application and they had noted they felt residential amenity would be affected, in terms of CODLP Policy H13. He added that the “fear of crime” was also an issue that would likely be more of an issue with elderly residents. He seconded the recommendation for refusal.

The Planning Officer noted that the Council Tax data had been accepted as the best way to measure student density and be accurate and reliable and noted the fear of crime was a material planning concern.

The Solicitor – Planning and Development noted the information from the Police in terms of crime and disorder were relevant material planning concerns, though there had not been any specific issues associated with this particular location, if so, was there evidence specifically in this area. In terms of the Interim Policy on student housing, he noted this policy tried to strike a balance in terms of residential properties and HMOs, hence the 10% threshold density, and clearly in this case the density of 9.3% was less than the 10% threshold. The Solicitor – Planning and Development noted the “thin end of the wedge” argument, in that if one C4 application was accepted then this could lead to more applications. However, he added that this may or may not happen, and that the application for determination was the one presented by Officers and each application should be determined on its own merits. The Solicitor – Planning and Development noted that if Members felt there was sufficient adverse impact upon residential amenity, and fear of crime, then it would be for Members to frame their motion in those terms.

The Chairman asked for any further information from those Members proposing refusal.

Councillor K Corrigan noted she felt the application was contrary to CODLP Policy H13 in terms of the impact on character of the area would be significantly adverse, as well as on visual amenity. The Solicitor – Planning and Development noted the argument in terms of residential amenity, though was not sure in terms of visual amenity. Councillor O Temple noted it had been clear from the site visit that the gardens of the residents of the area were maintained with a great level of care, and added that as an HMO it was likely that garden would not be maintained to the same standard as the others in the area. He added that the Police had mentioned patterns of issues such as litter and furniture left at the ends of terms and this would make the property further out of step with the character of the area.

The Chairman recalled conditions being mentioned in relation to student living in the property as mentioned by the Agent and asked Ms R Craig if she could elaborate. Ms R Craig noted that currently the property was vacant, however, once tenants were in place then steps would be taken. Councillor O Temple noted that if already in ownership could maintenance of the grass not be undertaken to bring the property more in line with the surrounding area. Councillor J Blakey noted she found it unlikely that 19-20 year old students would carry out such work to the grass and garden and added that any local data the Police had for the area would have been useful for the Committee. The Chairman noted while no specific statistics had been mentioned the fear of crime had been mentioned by Members of the Committee.

Councillor K Corrigan noted she also felt the application was contrary to National Planning Policy Framework (NPPF) paragraph 69 in terms of creating “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”. She added that she felt the application was also contrary to NPPF paragraph 56 in respect of “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. The Solicitor – Planning and Development noted that paragraph 56 was not necessarily applicable for a change of use application with no design changes.

Councillor D Freeman noted refusal based upon CODLP Policy H13 and Paragraph 69 of the NPPF and therefore also H9, with the application being contrary to the previous two policies. Councillor K Corrigan added that the application was also contrary to NPPF Part 11 in terms of planning decisions aiming to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development.

Upon a vote being taken the Committee:

RESOLVED

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

The application being contrary to NPPF Part 11, NPPF Paragraph 69 and saved City of Durham Local Plan Policies H9 and H13.

The introduction of a 6 bedroom HMO into the residential cul-de-sac would have a significant and adverse impact upon the residential amenity of surrounding occupiers particularly by reason of increased noise, disturbance and fear of crime contrary to policies H9 (Parts 2 and 3) and H13 of the City of Durham Local Plan, paragraph 69 of the NPPF in respect of creating safe environments where the fear of crime does not undermine quality of life or community cohesion and paragraph 123 in respect of protecting the amenity of adjacent residential occupiers.

The development would have a detrimental impact on the character, appearance and visual amenity of the property and the immediate area due to concerns about satisfactory maintenance of the property as a result of the transient nature of the occupiers contrary to the aims of policies H9 (Part 2) and H13 of the City of Durham Local Plan.

Councillor A Gardner entered the meeting at 1.50pm

6 Report on Appeals Allowed

The Chairman asked the Team Leader - Central and East, Alan Dobie to give an update report on the appeals allowed, contrary to the Council's decision (for copy see file of minutes).

The Team Leader - Central and East noted that from the report presented to the Committee at its last meeting in relation to performance, Members asked for further breakdown of the appeals allowed in terms of decision maker and type of application.

It was explained that there had been seven appeals allowed from nineteen cases and of those seven, three were determined by Officers under delegated powers. It was noted those three cases related to the erection of a first floor extension to a dwelling, the felling of a Tree Preservation Order (TPO) tree and the erection of a six bedroom HMO.

Members noted in terms of Committee decisions, one application was refused by the Committee in line with the Officer recommendation of refusal, for an infill extension to a dwelling. The Team Leader - Central and East noted that two applications were refused by the Committee contrary to Officer recommendations of approval, relating to extensions to a dwelling and an apartment development. It was added the final appeal was against non-determination of an application for a domestic outbuilding. It was noted that the decisions taken by the Planning Inspectorate were taken on board and fed back into the decision making process accordingly.

The Team Leader - Central and East concluded by noting there was no set pattern in terms of the appeals being allowed, with a range of cases and being both decisions under delegated powers and by Committee and it was highlighted that it was important for any decision to be soundly based and justified upon material planning grounds.

RESOLVED

That the report be noted.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/18/01115/FPA |
| FULL APPLICATION DESCRIPTION: | Redevelopment to provide 2/3 storey office building of 1251sqm floor space. |
| NAME OF APPLICANT: | The Hanro Group |
| ADDRESS: | Fram Well House, Diamond Terrace, Durham, DH1 5SU |
| ELECTORAL DIVISION: | Elvet and Gilesgate |
| CASE OFFICER: | Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 0.27 ha in size and consists of the detached building known as Fram Well House and associated car parking. The building located 300m north of Durham City Centre has a lawful use as offices, and is predominately two storey, with a smaller single storey element to the south western elevation. A car park is located to the east of the building, with informal parking provided along the unadopted access road leading from Framwelgate Peth. There is a level change across the site of approximately 1m in an east to west direction and 2m in a north to south direction meaning that the rear access road of Diamond Terrace is lower than the application site which in part is separated by a retaining wall with a landscape buffer maintained by the residents of Diamond Terrace.

2. Part of the application site is located within the Durham City Green Belt, the boundary of which is aligned with the eastern elevation of the existing building and includes the existing car park. This area also forms part of a wider area of designated High Landscape Value. The site is located within the Durham (City Centre) Conservation area which includes the Durham Cathedral World Heritage Site. The site is within close proximity to 6 listed buildings; Fram Well Head (grade II) approx. 70 metres to the west, Durham Railway Station (Front Range and West Range separately listed at grade II) approx. 170 metres further west, and Crook Hall (grade I) approx. 300 metres to the north-east. The Coach House and North Barn adjacent to the main hall are separately listed at grade II.

The Proposal

3. Planning permission is sought for the demolition of the existing building and the erection of an office building with a footprint of 500sqm providing 1251sqm of office space over three floors. The building would measure approximately 32m in length by 15m in width with a ridge height of between 8.9m and 6.7m due to the differing ground level. The shape of the building would be largely rectangular with a 45 degree chamfer on the south western corner. Windows are proposed on the eastern, southern and western elevation, with the main pedestrian entrance on the eastern elevation. A secondary access and service entrance would be provided to the western elevation. The car parking on site is proposed to be reconfigured to formalise bays to provide 21 spaces along with cycle parking. A turning head would be provided in the reconfigured rear car park for service and refuse vehicles.
4. The building would be constructed from a steel frame with brick work on the lower level and corrugated cladding sheets on the upper levels. The flat roof would have a 1.5m green roof strip around the south, east and west elevations, the remainder being a pebble ballast.
5. This planning application is being reported to the Central and East Planning Committee at the request of Cllr David Freeman due to concerns on the impact on the Conservation Area and amenity of local residents.

PLANNING HISTORY

6. An application for the demolition of the existing building and erection of 7no. Townhouses for student accommodation was refused in 2016 (ref DM/15/02129/FPA)

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

10. *NPPF Part 2 – Ensuring the Vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
11. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
13. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
14. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining a planning application; ensuring the vitality of town centres; flood risk and coastal change; health and well-being; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; renewable and low carbon energy; travel plans, use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

City of Durham Local Plan (2004)

19. *Policy E1 – Durham City Green Belt.* Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
20. *Policy E3 – World Heritage Site Protection.* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
21. *Policy E6 – Durham City Centre Conservation Area.* Seeks to preserve the special character, appearance and setting of the conservation area by setting out design criteria that developments should adhere to and not permitting the demolition of historic properties
22. *Policy E10 - Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
23. *Policy E14 - Protection of Existing Trees.* Seeks to protect existing trees wherever appropriate.
24. *Policy E15 - New Tree and Hedgerows.* States that the council will encourage tree and hedgerow planting.
25. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
26. *Policy E21 – Historic Environment.* Seeks to preserve and enhance the historic environment by requiring developments to minimise adverse impacts on significant features of historic interest and encourage the retention, repair and re-use of buildings and structures which are not listed but are of visual or local interest.

27. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by nor permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
28. *Policy E23 - Listed Buildings.* Seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
29. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
30. *Policy EMP 14 – Office Development – Office Development Elsewhere.* Sets out that there may be premises within the built up part of the district which would be suitable for office use, consisting of conversion, extension or new construction on a modest scale. This is subject to there being no significant adverse impact on the amenity of neighbouring occupiers the site is assessable by a range of transport measures and the site can be served by roads capable of accommodating any increase in traffic.
31. *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.
32. *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.
33. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists.
34. *Policy CC1 – City Centre – Vitality and Viability –* Sets out that the Council seeks to protect and enhance the vitality and viability of the city centre by promoting a mixture of uses, sustaining shopping areas, promoting new residential developments, enhancing access to and within the city, promoting development which seeks to enhance the area. Proposals will be expected to conform to national planning policy guidance with particular reference to the sequential approach to the location of development.
35. *Policy Q1 – General Principles – Designing for People.* The layout and design of development should take into account the requirements of users including personal safety and crime prevention and accessibility requirements.
36. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.

37. *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.
38. *Policy Q6 – Landscaping – Structural Landscaping.* States that all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
39. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
40. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
41. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. 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.
42. *Policy U9 – Watercourses.* Requires that development proposals which may directly affect watercourses do not result in flooding, pollution, harm to nature conservation or harm to visual amenity.
43. *Policy U11 – Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
44. *Policy U12 – Development near Contaminated Land.* Measures must be undertaken which would be sufficient to stop contaminants leaches or gases penetrating the site and accumulating in buildings and structures which could be harmful gases should be prevented from migrating into surrounding land.
45. *Policy U13 – Development on Unstable Land.* States that development on unstable land will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.

RELEVANT EMERGING POLICY:

The County Durham Plan

46. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An ‘Issues & Options’ consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the ‘Preferred Options’ was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

Durham City Neighbourhood Plan

47. The pre submission draft of the Durham City Neighbourhood Plan was recently been the subject of the first formal public consultation which closed on 18th December 2017. The Durham City Neighbourhood Forum is currently considering the representations received and these should inform the finalisation of the plan for submission to the council for further public consultation and progression to independent examination.
48. This council has made representations on the pre submission version of the plan and the associated Strategic Environmental Assessment which raises a number of significant issues which will need to be resolved in order that the plan meets the prescribed Basic Conditions. In light of this and given the plan is still at an early stage of plan preparation it has not yet reached a stage where weight can be afforded to it.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

49. *Highways Authority* – It is advised that the proposed access arrangements to the site are acceptable whilst the parking provision is acceptable for this central location. Conditions should be attached to ensure the delivery of 2 active EV charging spaces, along with the provision of cycle parking. The rationalisation of parking around the entrance into the site is considered an improvement whilst the level of traffic generated by the scheme would be expected to be similar to that that could be generated by the existing development.
50. *Northumbrian Water* – Raise no objections and state that surface water disposal should be developed having regards to the hierarchy of surface water disposal.
51. *Drainage and Costal Protection* – Advise that a scheme for the attenuation of surface water from the site utilising SUDS should be developed.
52. *Network Rail* – Offer no objection in principle to the development but require a method statement in relation the construction works, lighting of the site and details of boundary fencing landscaping to be agreed by condition to protect the integrity and operation of the Rail Line.
53. *Coal Authority* – Advise the following consideration of an amended ground investigation report and clarification of the nature of the proposals a conditional approach to deal with land stability associated with previous coal mining activity on site can be adopted.

INTERNAL CONSULTEE RESPONSES:

54. *Spatial Policy* – Advise that the sites location is considered acceptable when considered against town centre policies within the CDLP and the NPPF. Given the minor increase in floorspace it is not considered necessary for the applicant to consider disaggregating this increase in floorspace within a sequential preferable town (city) centre location. The proposed increase in floorspace at the site would see a minor incursion into the Green Belt, consideration will need to be given to whether very special circumstance exist. The site's location within the Conservation Area and within proximity of the WHS requires the design of the proposed office to be carefully scrutinised. The CDLP is not considered silent, absent or out of date with regards policies for assessment of this proposal and therefore paragraph 14 is not engaged.

55. *Design and Conservation* – Advise that the impact on designated heritage assets and their settings would overall be considered neutral. While aesthetic consideration is subjective, the proposal would appear higher quality compared to the existing building. The external envelope adopts a contemporary aesthetic that pays some homage to the areas light industrial past. The architectural treatment of the solid robust lower level contrasts with the lighter weight upper floors where the rhythm and verticality of the glazing expresses the local vernacular. The simple pallet of materials and finishes also relates well to both the historic and present-day fabric of this part of the city and conservation area. The development would not harmfully impact upon the setting of Durham World Heritage Site and other designated heritage assets, (to and from), and would not directly affect any historic, visual or no-visual relationships between these assets.
56. *Landscape* – Offer no objections, advising that in near views from the rear of Diamond Terrace the new building would be visible and the increase in scale relative to the existing building would be apparent, with some adverse effect on the visual amenity of closer properties. The roof-scape would be overlooked through trees from the East Coast Main Line and the western elevation would be glimpsed from a short section of Framwelgate Peth. In wider views across the city the proposals would form a small part of visually complex panoramas. It is advised that the effects on visual amenity in those views would not be significant. Design advice is offered in relation to the landscaping of the site, particularly around the planting up of a hedgerow and trees along the eastern site boundary.
57. *Landscape (Arboriculture)* – Advise that specimens that are located within the railway embankment have grown towards and over the existing property. Pruning back of overhang will not have an adverse effect of the overall site or conservation area and will need to be undertaken to enable construction and to prevent possible branch failure.
58. *Ecology* – Advise that the supplied Bat Survey by Barrett Environmental is sufficient to inform the application and no further survey is required. The building contains a bat roost and a European Protected Species Licence is required for the demolition. Mitigation is proposed in the form of a bat roost unit within the new building. The delivery of this should be conditioned.
59. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is in close proximity of an Air Quality Management Area (Durham City Centre), however the development is not expected to generate a level of traffic of a magnitude that would impact on the Air Quality Management Area. Methods for the suppression of dust and particulates should be adopted during construction.
60. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised, officers advise a conditional approach in relation to land contamination to secure further sampling work and mitigation as required.
61. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the developer should ensure that an appropriate acoustic environment is achieved within the building commensurate with its use. A condition to ensure this is recommended. The development does have the potential for noise to be generated from external plant which could affect nearby residential properties. Details of the external plant and their siting should be secured. In terms of the noise (and dust) from construction works, the site is constrained and in close proximity to residential properties. In addition due to the ground conditions on site it is likely that piling will be carried out. This method of construction can have significant noise/vibration issues associated with it, as such a construction management plan should be submitted and agreed before development commences.

62. *Archaeology* – No objections are raised, advising that the proposed development uses the plot currently occupied by a building. It is unlikely that the proposals will impact any previously undisturbed below-ground remains.
63. *Sustainable Transport* – Advise that a final travel plan will need to be agreed before the development is occupied. Sufficient and appropriate cycle storage should be provided on site, consideration could be given to the resurfacing of Sidegate to allow safer transition of cyclists and pedestrians from the development into the city.

PUBLIC RESPONSES:

64. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 24 letters of objection from local residents, including from Sidegate Residents Association, St Nicholas' Community Residents Forum and the City of Durham Trust, have been received in relation to the development as summarised below.

Design/Appearance

- The proposed material used (dark bricks and corrugated fibre cement panels) are inappropriate and would clash with the brick buildings of diamond terrace.
- The appearance of the building is industrial in nature and not compatible with surrounding properties.
- The scale and layout of the building would swamp Diamond Terrace compared to the existing brick built building with pitched roof.
- The addition of an inappropriate flat roof would tower above the terrace of houses and would be more prominently than the existing.
- A brick structure should be considered.
- The scale of the building is considerably bigger not marginally bigger.
- The development would enclose the rear of diamond terrace and restrict views out into the Green Belt.
- The development would have a harmful effect on the character and appearance of the area.

Landscaping/Fencing

- The proposed treatment of the landscaping strip separating Diamond Terrace and the development is inappropriate
- This area is used as an amenity area to hang washing out
- Due to the level difference the proposed fence would exceed the stated height
- The development would require the removal of trees on the railway embankment and along the site entrance

Green belt

- The development would be encroaching into the greenbelt, there are no special circumstances to justify this. The development would be contrary to the NPPF in this respect.
- The delivery of 100 FTE jobs is not exceptional and is an unknown factor.
- The development would have a greater impact on the openness of the greenbelt
- If extra space is needed this should be to the front of the development.
- Concerns are raised regarding the potential to set a precedent for encroachment into the greenbelt
- The carpark within the greenbelt is not considered previously developed land as it has not been occupied by a permanent structure.

Residential amenity

- The overall layout would dwarf and swamp Diamond Terrace
- Concerns are raised regarding the potential impact during demolition due to the proximity of residential properties.
- Concerns regarding the presence of asbestos in the building.
- The height of the current external walls is approximately 5.5m, this would be increased to approximately 9.5m.
- Potential shade cast by the development

Other matters

- Bats are present within the property and frequent the immediate area, full surveys should be undertaken.
- Access will need to be maintained over the car park for existing residents to allow emergency services and other amenities to access Diamond Terrace.
- Air pollution targets are already being exceeded and no further commercial development should be allowed.
- The need for further office space given existing and proposed developments is questioned.

APPlicants STATEMENT:

65. Hanro, a well established and responsible Newcastle based property company, is working in partnership with Neil McMillan of iMpeC Developments, a developer with over 10 years track record of delivering successful projects in Durham. The partnership is seeking planning approval for the redevelopment of Framwell House in Durham City to deliver a new modern office building. This is a strategically important project for the City as it will provide much needed new employment space in a short timeframe to cater for unsatisfied demand. This will help retain existing businesses, attract new ones and prevent leakage of jobs to other centres within the region.
66. The proposed new office building will be ideally situated adjacent to Durham Station and the wider City Centre amenity. At 12,000 sqft the building will house between 120 and 150 high quality workers. The buildings size and location perfectly complement the proposed new developments at Milburngate and Akley Heads where further office space is planned to be built in the years to come. This development, if approved, will be the first speculative office building in Durham City for over a decade and it will help satisfy some of the current demand from businesses who are looking move to, or re-locate within Durham City. Notwithstanding that the proposed building has not been marketed as yet, such is the demand we already have a number of interested parties.
67. Key summary points to note;
 - There is a significant lack of supply of office space in Durham City;
 - Demand is there now for modern office space at a certain size floor plates;
 - Upon securing planning approval the developers will invest a seven figure sum to redevelop the site.
 - This site is deliverable in the short term to meet the growing need;
 - The redevelopment plans complement the County Durham Plan and the growth plans for the city;
 - The office building could create between 120 and 150 new high quality jobs which will increase spending in the City;
 - The existing building is no longer fit for purpose;
 - The existing building even if refurbished would be compromised and it would not offer the size of modern floor plates needed by the market;
 - The site is previously developed land with an extant use for office;

- The area of Green Belt encroachment taken with the new building is vital to provide the modern floor space required by business. It should be noted that the Green Belt land is only a small percent of the total footprint and that Green Belt land it will partly occupy currently forms part of a poorly landscaped surface car park.
- In approving this application it will provide significant economic and employment benefits for the City and satisfy in part the immediate market demand.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, heritage and landscape impact, landscape and visual impact, loss of open space, layout and design, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions and other issues.

The Principle of Development

69. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.
70. The CDLP was adopted in 1994 and was intended to cover the period to 2004. The NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

Town Centre

71. Policy EMP14 of the CDLP sets out that although in general offices should be located within established centres, there may be premises within the built up area which would be suitable for office use, consisting of conversion, extension or new construction on a modest scale. As part of the development extends beyond the built up area of Durham then there would be some conflict with policy EMP14. However, Policy EMP14 is not considered consistent with the NPPF, which requires the application of a sequential test for main town centre uses (including offices). Reduced weight can therefore be afforded to this policy in the decision making process.

72. The broader, strategic Policy CC1 of the CDLP does align with the NPPF, in that it identifies that the Council will seek to protect and enhance the vitality and viability of Durham City centre by promoting a mixture of uses. The policy sets out that proposals will be expected to conform to the 'sequential approach' advocated in national planning policy. The supporting text for the policy identifies that the sequential approach as set out in the former PPG6 will be applied to major developments. PPG6 has now been superseded by the NPPF, however, the NPPF still adopts a sequential test to certain planning applications. Therefore, subject to application of the more up to date sets set out in the NPPF Policy CC1 of the CDLP is considered consistent with the NPPF and should be afforded substantial weight in the decision making process.
73. The NPPF, at Paragraph 24, sets out that a sequential test should be applied to planning applications for main town centre uses (which the NPPF identifies an office is), which are not located within an existing centre or in accordance with an up to date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
74. Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, an impact assessment is required if the floor space of the development is over 2,500sqm if there is no locally set threshold (which is the case in Durham). In this instance an impact assessment is not required, the proposal seeks to increase the floorspace to 1124sqm which falls below the 2500sqm threshold. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact, it should be refused.
75. In this instance, as advised by the Council's Spatial Policy Section, as the development would be replacing an existing office building, albeit with a larger floorspace, it is not considered realistic for the applicant to consider disaggregating this increase in floor space (609sqm) within a sequentially preferable town (city) centre location. This relatively limited increase in floor space is also not considered to have any significant impact on the vitality and viability of the down centre or affect the delivery of existing or committed developments. It is therefore considered that the proposed use is considered acceptable with regards to Paragraph 24-27 of the NPPF and thereby satisfying the tests of CDLP Policy CC1.

Green Belt

76. Part of the re-developed building (188sqm) would extend beyond the original footprint of the building into the Durham City Green Belt. Saved Policy E1 of the CDLP sets out that within the Green Belt the construction of a new building is inappropriate and will not be permitted unless for specific purposes; including for agriculture or forestry, essential sport and recreation facilities, limited infilling of major developed sites, replacement of an existing dwelling, re-use or conversion of an existing building or limited extensions/alterations to an existing dwelling. The redevelopment of this site in the proposed form would not satisfy any of these exceptions and therefore would represent inappropriate development within the Green Belt in conflict with Policy E1 of the CDLP.

77. Whilst the objectives of Policy E1 of the CDLP are broadly consistent with the NPPF, which sets out a similar criteria of what constitutes inappropriate development, the NPPF introduces a wider scope to consideration of development in principle. In particular, Paragraph 87 of the NPPF, which sets out that inappropriate development is harmful to Green Belt and should not be approved except in very special circumstances. Paragraph 88 advises that substantial weight should be given to any harm to the Green Belt, and that very special circumstances quill not exist in less the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Given this additional test within the NPPF, it is considered that Policy E1 is only partly consistent and should therefore be afforded reduced weight in the decision making process.

Degree of Harm to the Green Belt

78. The NPPF is clear that the harm caused by inappropriate development in the Green Belt should be given substantial weight, however, consideration needs to be given to the extent of the harm.
79. A number of factors are capable of being relevant in a specific case when considering the impact of a development upon the Green Belt. This includes the impact on the openness of the Green Belt, this has a visual dimension to it, but a development can cause no visual intrusion but still impact upon openness by reason for instance that land is no longer free of built development. A prominent consideration is also how built up the Green Belt is now and how built up it would be if development occurs.
80. The NPPF also sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt are their openness and their permanence. Paragraph 80 of the NPPF sets out that there are five purposes of the Green Belt:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment
 - To preserve the setting and special character of historic towns; and,
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
81. At present, the green belt boundary is drawn tightly to the eastern elevation of the existing building. The redevelopment of the site would result in 188sqm of the new building extending into the Green Belt, along with associated works. Given there is no building on this part of the site, the development would impact on the openness of the Green Belt and create a visual intrusion in this location. It is, however, recognised that the car park associated with the existing development extends into the Green Belt, it is considered that this gives a blurred edge to the Green Belt and countryside beyond without a definitive identifiable boundary. It is considered that this would reduce the perceived impact of the development particularly in combination with the proposed landscaping, including the greening up of the development site and car parking area, whilst planting would create a more defensible Green Belt/settlement boundary. When viewed away from the immediate location of the site, both within the existing urban area and the surrounding Green Belt, the development would not be perceived as a substantial or clear encroachment into the Green Belt or wider countryside, as advised by the Council's Landscape Officer.

82. Overall, it is considered that the harm on the Green Belt is limited in the round given the specific nature of the proposals and the site itself. In turn, it is considered that the impact of the development upon the five essential characteristics of the Green Belt is relatively limited and those characteristics would not be undermined. However, notwithstanding this, any harm to the Green Belt must be given substantial weight and in order to clearly outweigh the identified harm, although limited, the very special circumstances are still required to clearly outweigh this harm and any other harm.

Very Special Circumstances

83. The arguments put forward in favour of the development consisting of the very specially circumstances include:
- i) The existing building is redundant in terms of its intended office use and does not contribute to the economic viability of the city.
 - ii) The existing building is incapable of being refurbished and redeveloped within its existing floor plate whilst delivering the requirements of future occupiers in terms of space and services.
 - iii) The redevelopment proposals require a larger more flexible floorplate than the existing building, in order to provide the services and facilities desired by occupiers.
 - iv) It is not possible to site the required size of the building wholly outside the Green Belt either by extending the existing building to the side or through the addition of a storey due to site constraints.
 - v) The redevelopment of the proposals will improve the visual amenity of the site in comparison to the existing building and improve the character and appearance of the Conservation Area in this location.
 - vi) The redevelopment proposals would deliver economic benefits during construction, operation, creating approximately 100 direct FTE jobs and 42 FTE multiplier jobs.

84. The above arguments put forward by the applicant, particularly around the expectations of future office users in relation to unit size, layout and facilities are considered rational and reasonable and accepted principles in other developments within the City Centre. It is also clear that significant investment is required to bring the building back into an economically productive use particularly considering its central sustainable location. Although assessed in detail below, it is considered that in visual terms the development would represent an improvement in this part of the conservation area over and above the existing building. On balance, it is considered that very special circumstances which are capable of outweighing the limited degree of harm to the Green Belt do exist, but the final planning balance of all considerations cannot be undertaken until all material considerations have been assessed and this is considered in detail later in this report.

Conclusion on the principle of development

85. The development would conflict with CDLP Policy E1 and, to an extent EMP14, however, as neither policy is considered entirely consistent with the NPPF, full weight cannot be afforded to them. Offices outside the town centre are, considered acceptable in principle at the site having regards to key advice contained within Part 2 of the NPPF and the development would not undermine the vitality and viability of the City Centre in accordance with Policy CC1 of the CDLP. However, the site also comprises of Green Belt land and the acceptability of the development in principle, is considered to rest upon whether the very special circumstances advanced in support of the development clearly outweigh the harm to the Green Belt and any other harm. The other harm, including assessment against relevant planning policies and material considerations, is detailed below.

Heritage and landscape Impact

86. Policy E3 of the CDLP seeks to protect Durham Cathedral and Castle World Heritage Site (WHS) and its setting by restricting development to safeguard local and long distance views to and from the WHS. In addition to this, Policies E6 and E21, E22, E23 seek to preserve the special character, appearance and setting of the Durham City Conservation Area by not permitting development which would detract from its character or appearance and also not permitting the demolition of buildings which contribute to the areas character. Although the NPPF seeks to protect heritage interests, these policies are considered to be more restrictive than the NPPF in that they do not permit flexibility in decision-making where harm is found to the heritage assets, with no public benefit tests referenced as per the NPPF. As a result the Policies are not fully consistent with the NPPF and this affects their weight in the decision making process. CDLP Policy E10 designates Areas of High Landscape Value, including land to the east of the application site, to protect the setting and historic character of Durham City. This policy is considered consistent with the NPPF which highlights the need to take account of the roles and character of different areas and therefore can be afforded full weight in the decision making process.
87. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker. Objections have been raised from local residents in relation to the design of the building, proposed materials and resultant impact on the Conservation Area.
88. The heritage assets in this instance which could be impacted by the development are identified as the Durham Cathedral and Castle WHS (located 580m to the south) and the Durham (City Centre) Conservation Area whilst the site is within close proximity to 6 listed buildings. These being; Fram Well Head (grade II) approx. 70 metres to the west, Durham Railway Station (Front Range and West Range separately listed at grade II) approx. 170 metres further west, and Crook Hall (grade I) approx. 300 metres to the north-east. The Coach House and North Barn adjacent to the main hall are separately listed at grade II.
89. Fram Well House itself dates from the 1970s and comprises a single-storey building of buff brick with a wide rectangular plan-form, an extensive shallow pitched tiled roof, and including openings with a horizontal emphasis. As a consequence, it is considered to be of no historic interest with its architectural and aesthetic merits considered limited at best. It is considered that the demolition of the existing building would not be harmful to the character and appearance of the conservation area as it is considered that it does not make a positive contribution to the character of the area.
90. The Design and Conservation Section advise that the special interest of this part of the conservation area stems from the remnants of the Victorian terraced housing and surviving features of the landscape that provide evidence of past industrial activities adjacent to and in the wider context of the site. Historically, the landscape was severed by the railway in the later part of the 19th century that then led to various industrial activities in the area, this included quarrying, coal mining, brick and tile works and a tram way down to the riverside. The residential terraces of Sidegate and Diamond Terrace were constructed as a direct product of the above. Sidegate, however, has further historic significance due to its origins in medieval tenements.

91. In terms of the proposed replacement development, this would reflect the existing buildings position and orientation which is considered appropriate. While the building would have a perceived greater mass, due to the contemporary approach to design, the I additional volume, it is advised by the Design and Conservation Section, would create a proportionate building form. It is also advised that the design organises the buildings mass to express articulation by utilising the topography so that from certain vantage points the building would be perceived as being 2-storied. Further visual break down would be generated by the inclusion of the chamfered and fully glazed south-east corner, recessed glazing to avoid flat façades, and by the revised materiality expressing different parts.
92. The site sits within an elevated position within the landscape, however, it is heavily shielded in the wider context by a combination of the intervening topography, trees, and existing urban development. While an increase in size/scale is proposed and the development would be transformative from a design/aesthetic perspective, it is advised by both the Design and Conservation Officer and Landscape Officer the above context would not materially change, with views of the building either fully restricted or filtered and seasonal. It is therefore considered that there would be no adverse impact on the surrounding landscape character that is a fundamental part the conservation area due to the site being presently developed and of an urban character. It is also advised by both the Design and Conservation Section and Landscape Section that the development would not harmfully impact upon the setting of Durham World Heritage Site and other designated heritage assets, due to the limited intervisibility.
93. The Design and Conservation Section advise that when assessing the impact upon the conservation area, no harmful effects would arise at both local and distance level for the reasons set out above. The proposal would not adversely impact on the area's special historic, architectural and scenic natural qualities or how these are experienced in views. As a consequence, the impact on the conservation area would be considered neutral, preserving its character. At closer distance the building would be visible from the access point off Framwelgate Peth but this would be a passing glimpsed view of only a single elevation that is set well back from the main street. It is considered that this view would be improved over the existing situation. A landscape masterplan has been submitted which is considered broadly acceptable subject to further detailing to include protection of trees to be retained, level of pruning works of overhanging branches the greening up of the existing car park area, planting of hedgerow/shrubs along the car park boundary and beyond. This would satisfy the requirements of Policies CDLP E14, E15, Q5 and Q6 (all consistent with the content of the NPPF).
94. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. However, in this instance due to the previously development nature of the site the Archaeology Officer advises that it is unlikely that the proposals would impact any previously undisturbed below-ground remains and no further mitigation is required.
95. Overall, it is considered, in line with the advice from the Design and Conservation Section that the development would not negatively impact on heritage assets with the character and appearance of the Durham City Centre Conservation Area and the setting of the World Heritage Site and nearby listed buildings preserved. It is however considered expedient to control details of materials to be used (although considered generally acceptable) and finer design details around windows, and doors. Subject to these conditions, the development is considered to accord with Policies E3, E6, E14, E15 E21, E22, E23, Q5 and Q6 of the CDLP and Part 12 of the NPPF in this respect and satisfying the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety and Access

96. CDLP Policy T1 states that planning permission will not be granted where a development would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring properties. CDLP Policy EMP14 requires that office development out of city centres be located in a location accessible by a range of transport methods and which can be served by roads capable of accommodating any increase in traffic. CDLP Policies T10, T20, Q1 and Q2 cumulatively seek to ensure that developments are accessible by a range of users whilst making sure that appropriate levels of car and cycle parking are provided. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
97. The site is served by a single vehicular and pedestrian access taken off Framwelgate Peth. Approximately 30 parking spaces are currently provided on site to serve the development, however, these are not demarcated with vehicles parked in a haphazard manner particularly around the site entrance. An informal turning area for refuse vehicles is provided within the existing car parking area, however, again this is not laid out.
98. The scheme proposes to retain the existing access arrangements into the site, however, the parking arrangements would be formalised with individual bays laid out and a formal turning area created. This would reduce the amount of parking provided on site to 19 spaces. The Council's most recent parking and accessibility standards (2018) indicate a figure of 50 spaces would be appropriate for this type of development. However, given the sites location in proximity to Durham city centre and relevant rail and bus hubs, future occupiers would have a range of transport options available to them to access the site. The Highway Authority advises that the level of parking proposed is acceptable for a development of this nature in this location, whilst noting that parking restrictions are in place on surrounding residential and commercial streets.
99. It is also advised that the alteration to parking around the access would result in an improvement over the existing situation. It is, however, recommended that conditions are imposed to secure the delivery of EV charging points, a disabled space and secure bike storage for a minimum of 20 bikes as required by parking standards. In relation to traffic generation, although there would be an increase in floor space of the new building, the number of parking space would be reduced resulting in less vehicular traffic generated over and above what could be generated. A transport statement/assessment is therefore not required in this instance, however, a condition to secure a detailed travel plan is required in order to comply with Policy Q2 of the CDLP and Part 4 of the NPPF.
100. Overall, it is considered that the proposal would be served by an appropriate means of access and would not adversely impact on the wider highway network, and served by parking of an appropriate level, design and layout. The scheme is considered to accord with CDLP Policies T1, EMP14, T10, T20, Q1 and Q2 and Part 4 of the NPPF in this respect. Policies T1 and EMP14 are considered partially consistent with the NPPF and Policies T20, Q1 and Q2 are considered fully consistent with the NPPF and can be attributed weight in the decision making process. Policy T10 seeks to minimise the level of parking provision which is considered contrary to the more up to date approach advocated by national guidance and as a result no weight is attributed to this policy.

Residential Amenity

101. CDLP Policy EMP14 sets out that new office development will only be granted permission provided that there is no significant adverse impact on the amenity of neighbouring occupiers. Policies U5 and of the CDLP also sets out that development that may generate pollution will not be granted if the proposal would have an unacceptable adverse impact on the quality of the local environment, amenity of nearby and adjoining land users. Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Furthermore, Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. Accordingly, Policies EMP14 and U5 are considered consistent with the NPPF and can be afforded full weight in the decision making process.
102. The existing building is located in close proximity to the residential properties of Diamond Terrace, with a minimum distance of 8.9m between the south west corner of the building and the rear extension of no.5 Diamond Terrace. Due to the orientation of Diamond Terrace, which is offset from the development site, a rear extension on the end terrace property of no.7 is located approximately 11m from the existing building. Windows and access doors are located along the south western and south eastern elevation of the existing building which although largely at an oblique angle face the residential properties. As highlighted above there is a level change between the site and the ground level of Diamond Terrace is in instances up to 1m. Due to this relationship and proximity of the building it is considered that the level of amenity and privacy of residential properties is currently impinged. In addition, the building is in a poor condition and has very limited architectural merit; as such, it is considered that this further reduces the level of amenity that residents experience.
103. The proposed scheme would rebuild the building on a similar footprint but would extend further to the north east and to south west. The shape of the building would be rationalised, effectively rectangular in shape with a 45 degree chamfer on the south western elevation. The maximum height of the building would be approximately 1.32m higher than the existing building whilst a flat roof is proposed meaning that there would now be walling and windows in the position of the existing pitched roof space. The existing single storey flat roofed element to the front of the building would effectively be brought up to a two storey level. Due to the 45 degree element, the closest part of the building would be located approximately 9.6m away from a rear extension of the nearest residential dwelling.
104. Due to this increase in scale and mass over the existing building it is considered there would be a reduction in the level of amenity experienced by adjacent residents. The building would be dominant in terms of rear outlook from the majority of properties in Diamond Terrace, albeit it this is the case with the existing building. It is noted that properties have an open outlook to the front (to the south) with more useable amenity garden space. The increased comings and goings would, to a degree, have an impact, however, there are less car parking spaces than currently and vehicle trips would likely be similar if the existing building was occupied in a more efficient manner. It is also noted that the proposed main access points are located away from the main elevations facing residential properties, whereas the main access point on the existing building is raised and directly faces residents. Whilst accepting elements of design are subjective, It is considered that this reduction in amenity would be offset to a degree through the siting of a more modern building and through the landscaping of the site.

105. In terms of privacy, windows are proposed on all elevations of the building that face away from the embankment. As with the existing, views from the south west, north east and south east elevation would be off set due to the oblique relationship of the building with Diamond Terrace. In the 45 degree chamfer elevation louvered windows are proposed to restrict direct views which is, to a degree, an improvement over the existing where the main entrance doors directly face out onto adjacent properties.
106. In terms of noise generated from the development, the Environmental Health and Consumer Protection offer no objections to the relationship with neighbouring properties, subject to the control and detailing of plant required to serve the development. The submitted information identifies that any plant such as air conditioning units would be located to the rear elevation away from the residential properties.
107. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition and the restriction of working hours on site, construction related impacts could be mitigated.
108. Overall, it is considered that the proposed development would reduce the level of amenity currently experienced by existing residents principally due to the increase in scale of the new building. However, given the existing developments relationship with Diamond Terrace, the poor condition and design of the building and direct overlooking, on balance, this would not represent a significant adverse impact and therefore would not conflict with Policy EMP14 and the NPPF in this respect. Subject to controlling the location of plant, construction related impacts and external lighting it is considered that the development would accord with Policy U5 of the CDLP and Part 11 NPPF in this respect.

Ecology

109. Policy E16 of the CDLP sets out that development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site, unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified. This policy is considered consistent with part 11 of the NPPF in this respect which also seeks to ensure that developments protect and mitigate harm to biodiversity interests.
110. The site is not located within or in proximity of any specifically protected site, the principle consideration in this instance is whether the demolition of the building would affect any species specially protected by law including bats. In this respect a bat survey has been carried out which identifies the presence of a single Pipistrelle bat within the building. The demolition of the building would lead to the loss of this roost.
111. Under the requirements of the Conservation of Habitats & Species Regulations 2017 it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England which is normally obtained after planning permission has been granted. When deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS) the regulations contain three "derogation tests" which must be applied by Natural England. The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained.

112. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under the 2017 Regulations and also be satisfied that these three tests are met and that Natural England is likely to grant a protected species licence when deciding whether to grant planning permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
113. The bat species on site are considered to be of local parish significance and no significant effects at district level are anticipated the level of harm is assessed to be minor negative. It is considered that the other tests of overriding public interest and there being no satisfactory alternative would be met by the proposed development. This would occur because of the economic, social and environmental benefits that would arise from the implementation of the development, to which the demolition of the building is necessary.
114. This would enable the Council to satisfy its obligations under the Conservation of Habitats and Species Regulations 2017 and planning requirements under policy E16 of the CDLP and paragraphs 118, 119 of the NPPF.

Flooding and Drainage

115. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
116. The application site is within flood zone 1 with a low flood risk probability. The applicant has indicated that the development would utilise soakaways and other sustainable drainage methods to attenuate surface water runoff from the site and building. A detailed drainage strategy has not been submitted setting out how this would be fully achieved, however given the small nature of the site a conditional approach is recommended to agree the details of this in conjunction with Drainage and Costal Protection officers and Northumbrian Water
117. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water
118. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Policy U8a of the CDLP which is consistent with Part 10 of the NPPF.

Ground conditions

119. In relation to land contamination the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report. However, further work is required once the demolition of the building has taken place, and Environment, Health and Consumer Protection advise a conditional approach to further investigations, including site sampling, to secure mitigation if required, in accordance with Policies U11 and 12 of the CDLP which are considered consistent with Part 11 of the NPPF in this respect.

120. The site is located within the high risk coal mining zone of influence. Accordingly, a site investigation has been carried out to establish whether any mitigation works are required to stabilise the site. Although the initial survey has not indicated a coal seam in the proximity of the site, the Coal Authority recommend further investigations, particularly if the foundations of the existing building are not utilised. This work is ongoing and the applicant is in dialogue with the Coal Authority to agree the scope of this. A conditional approach to control, review and secure appropriate mitigation is considered proportional and is recommended.

Other Issues

121. The Environmental Health and Consumer Protection (Air Quality) officers advise that the site is located in close proximity of the Durham City Air Quality Management Area. However, due to the reduction in parking spaces it is advised that the development is not expected to generate a level of traffic of a magnitude that would impact on the Air Quality Management Area. Methods for the suppression of dust and particulates should be adopted during construction through the approval of a construction management plan.
122. Policy Q15 (Art in design) sets out that the Council will encourage the provision of works of art as part of development. A conditional approach is recommended to secure this on or within the proximity of the site.
123. The site is immediately adjacent the East Coast Main Line. Network Rail offer no objection in principle to the development, but require a method statement in relation the construction works, lighting of the site and details of boundary fencing/landscaping to be agreed by condition to protect the integrity and operation of the Rail Line. Conditions to this effect are recommended. Environmental Health and Consumer Protection advise consideration is given to the acoustic performance of the building in relation to this noise source. A condition to this effect is recommended.
124. A significant number of objections have been received from local residents regarding the proposed treatments of a landscaping strip between the development site and Diamond Terrace. Although this land is unregistered residents have historically maintained this area and it is used for the drying of clothes. The applicant originally had proposed to comprehensively landscape this area and erect a solid boundary treatment. However, this has now been amended and it is intended to leave this area un- touched, with the exception of re-laying curb stones and the erection of a 0.9m high mesh fence that would allow climbers to grow. There would be gaps in this fence to reflect informal steps that residents use. In planning terms this is considered acceptable in relation the visual amenity of the area, amenity of residents and highway safety. However, the proposed landscaping condition allows continued dialogue between the applicant and residents.

Planning Balance

125. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.

126. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances, Paragraph 14 of the NPPF advises that the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay (unless material planning considerations indicate otherwise). Likewise, and in accordance with Paragraph 12 of the NPPF, development which conflicts with a development plan should be refused unless, again material planning considerations indicate otherwise.
127. The development is identified as being inappropriate development in the Green Belt and is therefore in conflict with CDLP Policy E1 and in turn there is some conflict with Policy EMP14. Policies E1 and EMP14 are only partially consistent with the content of the NPPF and cannot be attributed full weight. Remaining CDLP Policies are considered to be complied with including those relating to the key material planning considerations of development beyond town centre boundaries, heritage and landscape impact, ecology, highways issues, flood risk, and pollution. Though as detailed in the report although not amounting to a conflict in policy there would be some harm the level of residential amenity of neighbouring residents.
128. The overall planning balance is considered to rest upon whether the very special circumstances advanced in support of the proposals are sufficient to clearly outweigh the harm to the Green Belt and any other harm. The other harm in this instance relating to the aforementioned impact on residential amenity.
129. Any harm to the Green Belt must be attributed substantial weight and though some mitigating factors aid the extent of this, the development is of a nature and scale that the harmful impact is limited and mitigation proposed in the form of additional landscaping helps ensure that the purposes of the Green Belt are reinforced and maintained.
130. However, it is considered that there are very special circumstances which apply to the development sufficient to clearly outweigh the identified harm, including bringing an underused building back into a productive reuse and improving the immediate appearance of the area.
131. As a result, and having regard to the development plan and, on the balance of all material planning considerations, including comments raised in the public consultation exercise, it is considered that the proposals are acceptable.

CONCLUSION

132. The development would conflict with Policy E1 of the CDLP representing inappropriate development within the Green Belt.
133. The overall planning balance is considered to rest upon whether the very special circumstances case in support of the inappropriate development in the Green Belt clearly outweighs the harm to the Green Belt and any other harm which in this instance is identified as a reduction in the level of residential amenity.
134. It is considered that there are very special circumstances which apply to the development sufficient to outweigh the identified harm, these including bringing an underused building back into a productive reuse and improving the immediate appearance of the area.

135. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
136. As the development consists of inappropriate development in the Green Belt which includes the provision of buildings of 1,000m² or more any resolution of approval must be referred to the Secretary of State via the National Planning Casework Unit for their consideration on whether to call in the application for their determination.

RECOMMENDATION

That the application is minded for **APPROVAL** subject to referral to the Secretary of State and subject to the following conditions:

Time limit for implementation

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

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

Approved Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

| Plan | Drawing No. | Date Received |
|---|---------------|---------------|
| Site Layout Plan | AL(0)17 Rev D | 29/06/18 |
| Proposed Ground Floor Plan | AL(0)10 REV B | 13/04/18 |
| Front Elevation Section Details | AA(2)01 | 25/06/18 |
| Louvre Design | AC(0)01 | 25/06/18 |
| Proposed South-East Elevations | AL(0)14 Rev B | 25/06/18 |
| Proposed North-East and North-West Elevations | AL(0)15 Rev B | 25/06/18 |
| First floor plan | AL(0)11 Rev C | 18/06/18 |
| Second floor plan | AL(0)12 Rev C | 18/06/18 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E21, E22, EMP14, T1, T10, T20, Q1 and Q2 of the City of Durham Local Plan and Parts 4,7,8,10,11 and 12 of the NPPF.

Window Design

3. Notwithstanding the details submitted with the application, prior to the erection of the windows and external walling, details to include plans and cross sections of the proposed windows and reveals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the character and amenity of the conservation area in accordance with Policies E6, E10, E14, E15, E21 and E22 of the City of Durham Local Plan and Parts 7, 11 and 12 of the National Planning Policy Framework.

Materials

4. Notwithstanding any details of materials submitted with the application, prior to the erection of external walling, samples of the external materials including walling and cladding materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the character and amenity of the conservation area in accordance with Policies E6, E10, E14, E15, E21 and E22 of the City of Durham Local Plan and Parts 7, 11 and 12 of the National Planning Policy Framework.

Landscaping

5. Notwithstanding the submitted information, prior to the erection of the building hereby approved, a detailed landscaping scheme for the site based on the principles set out on the Landscape Masterplan Drwg AL(0)18 Rev C, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall also include the following:

- Any trees, hedges and shrubs scheduled for retention and the method of protection during construction,
- Details of any works to trees to be retained,
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of any hard surfaces
- Details of planting procedures or specification;
- Finished topsoil levels and depths;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Details of all means of enclosures.
- The use of reinforced grass surfaces within parking bays with the car park area
- The provision of a native species hedge and tree planting to the eastern elevation
- Details of bin storage and means of enclosure/screening

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Trees, hedges and shrubs planted in accordance with the scheme shall not be removed within five years. Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the character and amenity of the conservation area in accordance with Policies E6, E10, E14, E15, E21, E22, Q5 and Q6 of the City of Durham Local Plan and Parts 7, 11 and 12 of the National Planning Policy Framework.

Cycle Parking

6. Notwithstanding the submitted information, prior to the construction of the building hereby approved details of cycle parking shall be submitted to and approved in writing with the Local Planning Authority. The submitted information shall set out:-
 - The location, elevation details and materials of construction of long stay secure bike parking for 20 bicycles.
 - The location and specification of short stay bike parking for 20 bicycles.The approved cycle parking shall be made available for use before the first occupation of the building and thereafter retained for the lifeline of the development.

Reason:- In order to encourage sustainable transport methods, in accordance with Q2 and T20 of the City of Durham Local Plan and parts 4 and 8 of the National Planning Policy Framework.

Highways

7. Prior to the first use of the building hereby approved, the parking bays and parking restrictions set out on the proposed Site Plan AL(0)17 rev D received 19/06/2018 shall be fully laid and made available for use. Onsite parking shall be restricted to the laid out parking bays.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies T1, T10 and Q2 of the City of Durham Local Plan and Part 4 of the National Planning Policy Framework

EV Parking

8. Prior to the development hereby approved being brought into use, details of the 2 no. electric vehicle charging points depicted on the Proposed Site Plan, AL(0)17 rev D shall be submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be installed and make available for use prior to the first occupation of the building.

Reason:- In order to encourage sustainable transport methods, in accordance with Q2 and T20 of the City of Durham Local Plan and parts 4 and 8 of the National Planning Policy Framework.

Travel Plan

9. Within a period of six months of the first occupation of any part of the development a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 4 and 8 of the National Planning Policy Framework.

Disposal of surface and foul water

10. Prior to the erection of the building hereby approved a detailed scheme for the management and disposal of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme(s) should be based upon the principles contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme(s) should include but not necessarily be restricted to the following:

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. Details of timings for implementation
- iii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be completed in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with paragraph U8a of the City of Durham Local Plan and Parts 10 and 11 of the National Planning Policy Framework.

Ecology mitigation

11. The development shall be carried out in accordance with the mitigation outlined within the Bat Report, June 2018 compiled Barrett Environmental Ltd.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with policy E16 of the City of Durham Local Plan and Paragraph 109 of the National Planning Policy Framework.

Public Art

12. Prior to the occupation of the building, a scheme for the provision of public art on or within the proximity of the site shall be submitted to and approved in writing by the Local Planning Authority to include timings for implementation and a maintenance regime. The approved scheme shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy Q15 of the Sedgefield Borough Local Plan and Part 7 of the National Planning Policy Framework.

Land stability

13. Prior to the erection of the building hereby approved, a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
 - The submission of a scheme of further intrusive site investigations to investigate the presence of previous coal mining activity where required;
 - The undertaking of that scheme of further intrusive site investigations where required;
 - The submission of a report of findings arising from any intrusive site investigations;
 - The submission of a scheme of remedial works which may be required and a time frame for implementation of those remedial works.

The scheme thereafter shall be completed in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with policy U11 of the City of Durham Local Plan and Part 11 of the NPPF.

Working Hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

Construction Management Plan

15. No development shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
- The submitted construction management plan should make provision for the protection of the East Coast Main Line and associated operational land.

The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

External Lighting

16. Notwithstanding the submitted information, prior to the installation of any external lighting, a lighting strategy shall be submitted and thereafter approved in writing with the Local Planning Authority. This strategy shall include:-
A description of the proposed lighting units including height, type, angling and power output for all lighting
Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of adjacent neighbouring properties;
Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
Operational times of lights

The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

External lighting shall thereafter only be installed in accordance with the approved details.

Reason: In the interests of the amenity of surrounding residents and in order to comply with Policies EMP14 and U5 of the City of Durham Local Plan and Part 11 of the National Planning Policy Framework.

External Plant

17. Notwithstanding the submitted information, proper to their installation, full details and specification of:-
- Any external plant - including noise rating against background noise levels were required,
 - means of extraction, including noise rating against background noise levels and odour abatement measures were required
 - Details of the emission levels of any Combined Heat and Power Plant.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of surrounding residents and in order to comply with Policies EMP14 and U5 of the City of Durham Local Plan and Part 11 of the National Planning Policy Framework.

Acoustic Mitigation

18. Prior to the construction of the building hereby approved, a scheme of internal acoustic mitigation shall be provided to demonstrate that the building can achieve an internal noise level of NR38 (Leq) in accordance with the British Council for Offices-Guide to specification 2014 BS 8233. The development shall be carried out in accordance with the approved details thereafter and the mitigation retained for the lifetime of the development.

Reason: In the interests of the amenity of future occupiers given the proximity of noise sources in accordance with part 11 of the NPPF.

Land Contamination

19. Prior to the erection of the building hereby approved a scheme to deal with land contamination has been submitted to and approved in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) a Phase 2 Site Investigation and Risk Assessment shall be carried out for any phase before any development commences on that phase to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out for that phase. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with policies U11 and U12 of the City of Durham Local Plan and Part 11 of the National Planning Policy Framework. Required to be a pre-commencement condition as the site contamination investigation/mitigation must be devised prior to the development being implemented.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

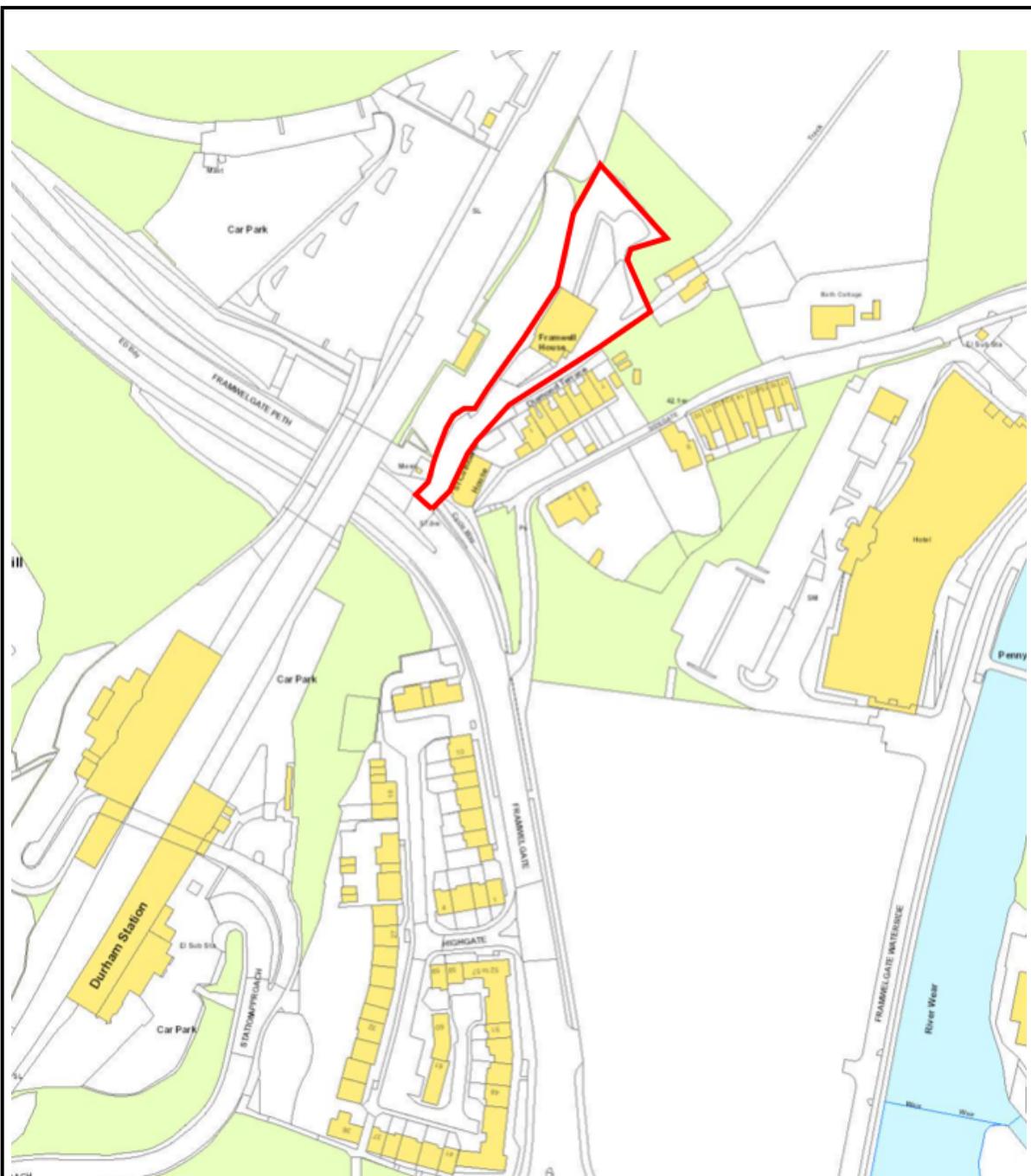
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan (2004)

Statutory, internal and public consultation responses



| | | |
|---|---|---------------------------|
|  Planning Services | Fram Well House, Diamond Terrace, Durham, DH1 5SU Redevelopment to provide 2/3 storey office building of 1251sqm floor space. | |
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION No: | DM/18/00969/FPA |
| FULL APPLICATION DESCRIPTION: | 67 dwellings with associated infrastructure and landscaping |
| NAME OF APPLICANT: | Chapter Homes |
| ADDRESS: | Land To The South And West Of Oakerside Drive, Peterlee |
| ELECTORAL DIVISION: | Passfield |
| CASE OFFICER: | Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the south and west of Oakerside Drive which is in the southern part of Peterlee. The site is roughly rectangular in shape and comprises 3.4ha of grassland. With regards to topography, the site slopes away from the south west to the north east and there is around 10m between the site's highest and lowest points. The site, once former playing fields have not been used following the redevelopment of Shotton Hall Comprehensive School into The Academy at Shotton Hall following a grant of planning approval in 2009. The site has three distinct levels/tiers which results from its former use. The remainder of the land to the north and east forms comprises of amenity open space which benefits from tree planting in the form of a grouping of trees adjacent to Oakerside Drive and a woodland grouping slightly to the west of this.
2. The school site and its boundary occupy the western boundary of the application site with housing located to all other sides. Whilst Peterlee Town Centre is located just over a 1km away (straight line distance) to the north east a local centre lies to the south east within 120m of the site boundary. More widely, the site lies 3,500m from the Heritage Coastline, a European Protected Site, and therefore within the 6km buffer for the Durham Coast Special Area of Conservation (SAC). Castle Eden Dene Site of Special Scientific Interest (SSSI) and National Nature Reserve also lies within 300m of the site to the south and east, with areas covered by tree preservation orders and ancient woodland. There are also two Grade II Parks and Gardens of Special Historic Interest near to the site, Pasmore Pavilion 65m to the north and The Castle (Castle Eden) 385m to the south. No recorded public rights of way are contained within the application site itself. The application site contains no watercourses, with the site lying entirely within Flood Zone 1. The closest heritage asset is Apollo Pavilion a grade II* listed building which lies approximately 70 metres to the north.

The Proposal

3. The application seeks full planning permission for the erection of 67 dwellings. The proposal includes 2, 3 and 4 bedroomed properties which are all two storey and come in a mix of detached, semi-detached and terraced options. The materials palette proposed includes red and brown multi bricks and a tiled roofs. This includes 10% affordable housing provision which comprising of 7no. 2 bedroomed properties which would be dispersed across the site. All properties feature off-street parking and enclosed rear gardens.
4. Access to the site is proposed via new vehicle and pedestrian access point at the site's east boundary via Oakerside Drive which would require the relocation of an existing north bound bus stop. A further pedestrian only access is provided in the south west corner of the site onto an existing footpath than runs alongside, but outside, the site's southern boundary.
5. The layout seeks to largely retain and enhance an existing area of amenity open space which would also accommodate a sustainable drainage system (SuDs). A landscape planting scheme as also been submitted.
6. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

PLANNING HISTORY

7. In 2009, planning permission was granted for a new three and part four storey secondary school, sports facility and associated external works with the demolition of existing school at Shotton Hall Comprehensive School (5/PL/2009/0017). The replacement school is known as The Academy at Shotton Hall. Whilst the majority of works took place on land to the south of Passfield Way the red line outline included the land that forms the upper two tiers of this current application. The plans submitted as part of 5/PL/2009/0017 show no works were proposed to this land.
8. At the same time planning permission was also granted for a new single storey primary school with associated external works and demolition of existing building at Shotton Hall Primary School (5/PL/2009/0018).

PLANNING POLICY

NATIONAL POLICY:

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

Easington District Local Plan (2001) (EDLP)

19. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
20. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
21. *Policy 14 – Protection of Special Areas of Conservation.* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
22. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* Development that is likely to affect Sites of Special Scientific Interest (SSSIs) or National Nature Reserves (NNRs) will only be permissible if no alternative solution can be found and is in the national interest. Minimisation of the impacts and appropriate compensation is required where works affect SSSIs or NNRs.
23. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.
24. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
25. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
26. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
27. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

28. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
29. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
30. *Policy 39 – Design for Art.* Encourages the provision of artistic elements within new development.
31. *Policy 66 – Provision of Outdoor Play Space.* This policy requires developers to provide adequate provision for children's play space and outdoor recreation space in new major housing developments.
32. *Policy 67 – Windfall Housing Sites.* Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
33. *Policy 90 – Protection and Provision of Outdoor Sports Facilities.* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.
34. *Policy 92 – Protection of Amenity Open Space.* Amenity open space will be protected from development except where development of a small part leads to the overall enhancement or alternative provision of equal or enhanced community benefit is provided.

RELEVANT EMERGING POLICY

The County Durham Plan

35. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Peterlee Town Council* – No comments received
37. *Northumbrian Water*– No objection subject to a condition being imposed to secure the implementation of the drainage strategy
38. *Highways Authority* - No objection to the scheme following the latest revisions subject to the imposition of conditions and informatives

39. *Drainage and Coastal Protection* – Raise no objection subject to the imposition of a planning condition

INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy* – This site is located within the defined ‘development limits’ for Peterlee, however, development gleans no support from Policy 67 as the site is not previously-developed land. Notwithstanding this, it is recognised that the NPPF is less restrictive than Policy 67 as it does not preclude the development of greenfield within urban areas. Paragraph 14 is engaged when the development plan is either absent, silent, or relevant policies are out of date. Whilst the EDLP had an end date of 2006, the age of the development plan does not necessarily mean that its ‘saved’ policies are ‘out of date’. Whether a policy is up-to-date in the context of NPPF is not an issue about the date when the Plan was adopted but conformity and consistency with NPPF. In this instance, the two limbed test set out in Paragraph 14 of the NPPF is engaged due to the fact that the local plan is out-of-date when it comes to policies relating to housing supply. The Council is currently able to demonstrate in excess of 5-years housing land supply and this should be factored in to the planning balance.
41. *Archaeology* – No objection as the site has been disturbed through terracing and made ground therefore it is unlikely that archaeological remains will survive.
42. *Design and Conservation* – No overall objections and no harm to heritage assets. Some amendments to the layout are suggested.
43. *Ecology* – Raise no objections subject to a S106 agreement to secure financial contributions and the imposition of conditions. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with Section 6 of the report being conditioned as part of any planning approval. It is noted that the proposal is within the 6km Habitats Regulations Coastal Buffer and a Habitat Regulations Assessment (HRA) Screening Opinion has been submitted with the application. The Screening Opinion acknowledges that whilst direct impacts are unlikely indirect impacts arising from recreational disturbance are likely to have a significant effect. It is proposed to address this through a financial contribution of £658.98 per dwelling, a total of £44,151.66. Biodiversity offsetting is required to ensure there is no net loss to biodiversity therefore a contribution of £7,750 is required to deliver offsite semi-improved grassland creation.
44. *Environmental Health (Contaminated Land)* – Raise no objections subject to a imposition of a condition
45. *Environmental Health (noise, dust and odour)* – No objection subject to the imposition of conditions
46. *Environmental Health (air quality)* – Raise no objections at this stage however outline a series of recommendations.
47. *Arboricultural Officer* – Raises concerns regarding the number of trees which are to be lost. Some of the trees shown to be retained could come under pressure in the future due to their location within the rear gardens of properties. Should the development be approved the tree protection details should be secured by condition.
48. *Landscape Section* – Reiterate the concerns of the arboricultural officer and some amendments to the landscaping are suggested.

49. *Public Rights of Way* – There are no recorded Public Right of Way within or adjoining the site. An informal path crosses the site and this route is broadly retained.
50. *Housing Delivery* - Confirm affordable housing requirement of 10% in this planning delivery area equating to 7 units with a tenure mix of 5 affordable rent and 2 discounted market sale
51. *School Organisational Manager* – Raise no objections noting that there are sufficient primary and secondary school places to accommodate pupils from this development.

EXTERNAL CONSULTEE RESPONSES:

52. *Police Architectural Liaison Officer* – No concerns regarding the overall layout from a designing out crime perspective. It is important that the area of open space is well designed so that people feel safe and are encouraged to use it.

PUBLIC RESPONSES:

53. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 7 letters of representation have been received comprising of 6 objections and 1 in overall support
54. The main concerns raised by objectors are summarised as:

Principle

- Loss of an area of public open space where children play and people walk their dogs. Residents could try to get the land registered as a village green
- Development of green belt land
- Existing residents were advised that the fields would not be built upon
- The development will infill the gap between Oakerside Park and Oakerside Drive. Question whether it will be desirable to have large executive homes fronting onto Oakerside Drive.
- Areas such as Horden would benefit much from redevelopment

Highways and Access

- Highway safety concerns given the location near the junction and bus stop
- Request consideration is given to a secondary access off Bywell Drive
- Query pedestrian access arrangements onto the path to the south of the development
- Could lighting on public footpaths be kept to a minimum.

Amenity

- Concerned that the new dwellings will overlook existing properties in Oakerside Drive due to site level changes resulting in a reduction in privacy. This would have financial implication due to having to purchase blinds
- The new dwellings and tree planting would result in a loss of light and overshadowing to existing property and gardens
- Due to the site level changes the new properties would have an overbearing impact on the existing
- Would impact on people's way of life by developing the area of open space
- Increased noise and disturbance as a result of the new road and additional housing
- Light pollution
- Loss of a view
- Inconvenience during the construction period arising from noise and dust

Design, Layout, Scale and Landscaping

- Properties should be constructed from red multi bricks rather than buff bricks
- To facilitate the development a number of existing trees will be removed
- How will open space and landscaping be managed

Drainage and flooding

- Concerns that the SUDs basin will end up being a nuisance (smelly and place where rubbish collects)
- Properties in Oakerside Drive have flooded in the past. If the site was developed the risk of flooding would increase.

Ecology

- The trees provide habitat for birds, owls and bats

Other Issues

- Impact the development will have on the health and wellbeing of existing occupants
- Property devaluation
- Concerns surrounding the way Chapter Homes undertook their public consultation exercise
- Local school capacity

55. One letter has also been received outlining that in the main this applications represent an appropriate proposal however requests consideration is given to a number of matters which have been outlined above. The proposal would provide additional housing and would minimise disruption and intrusion to existing residents. The additional planting is welcomed and will assist with privacy.

APPLICANT'S STATEMENT:

56. Chapter Homes are committed to being an exemplar Housing Developer who are committed to the development of land within County Durham. Providing well designed places where people want to live is a key aim of Chapter Homes and one which is strives to achieve on each and every development.
57. The proposed development on Oakerside Drive will provide a range of high quality homes in an area that has been identified for housing development. Throughout the design stage Chapter Homes has ensured that green space is retained and provides an appealing beauty to the proposal.
58. Chapter Homes will deliver 7 affordable homes showing its commitment to providing an opportunity for everyone to access a new home on this exciting development.
59. We have been committed to working alongside Durham County Council to ensure that the proposal meets planning requirements which has been a positive process.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, open space, landscape impact, design and layout, access and highway safety, affordable housing and housing mix, residential amenity, ecology, flood risk and drainage, heritage assets and archaeology and other considerations.

Principle of development

The Development Plan

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that the weight to be afforded to existing Local Plan policy should depend upon consistency with policies of the NPPF.
62. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

63. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- approving development proposals that accord with the development plan without delay; and,
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
64. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

65. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context.

Five Year Housing Land Supply

66. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
67. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
68. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
69. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
70. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
71. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

Assessment having regards to Development Plan Policies

72. The site is located within the existing defined settlement limits for Peterlee as defined by Policy 3 of the EDLP where there is general presumption in favour of development. Policy 1 outlines the general principles of development which encourages sustainable forms of development. Policy 67 advocates support for housing proposals provided they lie within the settlement limits and relate to the previously developed land. The scheme would draw partial support from the policy being located within the settlement limits however it would relate to the development of a greenfield site. While the NPPF does promote the use of previously developed land there has been a shift to an assessment of the overall sustainability of a site, and the development of greenfield sites is not precluded.

73. Given the age of the EDLP and housing supply figures that informed it, the housing supply policies therein, and referred to above, do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing or other out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
74. Consequently, and as there are no restrictive policies which would indicate that the development should be restricted, it is considered in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF, and specifically, whether any adverse effects would significantly and demonstrably outweigh the benefits. This planning balance is undertaken at the end of this report in light of considering all material considerations.

Local Sustainability of the Site

75. With regards to the sustainability of the site, the County Durham Settlement Study (2018) is an evidence based document which identifies the range of services available within settlements across the County. Within that, Peterlee scores highly, suggestive that it is a settlement which in principle can support housing development having regards to the servicing and infrastructure needs of the prospective occupiers.
76. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. EDLP Policy 36 encourages alternative means of travel to the private car, and is consistent with the NPPF in this respect and can be given full weight in the decision making process.
77. The site lies on the southern edge of the settlement. Whilst the Peterlee Town Centre is located just over a 1km away (straight line distance) a local centre lies to the south east within 120m of the site boundary which benefits from a public house, community centre and a parade of shops. Local primary and secondary schools are also in close proximity. Bus stops are situated at the site entrance with Oakerside Drive which provide regular bus services to Peterlee, Hartlepool, Durham and Sunderland.
78. Paragraph 72 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The Local Education Authority has highlighted that there are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development and therefore no contributions are required in this respect.
79. As a result, it is considered that in the vicinity the site has access to a suitable level of services and facilities, adequate to serve the scale of development proposed, and that these are within relatively easy reach of the site, via non-car modes of transport. The proposal is consequently considered to be in accordance with core principles of Paragraph 17 and also Paragraph 61 of the NPPF which encourages the integration of new development through appropriate connection as well as EDLP Policy 36. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts, or whether there are any specific policies that indicate the development should be restricted, can only be considered following an examination of all of the issues within the planning balance.

Open Space

80. EDLP Policy 90 relates to the protection and provision of outdoor sports facilities and Policy 92 concerns the protection of amenity open space. Paragraph 74 of the NPPF states that existing open space and sports land should not be developed unless an up to date assessment has taken place which shows them to be surplus, the loss would be replaced by equal or better provision or the alternative sports and recreation provision is proposed and the need for which clearly outweighs the loss. Both policies are broadly consistent with the NPPF therefore can be afforded weight in the determination process.
81. The application site partially includes land once utilised as a playing field by Shotton Hall Comprehensive School, prior to the significant renovation and reconstruction works that took place following the grant of approval in 2009. The site has not been used as a playing field for more than 5 years and it does not form part of a site allocation in the local plan. With regards to playing pitch provision the East Durham Playing Pitch Action Plan (PPAP) of October 2015 outlines the Council's strategy to address any shortfalls over a plan period to 2019, and has been agreed by Sport England. The PPAP contains measures to secure that necessary pitches provision be made available should demand be forthcoming.
82. The Council's 2018 OSNA is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The land which once formed part of a playing field at the former school is no longer allocated as a playing pitch therefore policy EDLP Policy 90 is not engaged as the proposal would not result in the loss of outdoor sports facilities.
83. The OSNA identifies an area of amenity open space which runs along the northern and eastern site boundaries. To facilitate the development part of this area would be developed to include the new access road into the site, limited housing development to the south of this in addition to the sustainable drainage infrastructure. A scheme of mitigation through enhancement to the significant portion of land that would remain is proposed to be delivered through a comprehensive new landscaping scheme and new footpath links within the amenity land. As a result the proposal would be compliant with Part 8 of the NPPF and Policy 92 of the EDLP.
84. EDLP Policies 66 and 90 seek to ensure adequate provision of open space is provided in new residential developments. These policies are considered partially consistent with the NPPF and so can be afforded limited weight as whilst the objectives of the Policy remain in conformity, the standards have since been updated through the Open Space Needs Assessment (OSNA). The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of amenity/natural greenspace within the development as a result of the enhancements to the northern area of the site. The development is of a scale whereby non equipped children's play space could be provided on site however as there is an existing children's play area within 600m of the site it is considered more appropriate to secure a payment to enhance existing provision. The development would generate a required contribution of £105,178.50 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.

Landscape Impact, Design and Layout

85. EDLP Policy 35 requires that the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space and appropriate landscape features and screening where required. Policy 39 encourages the provision of artistic elements within new development. Parts 7 and 11 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. EDLP Policies 35 and 39 are consistent with this approach and builds upon the NPPF and NPPG requirements. Therefore, the key policy consideration in this matter is whether the site is read together well with the surrounding built environment and landscape features, and represents good design.
86. Both the arboriculture and landscape officer have raised concerns that a number of trees are required to be removed to facilitate the development proposal. A detailed landscaping scheme has been submitted in support of this application which seeks to address this loss and provide enhancement to the areas of amenity open space that are to be retained. Furthermore, a tree protection plan has been prepared to ensure that the trees and hedges that do remain are protected throughout the construction period. Whilst the loss of trees is regrettable it is to a large degree unavoidable in respects to any housing proposal as the access into the site can only be taken from Oakerside Drive. Furthermore, the trees are not protected by any designation. The landscaping scheme proposed will provide additional tree planting in excess of the ones to be removed. As outlined in the previous section of this report adequate levels of open space are considered to be provided within the site. Conditions will however be imposed to secure the scheme of landscaping, its future management and maintenance and tree protection measures. Overall it is not considered that there would be a significant adverse landscape impact nor would there be overall conflict with the intentions of policies 1 and 35 of the EDLP or Parts 7 or 11 of the NPPF.
87. The surrounding area is predominantly residential in character. The submitted plans and site sections demonstrate that the proposed dwellings would be commensurate in scale and design with surrounding development most notably the properties to the south and east. The proposed materials include facing brickwork and tiled roofs. Whilst the general approach to materials is acceptable a condition would be appropriate to agree the exact details. The applicant has agreed to the provision of art on the site, which can be secured by condition.
88. With regards to layout and design the development complies with the relevant EDLP Policies and Parts 7 and 11 of the NPPF.

Access and Highway Safety

89. A Transport Assessment has been submitted in support of these proposals which concludes that the development will not have any significant or severe impacts to the operational performance of the surrounding road network. This conclusion has been confirmed by the Highway Authority. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe which is not considered to be the case.

90. An appropriate means of access and layout arrangements have been secured in consultation with the Highway Authority. Car parking provision would comply with the minimum requirements outlined in DCC Residential Car Parking Standards. A minor query has been raised in relation to surfacing materials and a revised plan has been submitted to address this. It is expected that this matter will be resolved in time for the Committee meeting where a verbal update will be provided.
91. There are no recorded Public Right of Way within or adjoining the site. An informal path crosses the site and this route is broadly retained within the proposed development. Access and Public Rights of Way Officers raise no objection to the scheme. Two local residents have expressed concerns regarding footpath connections to and increased usage off the path that runs alongside, albeit outside, the southern boundary. A single footpath connection is shown in the south west corner in the site which is considered appropriate to encourage travel by sustainable modes of transport.
92. Overall, it is considered that the development would not adversely impact on highway safety. There is no conflict with EDLP Policies 35, 36 and 37 or Part 4 of the NPPF. These policies are consistent (35 and 36) with the content of the NPPF and can be attributed weight in the decision making process. Though an applicable Policy, 37 is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy 37 are out of date. As a result the Policy is attributed very limited weight in the decision making process. The Highways Authority raise no objection to the scheme subject to the imposition of a condition to secure the relocation of the existing northbound bus stop on Oakerside Drive. Other minor highways matters relating to internal speed limits and highway adoption procedures would be brought to the developer's attention by means of informatics. Furthermore, due to the site's sustainable location with good access to local bus stops and footpath connections future residents of the site would have access to a range of sustainable transport options.

Affordable Housing and Housing Mix

93. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a need for affordable housing and 10% provision in the East of the County is considered to be appropriate taking account of viability. This amounts to 7 dwellings in this case which would be delivered as a tenure mix of affordable rent (5no.) and discounted market sale (2no.). The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure this requirement.
94. In terms of housing mix, the development would provide a range of 2, 3, and 4 bedoomed properties which would provide a mix of housing in compliance with Paragraph 50 of the NPPF.

Residential Amenity

95. One of the twelve core planning principles of the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. EDLP Policies 1 and 35 requires that the design and layout of development to reflect the character and scale of the adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. Policy 38 relates to designing out crime in development. These policies are broadly consistent with the NPPF therefore can be afforded weight in the determination process.

96. Adequate privacy distances between dwellings are provided both internally and externally. Existing residents within Oakerside Drive have raised concerns regarding the proposed development and the potential impact this will have on their amenity especially as the land rises away from them. New principle elevations would be located in excess of 40m from existing residents and new gable elevations would be in excess of 25m from their front elevations. This is far in excess of the recommended standard which is considered more than adequate to account for level changes across the site. As such the development of this site for housing is unlikely to substantially diminish levels of residential amenity in terms of loss of outlook, light or privacy for existing residents. It is acknowledged that some properties may experience changes to the private views across the land that they currently experience however, this is not a material planning consideration.
97. With regards to the internal arrangements it is acknowledged that there are relatively significantly site level changes across the site. Full engineering details have been provided in support of the proposal which include the requirement for retaining walls. Furthermore the new dwellings would all benefit from private amenity space. These details are considered to be acceptable.
98. Neighbouring properties have highlighted the potential for disturbance during the construction period. It is acknowledged that some level of disturbance will be experienced by local residents during the construction however this can be controlled through the implementation of a Construction Management Plan (CMP) which will seek to minimise any such impacts. Environment, Health and Consumer Protection has assessed the submitted CMP which is considered to be acceptable. Adherence to this will be secured by condition. On this basis it is not considered that the impact upon residential amenity would be reduced to an acceptable level. Having regard to these measures, the application is considered to be in accordance with EDLP 1 and 35 and Part 11 of the NPPF in this regard.

Ecology

99. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. EDLP Policies 14, 16 and 18 are required to protect designated sites for importance and areas of ancient woodland. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report notes the presence of scrub, missed plantation woodland and neutral grassland and areas of these would be lost to the development. In order to minimise the ecological impacts of the proposal, including the risk of protected species being adversely affected, a series of recommendations are outlined. These include the incorporation of bat roost and bird nesting features within properties in addition to works to trees and hedges taking place outside the bird breeding season. The recommendations outlined in the ecology report would be secured by condition.
100. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017. The purpose of the Appropriate Assessment would be to determine whether the proposed mitigation would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated.(i.e. Durham Coast SAC). This would be undertaken by the carrying out of a screening exercise using information submitted by the applicant.

101. The Habitats Regulations Assessment document submitted by E3 Ecology concludes that no direct impacts are likely on the European Sites in the vicinity of the development however there is the potential for Likely Significant Effect on the sites caused by indirect impacts from recreational disturbance (without mitigation). In order to take pressure from additional visitors away from the Durham Coast SAC, sufficient and appropriate green space needs to be provided in association with the proposed development or alternatively a financial contribution is required to be used towards one of the identified projects within the Heritage Coast Management Plan, the aim of which would be to take increased usage pressure away from the Heritage Coast which would otherwise arise from the development. The Heritage Coast Management Plan provides a strategic programme which identifies six achievable objectives to improve the heritage coast environment. There is not an appropriate level of green space provided within the site to mitigate against this aspect therefore the applicant has agreed to make a contribution of £658.98 per residential unit. A total payment of £44,151.66 would therefore be secured through a section 106 legal agreement to be used towards the Heritage Coast Management Plan and this would provide the necessary mitigation so as to ensure a significant effect upon the European Protected Site would not occur.

102. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £7,750 for off-site semi-improved neutral grassland creation which would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). On-site improvement works and the future maintenance of these areas would be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 109 of the NPPF.

Flood Risk and Drainage

103. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

104. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The proposed drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin and swale to capture surface water in 1 and 100 year flood events to discharge to public sewers at greenfield run-off rates. The scheme also proposes the implementation of permeable paving, which would help restrict runoff to greenfield rates before being discharged to a water course. The Council's Drainage and Costal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water similarly raises no objections.

105. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.

106. No objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Heritage Assets and Archaeology

107. As the site has been disturbed through terracing and made ground it is unlikely that archaeological remains will survive. The Council's Archaeologist has confirmed that no further work is required and that no objection is raised. The proposal is therefore considered to comply with Paragraph 128 of the NPPF.
108. The application site is not within, nor contains any heritage assets. The nearest listed buildings are the Apollo Pavilion, Grade II*, approximately 70 metres to the north, and Shotton Hall, Grade II, approximately 650 metres to the north west. There are also two Grade II Parks and Gardens of Special Historic Interest near to the site, Pasmore Pavilion 65m to the north and The Castle (Castle Eden) 385m to the south. The Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision maker.
109. There is limited intervisibility between the site and the aforementioned heritage assets due to the intervening dense housing and in the case of Shotton Hall dense woodland. As such there would be no direct visual relationship between the sites and the proposal would not adversely impact upon their setting or from the significance of these assets. Design and Conservation officers raise no objections to the proposal. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm.
110. It is therefore considered that the proposal would have no adverse impact on designated heritage assets within the vicinity of the site. The proposals would therefore accord with Part 12 of the NPPF and the requirements of EDLP Policy 24. This policy is considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.

Other Considerations

111. A Geoenvironmental Appraisal has been provided by the applicant in response to the sensitive end use of the site however as ground gas monitoring has not been provided and further soil sampling is required they consider further Phase 2 site investigation works are required to be undertaken which would be secured through a planning condition. To avoid the need for a pre-commencement condition the applicant has submitted a further report containing the results of the gas monitoring. Environmental Health Officers have reviewed this and consider there is a requirement to impose a condition to secure a Phase 4 Verification Report. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.
112. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.

113. The proposal has generated some public interest, with six letters of objection having been received. It is not considered that the proposal would have an adverse impact on the amenity of existing residents, highways safety or ecology interests. The overall design and layout is considered to be acceptable and would be in keeping with the surrounding area. Overall, the proposal is considered to be policy compliant and no objections have been received from statutory or internal consultees. Property devaluation and Chapter Homes pre-application public engagement exercise are not a material planning considerations. All other objections and concerns raised by local residents have been taken account and addressed within the report. On balance, the concerns raised were not felt to be of sufficient weight to justify refusal of the application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations.
114. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contributions towards offsite open space and recreational provision, Durham Heritage Coast Management Plan and biodiversity improvement are all considered to be in accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development, as is securing 10% on-site affordable housing.

Planning Balance

115. As a result of relevant policies for the supply of housing being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, which states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in this Framework indicate development should be restricted. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

Benefits

116. The recent Government consultation document entitled "Planning for the Right Homes in the Right Places" introduced a standard methodology for calculating housing need (OAN). The 'Preferred Options' of the County Durham Plan (CDP) has now been published which aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure. Ultimately, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. . Accordingly, the weight to be afforded to the boost to housing supply is clearly less than in instances where such a healthy land supply position could not be demonstrated.
117. The development would include a provision of 10% affordable housing on site, which would equate to up to 7 affordable dwellings and would assist in improving the range and choice within the local housing market.
118. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

119. Similarly, the site would be accessible to, and help support, a range of local shops and services within Peterlee and the surrounding area which would contribute to the vitality of the area, and is again a benefit of the development that can be afforded some weight in favour of the proposals.

Adverse Impacts

120. To facilitate the development an area of amenity open space would be developed to include the new access road into the site, limited housing development to the south of this in addition to the sustainable drainage infrastructure. Existing trees would also require removal. A scheme of enhancement to the significant portion of land that would remain is proposed to be delivered through a comprehensive new landscaping scheme and new footpath links within the amenity land. Therefore whilst an area of amenity open space would be lost and trees therein, compensatory landscaping measures are proposed to mitigate this and enhance the open space which would remain.

CONCLUSION

121. Policies relevant to the supply of housing within the EDLP are out of date and the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies indicate development should be restricted.
122. The direct benefits of the proposal would be the contribution to housing supply which would assist in improving the range and choice within the local housing market. In light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
123. Whilst the proposal would result in the loss of some land designated as amenity open space the remaining provision would be enhanced therefore there is not considered to be any conflict with EDLP Policy 92. Whilst existing trees would be removed these are not protected and a landscaping scheme has been proposed which seeks to mitigate against this.
124. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
125. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in all other respects.
126. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- Provision of 10% affordable housing equating to 7 dwellings which would be delivered as a tenure mix of affordable rent (5no.) and discounted market sale (2no.);
- £105,178.50 for improving offsite open space and recreational provision in Passfield Electoral Division;
- £44,151.66 towards the Durham Heritage Coast Management Plan
- £7,750 for off-site semi-improved neutral grassland creation

And subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

| Plan | Drawing No. | Date Received |
|---|-------------|---------------|
| External works layout Sheet 1 of 2 | 003-01 | 29/03/18 |
| Arboricultural method statement tree protection plan | AMS TPP | 29/03/18 |
| Site location plan | PL01 | 29/03/18 |
| House type plans and elevations Cuthbert | PL010 | 29/03/18 |
| House type plans and elevations Hild | PL11 | 29/03/18 |
| House type plans and elevations Desmene | PL12 | 29/03/18 |
| House type plans and elevations Hild - (Previously Spruce) | PL12 | 29/03/18 |
| House type plans and elevations Desmene - (Previously Willow) | PL13 | 29/03/18 |
| Single garage plan and elevations | PL13 | 29/03/18 |
| Double garage (Single) plan and elevations | PL14 | 29/03/18 |
| Single garage plan and elevations | PL14 | 29/03/18 |
| Double garage plan and elevations | PL16 | 29/03/18 |
| Housetype plans and elevations Chad | PL06 | 29/03/18 |
| Housetype plans and elevations Aiden | PL07 | 29/03/18 |
| Housetype plans and elevations Bede | PL08 | 29/03/18 |
| Housetype plans and elevations Mason | PL09 | 29/03/18 |
| Proposed Site Layout | PL02 Rev F | 28/06/18 |
| Sketch - External Works (Sht 2) | | 28/06/18 |
| Material Selection | PL16 | 08/06/18 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 3, 14, 16, 18, 35, 36, 37, 38, 66 and 90 of the Easington District Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework.

3. The Construction Management Plan outlined within the Construction Management Plan Rev. A dated 23/05/2018 shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence

4. Upon completion of the development, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, have been protected in accordance with the details contained within the Arboricultural Method Statement (AMS TPP) dated 27/03/2018 by All About Trees Ltd and BS 5837:2012. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area having regards to Policy 35 of the Easington District Local Plan and Parts 7 and 11 of the NPPF.

6. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be completed in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy 39 of the Easington District Durham Local Plan and Part 7 of the National Planning Policy Framework.

7. Prior to any development commencing details of the relocation of the northbound public transport infrastructure adjacent to the site entrance must be submitted to and approved in writing by the Local Planning Authority. No construction works shall be undertaken until such time as the new northbound public transport infrastructure has been completed.

Reason: In the interests of minimising traffic generation and encouraging sustainable travel, in accordance with the objectives of saved Policy 36 of the Easington District Local Plan and part 4 of the NPPF.

8. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure high quality design to comply with Policy 35 of the City of Easington District Local Plan and Part 7 of the NPPF.

9. Notwithstanding the submitted information, prior to the occupation of the first dwelling a detailed landscaping scheme including biodiversity mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of appearance of the area in accordance with Policies 1 and 35 of the Easington District Local Plan and Parts 7, 8 and 11 of the NPPF.

10. Prior to the occupation of the first dwelling a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies 1 and 35 of the Easington District Local Plan and Parts 7, 8 and 11 of the NPPF.

11. The development shall take place in strict accordance with the Recommendations detailed in Section 6 of the Preliminary Ecological Appraisal by All About Trees dated 19th April 2017.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy 18 of the Easington District Durham Local Plan

12. The development shall be carried out in line with the drainage scheme detailed in the Flood Risk Assessment and Drainage Strategy Rev A dated 11.06.18.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

13. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

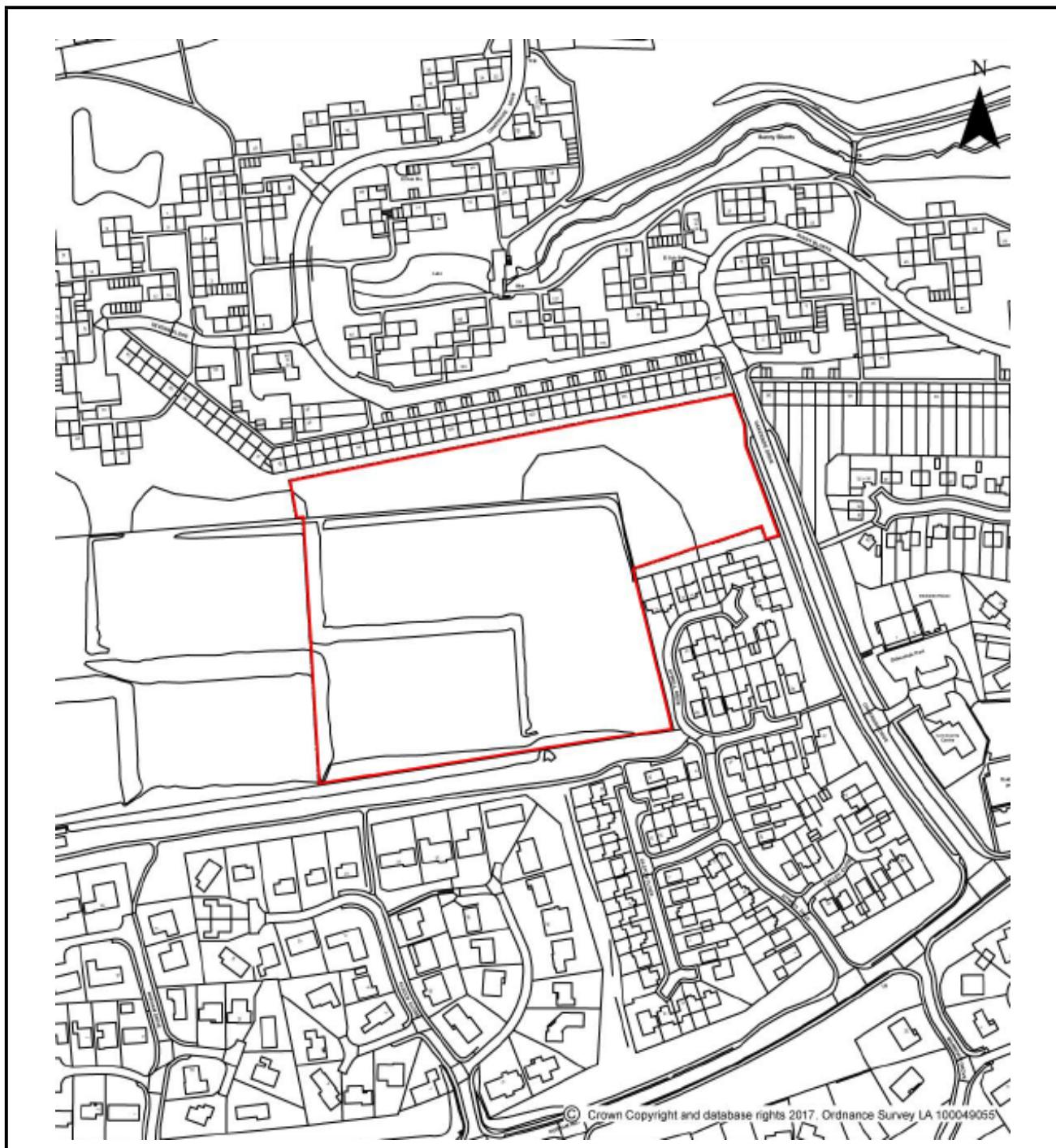
Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015).

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Easington District Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



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|--|--|
|  Planning Services | Ref: DM/18/00969/FPA 67 dwellings with associated infrastructure and landscaping Chapter Homes Land To The South And West Of Oakerside Drive, Peterlee |
| This map is based upon Ordnance Survey material with the permission o Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005 | Date 10 th July 2018 Scale Not to scale |

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
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| APPLICATION No: | DM/18/00189/FPA |
| FULL APPLICATION DESCRIPTION: | Change of use of land for holiday accommodation, engineering operations to create 20 bases for holiday lodges, access and car parking, erection of four permanent holiday lodges and landscaping. |
| NAME OF APPLICANT: | Seaham Hall Ltd |
| ADDRESS: | Seaham Hall, Lord Byrons Walk, Seaham |
| ELECTORAL DIVISION: | Seaham |
| CASE OFFICER: | Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958 |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is located within the settlement boundary of Seaham and within the Seaham Electoral Division. Seaham Hall is a Grade II listed country house now in use as a hotel. It is located on the B1287, adjacent to the coast, north of Seaham in County Durham. The site has existed as a hotel and spa since 2002, situated in landscaped grounds featuring ornamental shrubs, groups of young trees and hedgerows, ponds, areas of hardstanding that provide access and parking for vehicles and extensive grassland. Seaham Dene runs along the southern boundary of the estate.
2. The application site is situated to the north and east of Seaham Hall; it currently includes areas of grassland, a staff car park and two access roads; one access road is now redundant but in the 19th century was the main driveway to Seaham Hall which swept from the lodge on the B1287 to the front of the Hall. Part of the application site was previously occupied by a building which was built to provide nurses accommodation when Seaham Hall was in use as a hospital.
3. Seaham Hall is bounded to the north by Lord Byron's Walk (B1287); on the north side is a public car park and café. Between Seaham Hall and the road there is also a farm and a number of private residences, including the former gate lodge to the north east.
4. The Church of Saint Mary the Virgin (Grade I listed) is located to the south east of the hall, along with a 19th Century rectory (Grade II listed). Church Lane leads up from the coast past St Mary's Church and the rectory and connects to a public footpath.

5. The coast is situated to the east, separated from Seaham Hall estate by an area of grassland, a large retaining wall with stone balustrade and North Road. To the south is the settlement of Seaham beyond woodland surrounding Seaham Dene and, to the west, is fields and woodland.
6. The immediate landscape context of the application site is coastal, though the Seaham Hall estate also lies at the northern fringe of Seaham. Whilst the site does not lie within a nationally or locally designated landscape, the local landscape does contain some strong character elements such as open sea views, mature trees in the dene to the south and historic buildings.
7. The Durham coast also provides a key coastal habitat for birds and includes numerous important ecological designations. Remains of an Anglo-Saxon cemetery have been identified in the vicinity of Seaham Hall, close to Lord Byron's Walk and the lodge to the north east of the Hall, though are not designated.
8. The Seaham Hall estate currently has two points of access for vehicles, both along the northern boundary of the estate, which provide direct access to Lord Byron's Walk (B1287). The main access is to the west and is used by guests visiting the hotel or spa, residents of properties within the estate and also service, delivery and refuse vehicles. The secondary access, north east of Seaham Hall, serves the staff car park and one private residence at the entrance.

Proposal:

9. This application proposes the development of land north east of Seaham Hall for luxury holiday lodges, facilitated by the relocation of the existing staff car park to land north west of Seaham Hall, adjacent to the B1287.
10. Most of the proposed holiday lodges fall within the definition of a 'caravan' as set out at the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1986. As caravans amount to a use of land rather than operational development, planning permission is being sought for the change of use of the land on which these lodges will be located, as well as associated hardstanding, access roads and landscaping. A licencing regime exists for structures falling within the definition of 'caravan' and runs in parallel with the planning process. Operators must obtain both planning permission for the use (Sui Generis) and a protected site licence. The licence can condition the number of lodges at the site, the spacing between and the provision of any amenities.
11. In addition to these lodges, four two storey lodges are also proposed which fall outside of the definition of a 'caravan' and therefore require planning permission for their construction. The properties will fall within Use Class C3, though will be operated by Seaham Hall as additional holiday accommodation on a self-catering basis or bed and breakfast basis.
12. To facilitate the relocation of the staff car park, planning permission is also being sought for the change of use of agricultural land and the formation of a car park on land north west of Seaham Hall.
13. A mix of holiday lodges types are proposed throughout the site; the lodges will mostly be single storey with monopitch roofs, with the exception of four properties along the west boundary of the holiday lodge site which will be two storey. Each lodge will be set below existing ground levels where possible to minimise visibility, the lodges would be finished in a timber cladding product.

14. The landscape strategy for the development has been designed to help to integrate the new lodges and parking areas into the existing landscape. Areas of new dense shrub planting are proposed to the boundaries and between lodges to filter views while also maintaining the important connection between Seaham Hall, the coast and St Mary's Church. The design of the lodges has also been adapted to reduce their potential visibility from local views, public rights of way and the coastal path. A management scheme is also proposed for the open grassland area to the east of the site to provide both improved public access and a habitat for nesting birds.
15. The new lodges would be accessed from the existing west entrance. Staff parking would also be relocated within the estate and will also be accessed from the west entrance, rather than the entrance north east of Seaham Hall (adjacent to the lodge) as it is at present. The existing entrance north east of Seaham Hall will no longer be used other than for servicing, maintenance and in emergencies. Seaham Hall is also willing to make improvements to the west entrance by realigning sections of the wall to improve visibility along with the diversion of a public right of way to the north east of the site in order to maximise public views of the Hall and St Marys Church.
16. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

17.5/HIST/2000/1021 - Health spa. Approved. 5/PL/2010/0290 - Conversion and extension of staff accommodation block to provide 14 bedroom guest accommodation wing with new glazed link to hotel building. Approved. 5/PL/2011/0021 - New glazed link from bedroom extension to Seaham Hall. Approved

PLANNING POLICY

NATIONAL POLICY

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
19. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
20. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

21. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
22. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
23. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
24. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
25. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
26. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
27. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
28. *Part 12 – Conserving and Enhancing the Historic Environment*. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

District of Easington Local Plan

29. *Policy 1-* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
30. *Policy 3 -* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
31. *Policy 7 -* Protection of Areas of High Landscape Value (AHLV) - The special character, quality and appearance of the landscape within those areas designated as areas of high landscape value on the proposals map will be maintained and enhanced.
32. *Policy 18 -* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
33. *Policy 24 –* Protection of Listed Buildings - Any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved unless there would be substantial benefits for the community which would decisively outweigh the harm.
34. *Policy 35 -* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
35. *Policy 36 -* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
36. *Policy 37 -* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
37. *Policy 74 -* Footpaths and Other Public Rights of Way - Public rights of way will be improved, maintained and protected from development. If a public right of way is affected, a suitably landscaped alternative should be provided.

RELEVANT EMERGING POLICY:

The County Durham Plan

38. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. Historic England state that the final design has not substantially changed the proposal, but some measures have been introduced which relate to the diversion of some of the public rights of way paths and the provision of interpretation boards relating to the area's historic relevance. While these measures will not reduce the negative impact the development will have on to the setting of the heritage assets, they somehow attempt to mitigate it through an improvement of the experiencing of the place and information available about it. In summary, they consider that the setting of St Mary's Church contributes to its significance as a grade I listed building and the quality of that setting is reliant on its proximity to Seaham Hall, its relationship with the Anglo Saxon Cemetery and its wider enduring presence in the landscape. The proposal would intrude into that setting particularly when approaching the church from the north through the historic park of the Hall. They note that screening and landscaping measures have been put into place and this will to some degree mitigate the impact particularly when looking north from the church, we also note archaeological officers comments that the archaeology can be dealt with through mitigation and recording. Taking this into account they consider that the level of harm to the significance of the Church can be considered in line with paragraphs 132 and 134 of the NPPF – namely that harm needs weighed against the public benefits of the proposal. They go on to acknowledge that increased tourism could be considered to be an economic public benefit and that other benefits may be identified.
40. Natural England have no objections subject to appropriate management of green space to the east of the application site along with a financial contribution towards Coastal Access Management Measures aimed at the mitigation of impacts of recreational disturbance on EU protected sites.

INTERNAL CONSULTEE RESPONSES:

41. Visit County Durham are in full support of the scheme stating that they have been working with Seaham Hall and their development agency for some time. They are very supportive of their ambitions to develop high quality accommodation in this area. They state that Seaham and the Durham Heritage Coast have really blossomed as a destination over the past decade. Several cafes and ice cream parlours are now performing well in Seaham. The development of visitor facilities at the harbour and more specifically the emergence of the watersports centre and the arrival of 'Tommy' the Sculpture have really moved the town forward. The sterling efforts of the Durham Heritage Coast partnership have helped to unlock the England Coastal Path as a part of the national trails network. Further tourism and economic benefits are outlined later in the report.
42. Regeneration and Economic Development officers are in support of the scheme stating that the proposals represent a significant opportunity in the east of the county to provide economic benefits.

43. Highways officers have no objections subject to improvements to the visibility splay at the western entrance being conditioned. They also acknowledge that the proposed lockable gates are set back a considerable way from the edge of the public highway on the eastern access road in the vicinity of Gate Lodge, which is acceptable from a highways point of view.
44. Archaeology officers do not object subject to a programme of archaeological work being submitted along with a written scheme of investigation which is to be submitted to the County Durham Historic Environment Record.
45. Drainage officers do not object subject to further information being conditioned with regard to surface water drainage.
46. Pollution Control officers require a contaminated land condition.
47. Ecology officers confirm that the mitigation suggested in the ecology report is acceptable and should be conditioned, furthermore a contribution would be required towards mitigation in relation to EU protected sites on the coast.
48. Public Rights of Way officers do not object to the application and have recently received an application for the diversion of the public right of way located to the north east of the site. Subject to the public consultation process no concerns are raised in this regard.
49. Tree officers have some concern regarding the loss of established trees however it is acknowledged that these will be replaced by a comprehensive landscaping scheme.
50. Landscape Officers state that the proposals would cause some harm locally to the AHLV and would cause some harm to the evolved parklands of the hall and particularly in respect of the transformation of character in the northern area.
51. Design officers consider that the proposals would result in harm to the setting of the listed buildings although the harm is considered less than substantial. The harm should therefore be weighed against the public benefit of the scheme.

PUBLIC RESPONSES:

52. Northumbrian Water have no objections subject to a condition requiring compliance with details of foul and surface water drainage as set out in the submitted Flood Risk Assessment.
53. A letter has been received from Graeme Morris MP which highlights a number of concerns. The main concerns raised are that the proposal would lead to an adverse impact on heritage assets, in particular the Grade 1 Listed St Marys Church and it is queried whether the benefits would outweigh the harm of the development.
54. Nine letters of objection have been received from 5 different addresses from members of the public. One of the main objections comes from The Lodge who occupy the dwelling on the north eastern access to the site. The main concerns from the occupier of The Lodge is that the proposal would block access to the property and cause problems for access by emergency vehicles and other large vehicles such as refuse wagons. The other main concerns raised by this objector are that the development would block a Public Right of Way, would lead to problems with surface water drainage and that there would be increased noise and traffic congestion. Both this resident and other objectors are concerned about the impact on heritage assets including the Grade 1 listed St Marys Church and anglo saxon burials, a lack of landscaping, loss of ecology and that the 'caravans' would not be suitable in this location.
55. Three letters of support have been received stating that the proposals would have a positive impact in terms of both tourism and economic benefits on this part of the Heritage Coast.

APPLICANTS STATEMENT:

56. Seaham Hall currently provides a luxury 5* offer to visitors to the Durham Heritage Coast, but with only 21 bedrooms a stronger and more varied accommodation offer is essential to supporting the future of the business and ensuring that previous dereliction and administration do not bring into question the future of the building again.
57. The current lodge proposals have arisen from several years of pre-application discussions between Seaham Hall and Durham County Council and, more recently, the local community. Historic England has also considered the proposals and confirmed that they do not object to the proposed holiday lodges. Their response highlights the need for the effects of the development on the historic environment to be weighed against the public benefits of the proposal. These are summarised here and within the application documentation.
58. The proposed layout has evolved to minimise the effects on the surrounding landscape and historic environment. The lodges will be sited within the northern part of the estate, focussed on an area distanced from archaeological remains and two listed buildings: Seaham Hall and St Mary's Church. A carefully considered landscaping strategy has also been prepared to limit the prominence of the lodges within the surrounding landscape.
59. The current public right of way, which runs through the Seaham Hall estate, will be diverted further east to provide enhanced views of St Mary's Church and interpretation boards will share the history of this part of the town with residents and visitors alike.
60. An increase in 'staycations', both nationally and locally, combined with demand for multiple-occupancy family accommodation, means that the current hotel has reached a ceiling and is unable to fulfil current visitor needs. Holiday lodges will allow guests to enjoy the luxury of being able to wine, dine and relax within the hotel but also enjoy the seclusion of luxury self-catering offering space and panoramic views of the coastline.
61. In turn, this will support and enhance the local economy. Seaham Hall is an important tourism destination in County Durham and a key part of the Heritage Coast's tourism offer. It makes a significant contribution to the local economy by attracting overnight leisure tourist to the area, raising the profile and awareness of other tourism assets and creating a range of employment opportunities.
62. The proposed holiday lodges would help to sustain Seaham Hall by increasing the capacity, supporting existing dining and leisure facilities and helping to fund future investment. The additional guests will also support businesses within Seaham and the wider area to a value of up to £2million and, in turn, will create demand for around 30 additional employees. The construction phase will also provide local employment and contribute towards an increased local economic output (GVA) in the region of £5million.
63. Improvements to the area of parkland to the east of Seaham Hall will also provide new recreation opportunities for Seaham, in addition to the existing public footpaths and Durham Heritage Coast.
64. The proposed holiday lodges at Seaham Hall would deliver significant economic, social and environmental benefits both to Seaham and Durham overall.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

65. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon heritage assets and landscape, economic and tourism benefits, highways issues, ecology, archaeology and objections raised by the public.

Principle of the development

66. The statutory development plan comprises the saved policies of the District of Easington Local Plan. There are saved policies which relate to specific issues and are discussed later in this report, however the most relevant policies with regard to the principle of the development are *policy 1 which states that* due regard will be had to the development plan when determining planning applications and policy 35 which states that the design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

67. The proposals are considered to be in accordance with the above saved policies, notwithstanding this, the application proposes the expansion of an existing and well established hotel and therefore the location of this site for tourist accommodation is already accepted in principle.

68. The NPPF provides guidance on design as part of its broader presumption in favour of sustainable development. It attaches great importance to the design of the built environment.

69. Paragraph 58 states that planning policies and decisions should aim to ensure all developments:

- Function well and add to the overall quality of the area;
- Establish a strong sense of place and create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- Respond to local character and history and reflect the identity of local surroundings and materials, while not discouraging innovation;
- Create safe and accessible environments where crime and disorder do not undermine quality of life or community cohesion; and
- Are visually attractive as a result of good architecture and landscaping.

With regard to transport, the NPPF states that new development should be designed to encourage the use of sustainable transport modes for both goods and people (paragraph 35). Development should therefore be designed, where practical, to accommodate the efficient delivery of goods and supplies, give priority to pedestrian and cycle movements and access to public transport facilities and create safe and secure layouts which minimise conflicts between traffic, pedestrians and cyclists.

70. Overall, the development will meet policy objectives in respect of good design and accessibility, including the relevant sections of the NPPF and PPG as well as saved of the Easington District Local Plan and is therefore acceptable in principle subject to the detailed issues below being addressed.

Impact upon heritage assets and landscape

Heritage assets

71. The proposals are for the change of use of land for holiday accommodation, engineering operations to create 20 bases for holiday lodges, access and car parking, erection of four permanent holiday lodges and landscaping. It should be noted that 4 of the lodges are two storey. The site location has been determined by the applicant in terms of viability and deliverability following a review of other potential sites within the immediate ownership of Seaham Hall Hotel.

72. The proposals are within the Historic Setting of designated heritage assets including The Grade 1 listed St Marys Church, Seaham Hall Grade ii and associated non designated landscape and other identified non-designated heritage assets including archaeology associated with Saxon Graveyard and the non-designated lodge associated historically with the Hall.

73. As such any development should take into consideration the impact on significance and setting of these assets and aim to preserve, enhance and better reveal significance and potentially mitigate against any harm that is generated by the development or balance this harm by deliverable public benefit.

74. The significance of the assets is described within the applicants Heritage Statement and summarised within the Historic England comments which acknowledges the evolution and changes to the assets and their setting through historic development and change. (Part Extract Below)

75. *"The open, windswept land on which grade II listed Seaham Hall and grade I listed St Mary's Church stand has experienced some important transformations through time. Although evidence of human settlement in the area can be traced back as far as the Mesolithic period, the oldest standing construction is St Mary's church, with origins dating back to the 7th and 8th centuries. The church is not the only reference of this period in the area: archaeological research identified an Anglo-Saxon cemetery in an area north of the church, which could predate the construction of St Mary's itself. By the 13th century, Seaham became a freehold manor, with the church, manor house and vicarage constituting important landmarks in the medieval village, which was located at the south of the current hall. The manor house would be subsequently replaced by a new hall at the end of the 18th century, and significantly extended, including the landscaping of the estate in the 19th century, sweeping over the medieval village with it. Further alterations have seen the hall transformed into a hospital after the Second World War, and into a luxury hotel more recently, use that still remains. The coast, now free and natural in appearance - part of the Heritage Coast designated landscape - was not that long ago dotted with pitheads and conveyor belts for the coal trade. This is certainly an evocative landscape, not only for its presences but also for its absences, and this ability to read and understand the different stages of this landscape are an important part of its significance. Within this area, the site that is subject of this application lies at the north east of Seaham Hall, within the boundaries of the estate, and includes part of the area potentially containing undesignated archaeology."*

76. *The relation of the Anglo Saxon cemetery to St Mary's church is of some importance. The antiquity of the church is the fundamental reason for it to be designated as a grade I asset of exceptional interest and national significance. The existence of undesignated archaeology of the Anglo Saxon period is relevant to the significance of the church.*
77. *Our ability to experience St Mary within this landscape constitutes another important part of its significance. It signifies its role as an important landmark in the area, and therefore the maintenance of its prominence within this landscape and of our ability to perceive it from the distance contributes positively to its significance. Although the church currently is partially hidden by the vegetation that shelters the parking on the north side, the roof and tower can still be glimpsed.*
78. *Finally, the visual interrelation between hall and church is also of significance to St Mary's. It evidences the share of power between Hall and church, and how this has changed through time. Together with the vicarage, illustrates its role as a parish church and its relation with the former manor house and medieval village.*
79. *The present Seaham Hall is a 19th century extension of a late 18th century hall built quite likely in the site of the former 14th century manor house. The interrelations between manor house, church and vicarage were recognised in the 19th century landscaping of the estate, and reflected in the layout of the new main access from the north: the hall was accessed through parkland, with arranged sequential views gently unfolding to reveal the sea, St Mary's church and vicarage, and finally the hall, partially concealed by scattered vegetation. Although this sequence of views has been altered through time with the introduction of the Nurses' building on its period as a hospital, and subsequently with the existing parking, the church can still be seen from the drive's entrance."*
80. In summary the setting and views, and historic and visual relationships between the various assets and the understanding of the evolved landscape all add to the overall significance both individually and as a collective. Whilst acknowledging that change and evolution has occurred historically, (most recently with the evolution of the Hall as a Hotel and Spa) the changes have been generally in the context of maintaining sensitive setting and views and have included well considered landscaping
81. In considering national Policy and statutory requirements the Local Authority must take into consideration the statutory requirements under (s. 66, Planning (Listed Building and Conservation Areas) Act 1990) to have special regard to the desirability of preserving a listed building, its setting and any features of special interest.
82. The NPPF makes the conservation of the historic environment, good design and place making a fundamental part of its core principles (paragraph 17), and requires local planning authorities to look for opportunities to enhance or better reveal significance of Heritage assets within NPPF paragraph 137.
83. Paragraph 132 NPPF states that harm of any level requires clear and convincing justification, with great weight being given to the conservation of the heritage assets.
84. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal as defined in Paragraph 7 NPPF.

85. The proposed design in terms of its layout and form of development are consistent with that expected of a lodge development focused on sea views, access and maintenance of acceptable privacy distances. In this case it includes additional landscape screening to hide the development in public views of the Historic assets. All lodges would be sunken into the ground slightly to minimise impact and would be constructed from a mix of timber cladding and glass panelling.

86. It should be noted that the quality of the lodges is expected to be of a standard consistent with the five star nature of the Hotel complex and this should be controlled by appropriate condition should the planning balance weigh in the applicants favour.

87. The development proposals are obscured by landscape screening but development adds visual clutter to the setting. This impacts adversely upon St Mary's significance and its visual relationship with Seaham Hall. Overall the proposed development impacts on the setting of Seaham Hall by developing its parkland and obstructing important existing views. It further impacts negatively on the existing visual experience of the church within its historic landscape and on the visual relationships between St Mary's and Seaham Hall.

88. The proposal includes some compensation measures in respect of heritage mitigation :

- Improvement of the visibility of the church and hall through tree management
- The reinstatement of mown footpaths through the parkland - informed by historic maps
- The reinstatement of North Drive access

89. The improvement and appropriate tree management could be regarded as positive as could the improved access to the parkland, however the reinstatement of the north drive whilst a positive move is flawed by the loss of context views and introduction of clutter.

90. The proposals involve transformative change to the setting and Significance of Seaham Hall and St Marys Church. The proposals are reflective of the Hotels evolving business model and should be viewed in the context of historical change and evolution within the immediate environment.

91. Although the potential landscape mitigation in respect of screening and the creation of additional pathways and improved landscape management is welcomed, this mitigation is insufficient to satisfactorily address the heritage impacts. Accordingly, this proposal will have a harmful impact on the setting of Seaham Hall and on the setting of grade I listed St Mary's church including views of the church within the landscape and on its visual relationship with Seaham Hall, although this harm is considered less than substantial by both officers and Historic England.

92. In reviewing the proposed impact of the development on the setting etc. of the designated heritage assets described above the application does not meet the requirements of the NPPF paragraph's 132, 134 and 137. Therefore the harm, although considered less than substantial by officers and Historic England, should be weighed against the public benefits of the proposal as defined in Paragraph 7 NPPF. This is considered further in the conclusions section of this report.

Landscape impact

93. The site lies in the *East Durham Limestone Plateau* County Character Area which forms part of the larger *East Durham Magnesian Limestone Plateau* National Character Area (NCA 15). It lies in the *Durham Coast Broad Character Area* which belongs to the *Limestone Coast Broad Landscape Type*.
94. The site is made up largely of parkland forming the setting of Seaham Hall including areas of open, largely unmanaged, grassland in the east and mown grassland in the north and south together with areas of car parking, young mature structural landscaping, and late C20th ornamental gardens in the west. The centre of the site contains areas of hard standing, formerly car parking associated with a demolished annexe building east of the hall. The north west of the site contains a grazed pasture adjacent to Hall Farm.
95. The parkland is multi-period in its origins. The earlier phases of development shown on the 1st edition OS shows pleasure grounds with treed or wooded walks east of the hall and straight tree-lined walks to the coast. The later phases of development shown on the 2nd edition OS shows a formal terrace east of the hall with similar walks east-wards to the sea, and new areas of parkland to the north defined by a park wall, crossed by a carriage drive from a new northern entrance gateway and lodge, and with new areas of woodland planting north of the Hall and along the northern boundary.
96. The landscape to the immediate north of the hall has been heavily modified by late C20th interventions. Surviving elements include the late C19th park wall, gates and lodge, the balustraded terrace east of the hall, the alignment of the carriage drive, and areas of open grassland.
97. The area lies partly in an area identified in the Easington Local Plan as an Area of High Landscape Value (AHLV) which covers the northern and eastern parts of the site and extends north of the B1287 along the undeveloped coast.
98. The parklands of Seaham Hall are identified on a local list of *Parks Gardens and Landscapes of Local Interest* currently being developed by Durham County Council but not yet in the public domain.
99. None of the trees within the site are covered by Tree Preservation Orders (TPO).
100. The site is visible in near views from public footpaths crossing the area east of the hall, from the byway to the Church of St Mary, from the B1287 and U21.19 to the north, and from public open space north of the road. It is visible at greater distance in shallow views from other parts of the B1287 and from the coastal footpath.
102. Open parkland west of the carriage drive in the north would be comprehensively developed. This part of the late C19th park is separated from the hall by C20th interventions including parking and structure planting and has lost woodland in the north. Some elements of its historic fabric (boundary features, carriage drive) and character (openness, partial views of the hall) remain evident.
103. The development of this area would be notable in views from the footpath following the carriage drive, from the B1287 and public open space to the north. Built form would be progressively screened by perimeter vegetation although this would take a number of years to be fully effective. The open character of the area and glimpsed views of the hall from this quarter would be lost. Planting along the northern edge of the site would re-instate areas of woodland that formed part of the late C19th parkland design in that area. This would restore the external appearance of the park of that period in views from the north, but not the open internal views which it was the planting's principle purpose to define.

104. Development in the centre of the site would largely replace areas of young-mature structure planting, garden spaces and car parking. The alignment of the former carriage drive would be echoed, if not followed, by the internal access road but in a context dominated by the proposed buildings and parking areas.
105. Development in the south of the site would take place largely on areas previously developed but currently open. It would not physically effect any historic features and would not project south of the line of previous development in that area. The seaward view from the eastern elevation of the hall and the terrace would be largely retained
106. New built form in that area – and, with the removal of structure planting, some other built form across the wider development area to the north - would be prominent in views from nearby footpaths, the byway and Churchyard. The effect at the time of development, and until such time as structure planting began to make a meaningful contribution, would be substantial and transformative, giving a notably developed and visually cluttered, rather than open leafy, character to the immediate setting of the Hall and views from the vicinity of the church.
107. Built form would be progressively screened by a robust corridor of tree and shrub planting. This would take a number of years to be fully effective. In time it would be similar in character to the existing view of structural landscaping east of the hall, if closer to sensitive vantage points. Existing structure planting is around 17 years old and gives an indication of what might be expected in that time.
108. The enclosure of most of the existing boundary fences within areas of structure planting as proposed would lead in time to a relatively simple and leafy boundary to the site. The diversion of the PROW onto the current desire line would give a simple and focussed route to the church. Enhanced management of the open parkland to the east – largely in the form of grassland management and the development of mown paths along existing desire lines – would be likely to bring some modest benefits, maintaining and perhaps slightly improving the relationship between the hall and the coast.
109. Beyond the site, built form would be likely to be conspicuous in the early years in views from receptors to the immediate north; a notably built up edge to the park replacing its current open leafy character in views from that direction. The effect would be likely to be substantial and transformative at the time of development depending on the relationship between the rate of build out and the development of structure planting. Built form would be progressively screened by a robust corridor of tree and shrub planting: this would take time to be fully effective. The effect would be localised and would diminish with distance in the shallow views along the coast.
110. The proposals would cause some harm locally to the AHLV as described above. Saved policy 7 of the District of Easington Local Plan states that the special character, quality and appearance of the landscape within those areas designated as areas of high landscape value on the proposals map will be maintained and enhanced. As noted above, there would be some local harm to the AHLV but this would be not be considered significant, moreover, the landscaping scheme proposed would reduce this harm over time as it becomes established. The proposals would also cause some harm to the evolved parklands of the hall and particularly in respect of the transformation of character in the northern area. However, these impacts must be weighed against the benefits outlined below.

Economic and tourism benefits

111. As noted above, there is an identified harm to the setting of the Grade II listed Seaham Hall and the Grade 1 listed St Marys Church, although the harm is considered to be less than substantial by both Historic England and the Councils Design and Conservation team. Therefore the harm that would be caused by the development has to be weighed against the public benefits.
112. In 1997 Seaham Hall was purchased from a private individual when it was a heritage asset at risk, investment was made to redevelop the Hall into a luxury hotel. Seaham Hall Hotel opened in 2001 and added a luxury spa a year later as a facility to expand and diversify. In 2011 the hotel went into administration and in 2012 it was acquired by its current owner and operator who have made significant investment in the site in order to maintain its vitality and viability as a tourism destination and heritage asset.
113. The applicants have stated that the proposed development can help to maintain and grow the contribution made by Seaham Hall to County Durham's tourism offer, whilst also providing an additional revenue stream in order to help fund future investment in the hotel and spa. Seaham Hall is an important economic and tourism asset, particularly within the context of the Durham Heritage Coast. At present, Seaham Hall directly employs 154 members of staff (corresponding to 110 FTE jobs) paying an estimated £2.5m in wages per annum. More than half of all workers are residents of County Durham. Seaham Hall is expected to attract 12,280 visitor nights and 27,700 spa day guests in 2018. A high number of visitors come from outside of the North East, reflecting Seaham Hall's status as a destination hotel. Experience packages, promoted via the hotel's website, help to ensure that the tourism impact supported by Seaham Hall is leveraged to deliver benefits for other tourism assets across County Durham.
114. Since acquiring Seaham Hall in 2012, the current owners have overseen a significant programme of capital investment in order to improve the fabric of the building and the facilities on offer to guests. The proposed development represents the next stage in the evolution of Seaham Hall. It seeks to capitalise upon a growing market for luxury lodges for ownership and rental – a market that has been successfully embraced by a number of luxury country house hotels already.
115. The proposals are expected to deliver a number of economic benefits, including the generation of almost 26,600 visitor nights per annum, supporting annual visitor expenditure of between £890,000 and £2.1m, the creation of additional (gross) direct jobs (28 FTEs) at Seaham Hall, across a range of occupations whilst supporting 50-75 direct construction jobs and a further 75-115 'spin-off' jobs over the duration of a 6 to 9 month build period and supporting £4.9m of additional economic output (Gross Value Added) during construction.
116. The Councils Regeneration and Economic Development team support the application and have commented that the proposals represent a significant opportunity in the east of the county to provide economic benefits. Consultants were engaged by the Council in 2017 to undertake a visitor accommodation development assessment. The purpose of the study was to make an objective assessment of the potential for visitor accommodation development in Seaham and the immediate surrounding area, and the requirements for Durham County Council and Visit County Durham intervention to fully capitalise on the identified opportunities.

117. The research has identified that there is market potential for holiday lodges in Seaham. This coupled with the fact that the development is expected to lever in £4m of private investment and generate an additional £2m of visitor spending from 26,000 overnight stays in the lodges means that from an economic development point of view the development should be supported.

118. In terms of furthering economic growth in the area, officers note that the development is anticipated to create 75 direct jobs and up to 115 indirect jobs. During construction, a £4.9m temporary uplift in GVA is expected and this would welcomed into the economy of Seaham.

119. In addition to the economic benefits outlined above, Visit County Durham have also outlined significant tourism benefits.

120. Visit County Durham have been working with Seaham Hall and their development agency for some time and sharing market intelligence and evidence bases. They state that they are very supportive of their ambitions to develop high quality accommodation in this area. Coupled with the continuing and sustained success of Seaham Hall Hotel and Spa, Seaham has now secured its place as a serious visitor destination.

121. From their economic research, it is noted over the past decade that visitor spend/economic value is now starting to track with the volumes of visitors which have been healthy for some time. This kind of development can only help to accelerate the narrowing of the gap between visitor volumes and economic value and this will of course in turn stimulate new jobs and sustain existing employment.

122. From Visit County Durham latest figures, the Durham Coast economic indicators from 2016 were as follows:

Durham Coast

- Tourism is worth over £109 million to the Durham Coast from 3.16 million visitors
- £20.18 average day visitor spend
- £154.50 average spend per trip of overnight visitors
- 1,592 are employed within the visitor economy

Hotel Occupancy

123. From a sample of hotel occupancy rates research across the county, hotel occupancy has been performing well over the last three years. In the latest monthly comparison November, 2017 was up by 0.38% on November 2016. The addition of this new development will undoubtedly add to the overall viability of Seaham Hall as both a hotel and as a spa.

124. In terms of the official tourism management plan for the county, the development would be consistent with the following sections of this plan:

Objectives:

- That by 2020 Durham will offer a visitor experience that matches or exceeds the best offered by England's premier county destinations.
- The county will fulfil its potential as one of England's lead destinations, attracting visitors to the region from across the UK and from target overseas markets.
- By 2020 the county's visitor economy will account for 17% of the county's economy. This will represent an increase of £111.4 million from £752 million (2014) to £863.4 million in 2020. Using the national (VisitEngland) and regional standard (£53k = 1 FTE job), this would create 2,101 additional jobs by 2020.

Priorities

- Lengthen the amount of time that visitors spend in the county Durham will do this by focusing on packaging product and taking a visitor-centric approach to the provision of visitor information. Packages will combine rural and heritage experiences and focus on themes that our visitor segments like.
- Differentiate Durham for external audiences
- Develop new product and support existing product strengths.

125. In view of the issues and evidence bases outlined above, Visit County Durham are fully supportive of this development.

126. To summarise, the harm to the setting of the listed Seaham Hall and St Marys Church, which has been identified as less than substantial by both Historic England and the Councils Design and Conservation Officers should be weighed against the public benefits of the proposal. It is clear from the information set out above that the proposals would deliver significant economic and tourism benefits to the County and North East Region, securing the future of the hotel as both a tourist destination and an important heritage asset.

Highways issues

127. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.

128. Highways officers have no objections to the proposals and note that that the secondary access to the east of the site will be gated to prevent its use other than as an access to the private residential development at The Lodge and as an emergency access should it be needed, which is welcomed from a highways point of view.

129. It is also noted that the applicant confirms that the existing main site access to the west of the site will become the sole access serving the Hotel, Spa and the Lodges. Refuse collection and service deliveries will continue to be by the main site access to the west of the site.

130. Confirmation that the existing main site access to the west of the site, on Lord Byron's Walk, will become the sole access serving the Hotel, Spa and the Lodges requires the existing junction sight visibility splays of only approx. 2.4 x 20 metres or so to be improved to 2.4 x 120 metres and should be subject to a condition.

131. It is also noted that it is proposed to divert a public right of way to the north east of the site in order to improve public views of heritage assets and ensure that the proposed landscaping would not interfere with the route. Officers have no objections to this diversion although it will be subject to a separate application to Public Rights of Way officers.

132. On the basis of the above, highways officers offer no objections to the proposals subject to the visibility splay condition and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Ecology

133. The Local Planning Authority must consider impacts on designated wildlife sites in the vicinity of the proposed development.
134. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
135. It is noted that the applicant proposes an area for Suitable Alternative Natural Greenspace (SANG) on a field to the east of the proposed development which would be managed for the benefit of both biodiversity gain and public access due to the proximity of sensitive sites on the coast. This is considered to be suitable and necessary mitigation and accordingly, its provision would be secured by a condition and future management by a S106 agreement.
136. Due to the proximity of the site to the heritage coast, there will also be a negative impact in terms of increased user pressure on that coastal area. Accordingly, the applicants have also agreed to provide a financial contribution of £7774.08 in line with the Councils "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper to be used toward a scheme to reduce the number of access points to Special Protection Areas, as identified in the Durham Heritage Coast Partnership's Business Plan 2014/15 in order to directly off-set the impacts of the development on the coast. Whilst the paper is not part of the development plan, it can be afforded some weight in the determination of this application although it must be less than if it were part of the statutory development plan. This contribution would be secured through a S106 Agreement and is considered adequate mitigation and necessary to make the development acceptable.
137. Both Natural England and ecology officers are in agreement with the proposed mitigation and as such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Archaeology

138. The submitted Archaeological Evaluation report revealed the presence in the north-east corner of the proposed development area of a small number of inhumation burials belonging to the Anglian cemetery known to lie further to the east and south-south-east. A ditch roughly aligned north-south was also encountered seemingly delineating the western extent of this cemetery although, as the report states, the possibility of isolated burials further west cannot be discounted. The evaluation trenches further west revealed nothing of archaeological interest across the majority of the proposed development area. Consequently it is recommended that the impact upon any archaeological remains within the proposed development area, including the proposed relocated staff car-park, can be mitigated by an agreed programme of archaeological work being submitted along with a written scheme of investigation which is to be submitted to the County Durham Historic Environment Record. Subject to a condition being attached in this regard, the proposals are considered to be in accordance with part 12 of the NPPF.

Objections raised by the public

139. As noted above, there have been 9 letters of objection received from 5 different addresses along with 3 letters of support. The nearest objector resides at The Lodge to the north east of the application site. The main concerns from the occupier of The Lodge is that the proposal would block access to the property and cause problems for access by emergency vehicles and other large vehicles such as refuse wagons. The other main concerns raised by this objector are that the development would block a Public Right of Way, would lead to problems with surface water drainage and that there would be increased noise and traffic congestion. Both this resident and other objectors are concerned about the impact on heritage assets including the Grade 1 listed St Marys Church and anglo saxon burials, a lack of landscaping, loss of ecology and that the 'caravans' would not be suitable in this location.

140. With regard to the access to The Lodge, the plans have been amended to show the gates relocated further to the south giving the occupiers full and unrestricted access.

141. The Public Right of Way would remain open although diverted to allow better views of St Marys Church. In terms of drainage, both drainage officers and Northumbrian Water have no objections to the proposals. The surface water would be drained into an existing watercourse via existing drains and a via new attenuation basin which is subject to conditions. All other concerns noted above such as archaeology, ecology and highways issues have all been assessed as part of the planning application process and no objections have been raised by officers subject to conditions, details of which are all detailed in this report.

CONCLUSION

142. As noted earlier in the report, officers have accepted that the proposals would lead to some harm to the setting of the heritage assets at the Grade II Listed Seaham Hall and the Grade 1 Listed St Marys Church, although both officers and Historic England agree that the level of harm is less than substantial. Notwithstanding this the harm must be outweighed by public benefit in order for the proposals to be justified in this location.

143. As noted above the 5* Seaham Hall is an important economic and tourism asset, particularly within the context of the Durham Heritage Coast. At present, Seaham Hall directly employs 154 members of staff (corresponding to 110 FTE jobs) paying an estimated £2.5m in wages per annum. More than half of all workers are residents of County Durham.

144. Seaham Hall is expected to attract 12,280 visitor nights and 27,700 spa day guests in 2017. A high number of visitors come from outside of the North East, reflecting Seaham Hall's status as a destination hotel. Since acquiring Seaham Hall in 2012 after administration, the current owners have overseen a significant programme of capital investment in order to improve the fabric of the building and the facilities on offer to guests.

145. An increase in 'staycations', both nationally and locally, combined with demand for multiple-occupancy family accommodation, means that the current hotel has reached a ceiling and is unable to fulfil current visitor needs.

146. The proposals would support and enhance the local economy and importantly would secure the future of the listed building and its continued viability as a hotel. Seaham Hall is an important tourism destination in County Durham and a key part of the Heritage Coast's tourism offer. It makes a significant contribution to the local economy by attracting overnight leisure tourist to the area, raising the profile and awareness of other tourism assets and creating a range of employment opportunities.

147. The proposed holiday lodges would help to sustain Seaham Hall by increasing the capacity, supporting existing dining and leisure facilities and helping to fund future investment. The additional guests will also support businesses within Seaham and the wider area to a value of up to £2million and, in turn, will create demand for around 30 additional employees.

148. On balance it is considered that the significant economic and tourism benefits outlined in this report outweigh the 'less than substantial' harm to the setting of the heritage assets and therefore the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to the completion of a Section 106 legal agreement to secure the provision of:

- i. £7774.08 contribution toward the scheme to reduce the number of access points to Special Protection Areas as identified in the Durham Heritage Coast Partnership's Business Plan 2014/15.
 - ii. A scheme for the management of the Suitable Alternative Natural Greenspace to the east of the application site.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

01 GROUND FLOOR LAYOUT

02 FIRST FLOOR LAYOUT

03 SECTION

04 ELEVATIONS

1039_0002 EXISTING SITE PLAN WITH EXISTING SITE LEVELS

1039_1001 CROSS SECTION 1 OF 2

1039_1002 CROSS SECTION 2 OF 2

24 18 0026 HIDEAWAY 2DB

24 18 0026 HIDEAWAY 2DB - ELEVATION

28 18 0070 HARBOUR 2DB - ELEVATION

28 18 0070 HARBOUR 2DB STUDY

1039_0001 SITE LOCATION PLAN

All received 22.1.2018

1039_1000 REV E PROPOSED LANDSCAPE STRATEGY AND SITE LAYOUT

Received 11.4.2018

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. Development shall be undertaken in line with the drainage scheme contained within the submitted document entitled "Amended Flood Risk Assessment and Drainage Strategy" dated "19/02/18". The drainage scheme shall ensure that foul flows discharge to the combined sewer in the vicinity of manhole 0403 and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the document 'Archaeological Standards in County Durham' and a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

iii; Post-fieldwork methodologies for assessment and analyses.

iv; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest and developers are required to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

5. Prior to the development being beneficially occupied, a copy of analyses and reporting required as part of the approved archaeological mitigation strategy shall be deposited with the County Durham Historic Environment Record.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest and developers are required to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

6. Development shall not commence until detailed drainage and SuDs design drawings, hydraulic calculations and a geotechnical Interpretive report including infiltration results has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme in perpetuity.

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with the NPPF.

7. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

8. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the District of Easington Local Plan and parts 7 and 12 of the NPPF.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the District of Easington Local Plan and parts 7 and 12 of the NPPF.

10. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the District of Easington Local Plan and parts 7 and 12 of the NPPF.

11. The replacement of caravans or lodges hereby approved or subsequently approved shall not take place at any time without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the District of Easington Local Plan and parts 7 and 12 of the NPPF.

12. Any caravan and lodge on the development site shall be occupied for holiday purposes only and no caravan or lodge on the development site shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners and occupiers of individual caravans and lodges and of their main home addresses, and shall make such information available at all reasonable times to the Local Planning Authority, upon request.

Reason: In order to prevent permanent residential occupancy in accordance with policy 1 and 35 of the District of Easington Local Plan and parts 6 and 12 of the NPPF.

13. None of the 24 no. holiday lodges shall be brought into use until the junction sight visibility splays on the existing main site access to the west of the site, on Lord Byron's Walk, have been improved in accordance with the details shown on Figure 5 Proposed Main Site Access (West), drg. no. JN1423-Dwg-0006.

Reason: In the interest of highway safety in accordance with saved District of Easington Local Plan policy 36 and part 4 of the NPPF.

14. The development hereby approved shall not be brought in to use until a site management scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out accordance with the approved scheme in perpetuity.

Reason: In the interests of the amenity of the area and to comply with Policy 1 and 35 of the District of Easington Local Plan and parts 7 and 12 of the NPPF.

15. The development hereby approved shall be carried out in accordance with the mitigation measures contained within the submitted Extended Phase 1 Survey report by E3 Ecology dated December 2017.

Reason: To conserve protected species and their habitat in accordance with saved Policy 18 of the District of Easington Local Plan and part 11 of the NPPF.

16. None of the caravans or lodges hereby approved shall be occupied until the Suitable Alternative Natural Greenspace is provided and made available for use.

Reason: To conserve protected species and their habitat in accordance with saved Policy 18 of the District of Easington Local Plan and part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

BACKGROUND PAPERS

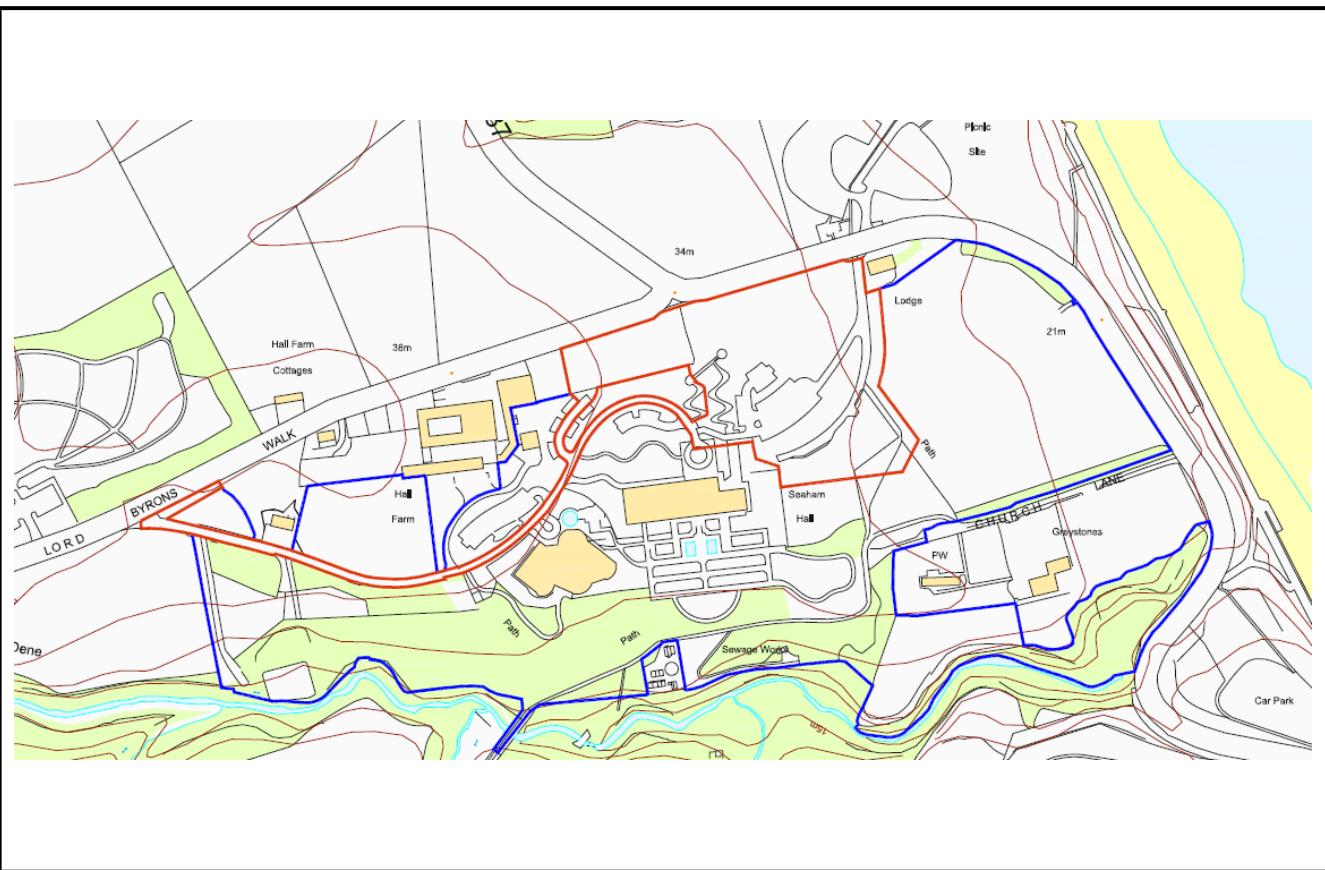
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



| | |
|--|---|
|  Planning Services | Change of use of land for holiday accommodation, engineering operations to create 20 bases for holiday lodges, access and car parking, erection of four permanent holiday lodges and landscaping. |
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| | Date June 2018 |

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION No: | DM/17/04124/FPA |
| FULL APPLICATION DESCRIPTION: | 14 dwellings at Tamar Close and 27 dwellings at Teign Close, Peterlee (41 dwellings) |
| NAME OF APPLICANT: | County Durham Housing Group |
| ADDRESS: | Land at Tamar Close and Teign Close, Peterlee |
| ELECTORAL DIVISION: | Peterlee East |
| CASE OFFICER: | Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958 |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. These application sites are located within the settlement boundary of Peterlee within the Peterlee East Electoral Division. They are surrounded on all sides by residential development which is mostly two storey. The sites are directly adjacent one another and were previously residential sites with garaging until they were cleared around 25 years ago, both are now informal open green space (not designated) with informal footpaths running through them.
2. Both sites are approximately half a mile away from Peterlee town centre and are close to community facilities including health and educational facilities, public transport links and retail units.

Proposal:

3. This application proposes a residential development of 41 affordable residential units along with associated infrastructure, 14 of the dwellings would be at Tamar Close and 27 would be at Teign Close, all would be constructed from a traditional facing brick and tiled roofs.
4. All units at Tamar Close are 2 storeys in height with double pitched tiled roofs to each property and semi-detached. Teign Close is a combination of 2 storey units, semi-detached and in short terraces, semi-detached bungalows, and a short terrace of dormer bungalows.
5. Front gardens will be enclosed by painted metal railings, with dwarf masonry retaining walls between adjacent plots. Rear gardens will be enclosed by close boarded timber fences. All plots are provided with rear garden access down the side of each house, or at the rear of gardens to central terrace plots. All dwellings would have 2 parking spaces with an additional 28 visitor parking spaces being provided across both sites.

6. 29 of the units would be three bedroom five person 'Rent to Buy' properties, 10 of the units would be 2 bedroom 3 person bungalows and the remaining 2 units will be 3 bedroom five person dormer bungalows all to be let as traditional affordable rented properties based on priority need. All bungalows proposed on the development would be wheelchair user adaptable and suitable for both elderly and disabled residents; the three bedroom dormer bungalows would meet the specific needs of occupiers who cannot currently access suitable properties, such as families with disabled members. Although the housing would be 100% affordable, it should be noted that officers could only insist on 10% affordable housing in this location on the basis of evidence in the Strategic Housing Market Availability Assessment, the remaining 90% is offered on a voluntary basis by County Durham Housing Group.

7. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

8. None relevant

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

12. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

14. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

15. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

16. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

17. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and *associated* infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

18. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

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

23. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
26. *Policy 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

RELEVANT EMERGING POLICY:

The County Durham Plan

27. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. None received.

INTERNAL CONSULTEE RESPONSES:

29. Highways officers have received several amended plans with relation to visitor parking and footpath arrangements and now have no objections to the proposals.
30. Tree officers note that amendments have been made to the scheme which now retains a larger amount of trees than was initially proposed. No objections are raised subject to tree protection being in place during construction.
31. Education officers confirm that there are sufficient primary and secondary school places in the area to accommodate the development.
32. Pollution Control do not object subject to a contaminated land condition.

33. Landscape officers had initial concerns regarding the loss of trees and lack of open space, revisions have been made to the plans which have reduced the number of dwellings whilst providing more open space and tree retention, there are subsequently no objections subject to a detailed landscaping scheme.

34. Ecology officers do not object subject to compliance with the submitted ecology report and appropriate mitigation given that the proposal is in close proximity to EU protected sites on the coast.

PUBLIC RESPONSES:

35. Northumbrian Water have no objections subject to a condition requiring details of foul and surface water drainage.

36. Four letters of concern have been received by nearby residents. The main concern is that the development would result in a loss of on street parking for existing residents, the loss of green space and trees and potential disruption caused by construction traffic.

APPLICANTS STATEMENT:

37. The application provides 41 new dwellings of affordable tenure on previously developed sites at Tamar Close and Teign Close in Peterlee. The sites are well located and in close proximity to local shops and amenities including Peterlee Town Centre which is just less than 1 mile from the site.

38. 29 of the units will be three bedroom five person 'Rent to Buy' properties; which provide residents with the opportunity to rent a new home at a reduced rate to help them save for a deposit that would enable them to purchase the property. 10 of the units will be 2 bedroom 3 person bungalows and the remaining 2 units will be 3 bedroom five person dormer bungalows all to be let as traditional affordable rented properties based on priority need. All bungalows proposed on the development are to be wheelchair user adaptable suitable to both elderly and disabled residents; the three bedroom dormer bungalows are unique and will meet the specific needs of clients who cannot currently access suitable properties, such as a families with disabled members.

39. The site layouts have been carefully designed and each new 3 bed house has 2 allocated parking spaces with each bungalow having 1 allocated parking space; in addition to this 28 visitor parking spaces have been provided across both sites. Whilst removal of some trees is required to accommodate the development, some existing trees and open space has been retained and the planting of new trees will result in an increase of around 50% on the current provision; this will help to maintain the visual amenity of the area in the long term.

40. Demand for affordable housing in Peterlee is very strong, including existing bungalows and three bed-properties owned by County Durham Housing Group in the area. The town is one of the most popular areas for housing and bungalows across the group's whole operating area and the proposed 41 new dwellings at Tamar and Teign Close are anticipated to be highly sought after.

41. The Strategic Housing Market Assessment (SHMA) 2016 indicates a net shortfall of 148 older persons' homes per year, driven by the aging population where there is expected to be a 46% increase in the number of people over 65 (compared to 2015), reaching 152,000 by 2037. The 12 new bungalows being proposed would be built to wheelchair user adaptable standards which would not only help to meet this demonstrated need but would provide sustainable accommodation in the long term. The SHMA (2016) also indicates that 25% of people interested in affordable housing in County Durham are interested in intermediate tenures like Rent to Buy. As 29 of these new homes are aimed at those residents who ultimately aspire to purchase their own home, it is also important to consider private sector demand where 31.8% of those households moving in the county would like to move to a 3 bedroom house and 40.8% expect to move to a 3 bedroom house, further strengthening the case for additional 3 bed properties. The proposed new homes under this scheme will help meet this demonstrated demand and will provide high quality new dwellings in the area.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon surrounding occupiers and character and appearance of the area, highways issues, section 106 contributions and objections received.

Principle of the development

43. This application proposes a residential development of 41 houses on the sites of former residential developments which have been vacant for some time and are currently informal open space. The sites lie within the built up area of Peterlee and are approximately half a mile from the main town centre which has numerous community facilities and public transport links. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The District of Easington Local Plan (DLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that to the weight to be afforded to Local Plan policy will depend upon the degree to which the policy is consistent with the NPPF.

44. The DLP was adopted in December 2001 and was intended to cover a five year period. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. This application proposes a scheme of 41 dwellings within the settlement boundary of Peterlee as defined in the District of Easington Local Plan and is on a former housing site which is now informal open space. In planning terms the development of the site for housing would not be in conflict with Saved Policy 3 of the Local Plan. However, policy 3 is considered to be out of date and therefore the application must be considered in the context of paragraph 14 of the NPPF. Whilst weight can still be afforded to this policy, the weight must be accordingly reduced. This will be discussed in more detail later in this report.

45. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

46. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.

47. Saved policy 66 requires developers to provide adequate provision for children's play space and outdoor recreation open space in relation to new housing developments of 10 or more dwellings

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

49. Subject to matters of access and layout discussed below, the site has scope to accord with the detailed requirements of saved policy 35 related to design, saved policy 36 relating to access and means of travel, the objectives of saved policy 66 relating to the adequate provision of recreational open space and saved policy 67 relating the re-use of previously developed.

The NPPF

50. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise): approving development proposals that accord with the development plan without delay; and- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- ii) specific policies in this Framework indicate development should be restricted.

51. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

52. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.

53. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

Five Year Housing Land Supply

54. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.

55. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).

56. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.

57. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.

58. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

59. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

60. Paragraph 14 of the NPPF is engaged because saved Policy 3 is a settlement boundary policy and the evidence which underpins it is out of date. As there are no restrictive policies of relevance, the application must therefore be, approved unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. It is appropriate to carry out this balancing exercise after consideration of all other planning matters set out in this report.

Impact upon surrounding occupiers and character and appearance of the area

61. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
62. In terms of the street scene it is considered that the scheme is of a good quality. Dwellings would be a mix of two storeys in height and bungalows and all would have their own front and rear garden areas along with an appropriate level of parking spaces, additional visitor spaces would also be provided. The dwellings would be constructed from a mix of brick, render and concrete roof tiles which is considered appropriate in this location.
63. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing.
64. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is a previously developed site in a location close to the town centre. There would be little or no impact on nearby residents given the distances involved. Having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.
65. In addition to the above, it is acknowledged that the proposals would result in the loss of green space and some trees on the site. Although the site was previously developed, it has greened overtime and has contributed to the street scene.
66. The proposals include the retention of around 2500 sqm and an increase in tree numbers of around 50%. Given this, and the other benefits of the scheme it is considered that the loss of some informal green space is acceptable in this instance.

Highways Issues

67. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
68. Highways officers have requested and received a number of amended plans as there were initially concerns regarding footpath arrangements and the location of visitor parking bays. Officers have commented that the revised plans are acceptable. The 3 bed house has 2 allocated parking spaces with each bungalow having 1 allocated parking space, in addition to this 28 visitor parking spaces would be provided across both sites which complies with the requirements outlined in the DCC Residential Car Parking Standards.

69. On the basis of the above, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Section 106 contributions

70. Saved policy 66 of the District of Easington Local Plan states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. On this basis the applicant has agreed to make a financial contribution of £27,825 towards the provision or improvement of offsite recreation in the electoral division in line with the requirements of the Councils Open Space Needs Assessment.

71. Secondly, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.

72. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.

73. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to take pressure from additional visitors away from the coastal designations of significant importance. Given that the applicant is not in control and any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution of £27,018.18 in line with the Councils "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper to be used toward capital item 3 of the Durham Coastal Management Plan which seeks to protect high tide roosts in order to directly off-set the impacts of the development on the coast, this contribution would also be secured through a S106 Agreement.

74. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site".

75. The County Durham Strategic Housing Market Assessment (SHMA) report was updated in 2016 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.

76. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.

77. Although the application proposes 100% affordable housing, the Council can only insist on 10% in this location on the basis of the evidence base noted above, therefore the remaining 90% is offered voluntarily. Overall, the proposals are considered to accord with the requirements of the SHMA and the NPPF.

Objections received

78. As noted above, there have been 4 letters of concern received from nearby residents. The main concerns are loss of on street parking, loss of green space and disturbance caused by construction.
79. In terms of loss of on street parking provision, the development provides for 28 visitor parking bays which is a significant overprovision and would be accessible to existing residents. The loss of green space is acknowledged but a significant amount (approx. 2500 sqm) is to be retained along with the increase in tree numbers of around 50%. Finally, a construction management plan condition would be attached to ensure appropriate working practices.

Paragraph 14 balance

Benefits

80. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, although the weight to be afforded to that boost is limited given the council's most recent position on 5 year housing land supply, the provision of affordable housing including bungalows; some of which are designed for elderly and disabled residents, the sustainable location of the development, the good quality of the scheme, and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers.

Adverse impacts

81. No adverse impacts arising from the proposed scheme have been identified.

Applying the titled balance test in paragraph 14, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

CONCLUSION

82. The proposals involve the redevelopment of former housing sites which are in close proximity to the town centre, the proposals are adjacent to established residential areas and there is a good range of facilities and services in the town to serve the development. The scheme is considered to be good quality and in a sustainable location with a suitable access and layout. The scheme would provide 100% affordable housing (although the council can only insist on 10% in this location) along with bungalows designed for the elderly and disabled. It is compliant with all relevant saved local plan policy and in the context of paragraph 14, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to the completion of a Section 106 legal agreement to secure the provision of:

- i. £27,018.18 contribution toward capital item 3 of the Durham Coastal Management Plan.
- ii. £27,825 contribution toward enhancement or provision of play facilities in the Peterlee East Electoral Division

- iii .10% affordable housing on site.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Site Layout plan 2953.13.002K

Boundary Treatment plan 2953.13.025E

Boundary Treatment plan 2953.06.026A

2953.13.020A GA PLANS AND ELEVATIONS

2953.13.021A GA PLANS AND ELEVATIONS

2953.06.020A GA PLANS AND ELEVATIONS(1)

2953.18.022B GA PLANS AND ELEVATION FOR PLOTS 16/17

2953.13.023A GA PLANS AND ELEVATIONS

2953.18.050B STREET SCENE

C-GA-003 REV P2 DRAINAGE ARRANGEMENT

C-GA-003 REV P1 PROPOSED DRAINAGE ARRANGEMENT

Tamar Close Surface Water Drainage Strategy dated September 2017

Teign Close Surface Water Drainage Strategy September 2017

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. No development shall commence until a detailed scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and in accordance with BS 5837 2012.

Reason: In the interests of the appearance of the area and to comply with part 7 of the National Planning Policy Framework.

4. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.

5. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

A Dust Action Plan including measures to control the emission of dust and dirt during construction

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of residential amenity and to accord with policy 1 and 35 of the District of Easington Local Plan.

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experienced and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part a of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

8. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

9. The development hereby approved shall be carried out in accordance with the mitigation measures contained within section H of the submitted Preliminary Ecological Appraisal "Tamar Close" report by E3 Ecology dated August 2017 and within section H of the submitted Preliminary Ecological Appraisal "Teign Close" report by E3 Ecology dated March 2018.

Reason: To conserve protected species and their habitat in accordance with saved Policy 18 of the District of Easington Local Plan and part 11 of the NPPF.

10. Development shall be implemented in line with the drainage schemes contained within the submitted documents entitled "*Drainage Arrangement – Thames Road, Peterlee*" and "*Proposed Drainage Arrangement – Tamar Close, Peterlee*" dated "September 2017". The drainage scheme shall ensure the following;

Teign Close – The foul flows discharge to the foul sewer at manhole 5019 and ensure that surface water discharges to the *surface water* sewer in the vicinity of manhole 5903. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Tamar Close – The foul flows discharge to the foul sewer at manhole 4221 and ensure that surface water discharges to the *surface water* sewer at manhole 4223 at a restricted rate of 5 l/sec and 4321 at a restricted rate of 5 l/sec in order to not exceed the available capacity that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

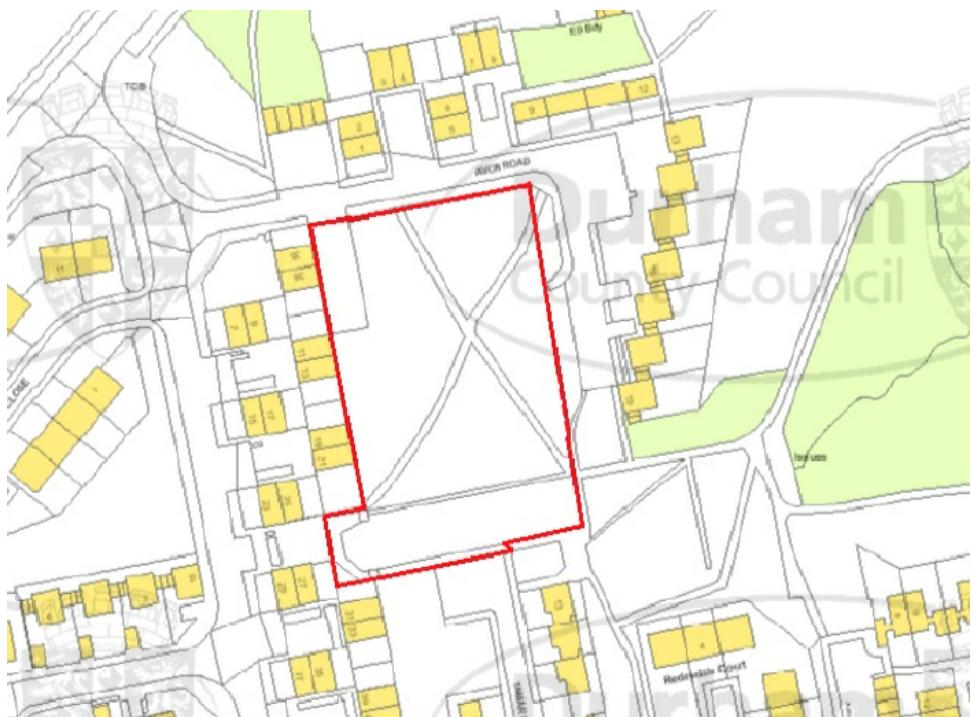
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

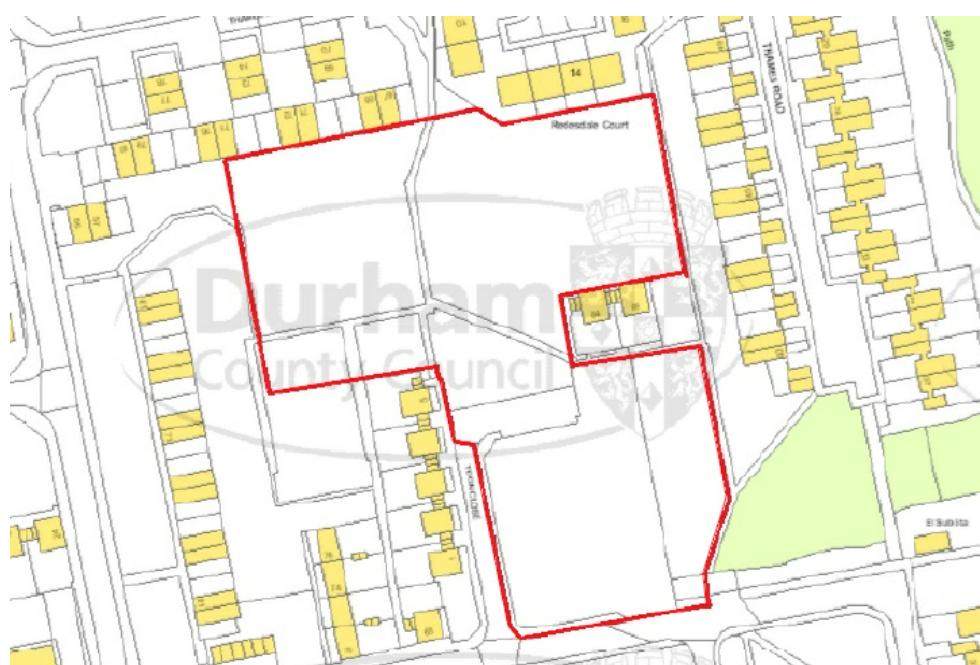
Statutory, internal and public consultation responses

District of Easington Local Plan

Tamar Close



Teign Close



Planning Services

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41 dwellings at Tamar Close and Teign Close, Peterlee

Comments

Date July 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION No: | DM/18/01043/FPA |
| FULL APPLICATION DESCRIPTION: | Demolition of existing residential dwelling and construction of four residential dwellings |
| NAME OF APPLICANT: | Mr Martin Hawthorne, Bright Ideas Development Ltd |
| ADDRESS: | Garden Villa, Newcastle Road, Crossgate Moor, Durham DH1 4AG |
| ELECTORAL DIVISION: | Nevilles Cross |
| CASE OFFICER: | Paul Hopper (Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a parcel of land approximately 0.14 hectares in area situated within the residential framework of Durham City adjacent to the A167. It currently hosts a single two storey dwelling known as Garden Villa which is a large detached property served by considerable private curtilage including gardens and an area of hardstand.
2. Access is taken via Newcastle Road from the A167 and the site is framed by residential properties to the south and east, by the A167 to the west and Durham Johnston School and associated playing fields to the north. Planning permission was granted for a development of 3 dwellings in a small paddock to the west of the site in 2016 and whilst construction works have yet to commence it is noted that several pre commencement conditions have recently been discharged.

The Proposal

3. Planning permission is sought for the demolition of the existing dwelling and the construction of 4 No. dwellings across the site on land at Garden Villa, Durham. The proposed dwellings would comprise a short row of 3, 2 ½ storey properties (with habitable space within the roof void) that would present principal elevations to the south. A fourth detached property would occupy the northern half of the site, present a principal elevation to the south east and also provide habitable space within the roof void.
4. The 3 units to the south of the site would provide 3 bedrooms with the detached dwelling to the north providing 4 bedrooms and be of 2 ½ storey height. The properties would be of contemporary design with external surfaces finished in a mix of white and off white render supplemented by timber cladding to the walls and dark grey roof tiles.

5. Landscaping would be limited to shrub and tree planting to the southern elevations of the 3 properties to the south of the site which it is noted would have an open aspect to the front gardens.
6. The application is being reported to the planning committee at the request of Cllr Elizabeth Brown who considers the access and egress arrangements to be such that there is significant potential for the development to exacerbate existing parking and highway safety issues with the proposals amounting to the overdevelopment of the site.

PLANNING HISTORY

7. A Planning application was previously submitted for the demolition of Garden Villa and the construction of 5 dwellings at the site in 2017 but was subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 1 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
11. *NPPF Part 4 - Promoting Sustainable Transport:* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
13. *NPPF Part 7 Requiring Good Design:* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

14. NPPF Part 8 – *Promoting Healthy Communities*. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
15. *NPPF Part 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
16. *NPPF Part 12 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

City of Durham Local Plan

17. 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.
18. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
19. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
20. Policy E24: Ancient Monuments and Archaeological Remains states that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ.
21. Policy H2: New Housing in Durham City. States that new housing development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City where the is included in Policy H1 or that the proposal does not contravene policies E3, E5 and E6 of the CofDLP, and is not allocated or safeguarded for alternative uses and the development accords with policies Q8, R2, T10 and U8A.

22. 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.
23. 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.
24. 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.
25. Policy Q1: General Principles – Designing for People states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
26. Policy Q2: General Principles – Designing for Accessibility states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.
27. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
28. 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.
29. 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.
30. 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.
31. Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
32. Policy U13 (Development on Unstable Land) notes that development on unstable land will only be permitted if it is proven that there is no risk of the development or its intended occupiers from such instability or that satisfactory remedial measures can be undertaken.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

33. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. Highway Authority has no objection to the application but notes concern about the location of one of the proposed visitor parking spaces which is off highway in the rear garden of plot 3 and as such is unlikely to be used by visitors to plots 1-3, and as such there is potential that parking would occur in the access lane as a result. However, the Highway Authority do not consider these concerns to be sufficient to sustain refusal of the application.
35. Consequently, no objection is offered to the application subject to the inclusion of planning conditions requiring the submission and agreement of details relating to the upgrading of the vehicular areas within the development to include appropriate street lighting, an access restriction to be secured through designation as a one way system (taking the access from Newcastle Road to Redhill's Lane) through a Traffic Regulation Order, and that this be implemented prior to the commencement of development along with the submission and agreement of a construction management plan.
36. Drainage and Coastal Protection Section has no objection to the application but notes a requirement to apply the hierarchy of preference when disposing of surface water generated by the development.
37. Coal Authority originally objected to the application due to the lack of a Coal Mining Risk Assessment identifying the risk from previous mine workings to be low. Whilst the applicant has subsequently submitted a Coal Mining Risk Assessment, the Coal Authority has yet to provide updated comments. A full response is expected prior to the planning committee meeting where a full update will be provided to members.

INTERNAL CONSULTEE RESPONSES:

38. Noise Action Team has no objection to the application subject to the inclusion of planning conditions to control the environmental impact of the development during the construction phase, hours of working and that noise mitigation measures are incorporated into the development to ensure that the following levels are achieved;

35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
45 dB LAmax in bedrooms during the night-time
55dB LAeq 16hr in outdoor living areas

39. Contaminated Land Section has no objections to the application subject to the inclusion of a planning condition which requires the submission and agreement of a risk assessment for land contamination, intrusive site investigations, remediation and verification where need is identified.
40. Landscape Section has no objection to the application noting that the development would not have any adverse landscape impacts.
41. Ecology Section notes that the information currently supplied in support of the application is insufficient to allow full assessment of the proposal's impact upon European Protected Species but notes that further survey information will be available prior to the reporting of the application to planning committee. Without the awaited information the Ecologist notes that it is not possible to advise further at this stage. Submission of the completed survey data and associated risk assessment is expected prior to planning committee where members will be provided with a comprehensive update including updated comments from the Council's Ecologist.
42. Archaeology Section has no objection to the application subject to the inclusion of a planning condition requiring the implementation of a programme of archaeological work approved in writing by the Local Planning Authority. A further condition is advised requiring the recording of the programme of works within the County Durham Historic Environment record.

NON STATUTORY RESPONSES:

43. The City of Durham Trust objects to the application which they consider represents over-development, has parking and traffic problems, and includes a large 'focus dwelling' which occupies a disproportionately large part of the entire site.

PUBLIC RESPONSES:

44. The application has been publicised by way of site notice and notification letters to neighbouring properties. Six letters of objection have been received. The reasons for objection are summarised as;

- a) Highway Safety:

Parking

The development would exacerbate parking problems already present within the locale which includes a lack of sufficient parking provision for existing properties made worse by existing demand from students arriving at Durham Johnston School and parking in surrounding streets.

Increase in Traffic Movements

The development would increase traffic volume in the locality, in particular causing vehicles turning into the site to reduce speeds and thereby increasing congestion on the A167 which is already heavily congested, to the detriment of highway safety. The proximity of a nearby access serving an adjacent residential development which benefits from an extant planning permission is also noted as a concern.

Creation of a route avoiding existing traffic lights

The connection of the A167 to the rear of Neville Terrace would create a route whereby the traffic lights at the junction of the A167 and Redhills Lane could be avoided. This would create a volume and speed of vehicles to the rear lane of Neville Terrace that would have a detrimental impact upon highway and pedestrian safety for residents of this terrace. There is also concern that the one way system could not be appropriately enforced or traffic flows managed to the detriment of highway safety and that the width of the access from the Newcastle Road is not adequate.

- b) Bin/Refuse Collection: The new development could not be easily be accessed by refuse collection services given the likely parking congestion caused by the development.
- c) Drainage: The proposal would create additional surface water run-off from proposed areas of additional hardstanding and concern is also raised with regard to the capacity of the existing sewer to accommodate additional flows.
- d) Land Ownership: Part of the rear lane to Neville Terrace is unclear and no details have been provided with regard to the maintenance of this route should planning permission be granted and no details as to the responsibilities for ongoing maintenance should planning permission be granted.

APPLICANTS STATEMENT:

45. The proposed scheme is to create four modern family homes in an area of Durham that is in great need of more family housing. The proposal also includes the demolition of the existing Garden Villa house to make room for the new housing which is now a dated property struggling to be sold. The applicant has made great efforts to design a scheme that meets the housing needs of the area by creating three and four bedroom family houses with private garden spaces rather than any other form of housing or accommodation.

This is particularly relevant when the proximity to the Durham Johnston School is considered, as more family housing of this size is required in this area. There has been a great amount of effort put into the design of the scheme to ensure that the houses and landscaping created will enhance the local area by their appearance, style and materials used.

The applicant has gone well beyond the 'average' to ensure the proposal has modern housing that the city of Durham and the new owners can be proud of.

In addition the applicant has worked tirelessly with the local authority planning department and associated departments such as highways as well as the many professionals he has employed to design and advise on the scheme. Together they have worked as a team to alter the design and layout where appropriate, and have fine tuned the scheme over many months to ensure the scheme is one that not only complies with legislation but also integrates with the surrounding housing and actually improves the local area.

Overall the applicant feels this is an exciting development that will help define the standards of new housing within this area in the future.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, locational sustainability of the site, highway safety, ecology, impact upon residential amenity, landscape and visual impact, drainage and land contamination, stability and archaeology.

Principle of Development

47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The City of Durham Local Plan (CofDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.
48. The CofDLP was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date or is time expired.
49. On this basis given the age of the CofDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date. As such the weight to be afforded to these policies is reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor is it prescribed how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 215 of the NPPF.
50. Policy H2 of the local plan supports the provision of new housing within the settlement boundary providing it accords with other policies within the plan and that the development is on previously developed land. In this case the development is partly on previously developed land - as it would occupy part of the site on which an existing dwelling is located – but also relates to an area of garden, classed as greenfield land. The development is therefore not in complete compliance with Policy H2.
51. However, that policy is reflective of the old PPS3 which required a sequential approach to site identification and is therefore only partially consistent with the NPPF which takes a more permissive approach to development on greenfield land and does not require such a sequential approach. Furthermore, Policy H2 is a settlement boundary policy which is informed by what is now an out of date evidence base, hence it can be considered to be an out of date policy for the purposes of engagement of paragraph 14 of the NPPF. Accordingly, only limited weight should be afforded to this policy as it does not accord with the aims of the NPPF.

52. Consequently, the application must be determined in accordance with Paragraph 14 of the NPPF.
53. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
 - approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted

54. Having regard to the above, the Development Plan is considered to be silent and/or out of date with respect to this proposed development. As a result, the acceptability of the development rests on the planning balance of whether any adverse impact of approving the development would significantly and demonstrably outweigh the benefits.

Five year Housing Land Supply

55. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
56. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
57. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
58. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.

59. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
60. Accordingly, the benefit of boosting housing land supply will need to be factored into the planning balance, whilst recognising that the benefits of delivering new housing would be less than if any shortfall in supply existed.

Locational Sustainability of the Site

61. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment and paragraph 50 of the NPPF seeks to create sustainable, inclusive and mixed communities.
62. In this respect the application site is situated within the built up area of Durham City and is well related to a wide variety of shops, services, education and employment opportunities and immediately adjacent to a site previously granted planning permission for residential development in 2016. As such, the provision of 4 additional dwellings within this well-established residential area, close to existing facilities could be supported in principle subject to assessment against other local plan policies and material planning considerations.

Impact upon Residential Amenity

63. Policy Q8 of the CofDLP provides detailed design advice for new residential development and policy H13 states that planning permission will not be granted for new development which would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them. The former prescribes separation distances of 21 metres between windows of habitable rooms and 13 metres between gable elevations and windows to habitable rooms. These policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF which states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 11 of the NPPF seeks to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution and noise.
64. The application represents the resubmission of a previously withdrawn application for the erection of 5 dwellings at the site which sees a reduction in the number of units from 5 to 4. This has allowed the revised proposal to achieve the minimum separation distances described in policy Q8 within the development itself most notably through the reorientation of the southern properties and the single detached dwelling to the north.

65. With regard to the proposed development to the west, as referred to in Paragraph 2 above, it is noted that a window positioned in the gable elevation of the proposed dwelling to the north of the application site, Plot 4, would be situated below the minimum separation distances from the proposed adjacent property as required by policy Q8 of the CofDLP at 15 metres, rather than 21 metres. However, views at ground floor between this and the single dwelling to the west would not be direct and would be screened by boundary treatment, and any overlooking from the bedroom window of the proposed adjacent property at first floor level would be limited given the elevations are not directly facing one another. Whilst there would be some adverse impact this would be focussed on the proposed dwelling, with impact to the dwelling which already benefits from planning permission to the west considered minimal. Other windows in the rear elevation of the proposed adjacent property are not considered to be adversely affected due to the orientation and relationship of the proposed dwellings. Overall, any potential adverse amenity impacts are considered minimal and not sufficiently serious to justify refusal of planning permission.
66. The nearest residential properties to the east at Neville Terrace would have rear elevations with windows to habitable rooms approximately 12.5 metres from the gable elevations of the proposed property at Plot 3, which is marginally below the 13 metres required by text supporting policy Q8 of the CoDLP. However, this is not considered to have an unacceptable adverse impact upon residential amenity of the occupiers of these units in terms of overbearing, overshadowing or loss of privacy.
67. Whilst the development would have some adverse impact to existing properties in this regard in terms of rear outlook, this is not considered to be so significant as to sustain refusal of the application, which would otherwise accord with aims of policy Q8 of the City of Durham Local Plan.
68. With regard to private amenity space it is considered that all 4 properties would incorporate adequate private external space to serve the size and type of dwellings proposed.
69. With regard to noise it is noted that the dwellings would be located approximately 30 metres from the A167 road which is one of the main vehicular routes through Durham and is well trafficked as a result. Therefore, the occupiers of the proposed dwellings could be impacted by road noise.
70. Paragraph 123 of the NPPF requires that planning decisions avoid noise from development giving rise to significant adverse impacts on health and quality of life; and mitigate and reduce to a minimum other adverse impacts through the use of conditions.
71. Consequently, the Council's Environmental Health Section offers no objection to the application subject to the inclusion of planning conditions which require the applicant to demonstrate that appropriate sound insulation measures have been installed to ensure that recommended internal and external noise levels can be achieved, as well as the restriction of working hours and the suppression of noise and dust during the construction phase.
72. Overall, it is considered that the scheme would comply with CofDLP Policy Q8 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents.

Design and Visual Appraisal

73. The application site is framed by residential development to the south and east and is set back approximately 30 metres from the A167, to the rear of a site which benefits from planning permission for the erection of 3 dwellings comprising one detached unit and a pair of semi-detached units.
74. The City of Durham Trust raise objection to the application which it considers represents the overdevelopment of the site and the inclusion of a large detached property covering much of the site.
75. Policy H13 of the Local Plan is relevant in determination of the application and states that planning permission will not be granted for new development which has a significant adverse effect on the character or appearance of residential areas. This displays a broad level of accordance with the approach contained within Parts 7 and 11 of the NPPF which seek to promote good design while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to its compliance with the NPPF weight can be afforded to Policy H13 of the CofDLP in this respect.
76. In this regard it is noted that the proposal would not appear prominent from the A167 with only fleeting views available when travelling northbound, and although more exposed views are possible when approaching from the south, these would be partially screened by the 3 properties when the adjacent site is fully developed. As such the Council's Landscape Section has no objection from a landscape impact perspective.
77. With regard to design it is noted that this displays a contemporary approach which residents feel is not in keeping with the more traditional terraced character of surrounding development. However, it is considered the scale and layout of the proposal would not detract from the built form in the surrounding area and that the development would be set back from the most public vantage point at the A167. In this context the application of a more contemporary approach is considered acceptable and the use of external materials including render and timber cladding appropriate. However, it is noted that the submission and agreement of sample materials in this regard could be secured through planning condition, as could the submission and agreement of precise means of enclosure and landscaping plan.
78. Overall, subject to the inclusion of a planning condition in this regard, the proposal is considered to accord with the requirements of policy H13 and Parts 7 and paragraph 58 of the NPPF.

Parking, Access and Highway Safety

79. The development proposes the use of an existing access from Newcastle Road and the A167 to the west along with the implementation of a one way system taking vehicles away from the site via the rear Lane of Neville Terrace connecting to Redhills Lane. The applicant has proposed a number of improvements to this section of road including resurfacing and installation of street lighting.
80. Policy T1 and T10 of the City of Durham Local Plan require new development to provide safe and secure access and sufficient parking provision respectively. This is considered to display a broad level of accordance with the aims of the NPPF at paragraph 32 of the NPPF.

81. Several residents and the City of Durham Trust have raised objection to the application citing an adverse impact upon highway safety as a concern, particularly the likely use of the route as a means of avoiding the traffic lights at the junction of the A167 and Redhills Lane, the potential conflict between vehicles and pedestrians along this route, and the impact of slow moving vehicles into the site from the A167. They have also raised concerns regarding the amount of car parking included within the development and the impact of the proposal upon demand for parking in the wider area which is already an issue.
82. In addition, objection is raised by occupiers of properties at Neville Terrace citing land ownership concerns relating to the rear lane, in particular the applicant's ability to undertake the works required to upgrade this route and querying responsibility for ongoing maintenance should planning permission be granted. Similarly, these concerns are also raised should improvements be required to the existing access from Newcastle Road which is understood to be in third party ownership and over which the application site is understood to benefit from a right of access.
83. Disputes with regard to land ownership and rights of access and responsibilities pertaining to maintenance are civil matters between those parties involved and not material considerations in determination of planning application to which any weight can be attached and the planning system is not the arbitrator of any disputes in this regard.
84. With regard to the rear lane behind Neville Terrace it is understood that this is unregistered. Government guidance regarding the use of planning conditions states that works to land not controlled by the applicant can be required using a negatively worded planning condition which prohibits the development authorised by the planning permission from taking place, until such time as agreement to undertake the works specified (in this case improvements to the site access and rear lane) has been secured. The guidance also states that such conditions should not be imposed if there are no prospects of the actions being undertaken within the lifetime of the planning permission. Whilst some of the access land appears to be in third party ownership, it is considered that sufficient improvement works could be achieved outside of this land to satisfy highway requirements. On this basis, there is no reason to suggest the required works could not be completed.
85. Consequently, it is considered that the application is supported by sufficient information to allow an appropriate consideration of its likely impact in accordance with the requirements of policies T1 and T10 of the CofDLP.
86. The Highway Authority has commented and although noting concerns regarding the position and likely underuse of a visitor space to the north of the site, raises no objection to the application noting that in relation to parking the development would meet the Council's Parking Standards and that subject to the upgrade works would provide safe and adequate means of access. Notwithstanding this a number of conditions are advised, these requiring the submission and agreement of details relating to the upgrading of the vehicular areas within the site including installation of appropriate street lighting, that no vehicles leave the site directly onto the A167 (to be secured through the implementation of a one way system subject of a Traffic Regulation Order) with access taken from Newcastle Road and the submission of a construction management plan.

87. Objection has also been raised by residents with regard to bin storage and collection. In this regard submitted plans show an area for bin storage serving the 3 southernmost dwellings positioned to the south west corner of the site and a separate arrangement to the north for plot No. 4. The Highway Authority has been consulted on the proposal and raises no objection to this arrangement which is considered adequate.
88. Subject to the inclusion of planning conditions as stated the development is considered to accord with the requirements of policies T1 and T10 of the CofDLP and paragraph 32 of the NPPF in that it would provide adequate means of access and sufficient parking provision.

Ecology

89. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. The Conservation of Habitats and Species Regulations require local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.
90. Paragraph 109 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 118 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for.
91. The development requires the demolition of an existing detached dwelling and as such there is a requirement for the application to be supported by an appropriate assessment of the impact of the proposal upon protected species, in particular bats. Whilst the application was not originally supported by a Bat Risk Assessment it is noted that an initial assessment of the dwelling has since been undertaken by an appropriately qualified Ecologist with one associated dusk bat survey completed which did not identify any evidence that the building is currently used by bats. It is understood that a further two surveys (one dusk one dawn) are scheduled for the week following the publication of this report and the results available prior to meeting of the planning committee.
92. The Council's Ecologist has been consulted on the submitted information and raises concerns that two further surveys remain outstanding and are required to appropriately inform the necessary risk assessment. However, it is noted that the results of these should be available by the time the application is reported to Planning Committee. Whilst it is anticipated that these results will confirm the findings of the initial dusk survey, in the event that a requirement is identified to provide mitigation, this could be appropriately secured through planning condition should members be minded to approve the application.
93. Subject to the satisfactory completion of the further bat surveys and the imposition of planning conditions in this regard it is considered that the proposal would not have an unacceptable impact upon protected species and biodiversity in accordance with Part 11 of the NPPF.

Drainage

94. Policy U8A of the CofDLP states that development proposals will only be approved if they include satisfactory arrangement for disposing of 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.
95. Residents have raised concerns regarding the impact of surface water run-off from the proposal and the ability of the existing sewer to accommodate additional flows generated by the development.
96. Notwithstanding these concerns the Council's Drainage and Coastal Protection Section have been consulted and raise no objection to the application which is considered to accord with the requirements of policy U8A of the CofDLP subject to the inclusion of a planning condition requiring the submission and agreement of precise detail of the means of disposal of foul and surface water can prior to the commencement of development.

Contaminated Land, Land Stability and Archaeology

97. Paragraph 102 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
98. It is noted that the site currently hosts a single dwelling and the Council's Contaminated Land Section has no objection to the application subject to the inclusion of a planning condition requiring a contaminated land risk assessment and intrusive site investigations, remediation and verification where a need is identified.
99. With regard to land stability and previous mine workings it is noted that the site lies within an area at high risk of previous workings as identified by the Coal Authority and a Coal Mining Risk Assessment did not accompany the original submission. Whilst this attracted objection from the Coal Authority as a result, an assessment in this regard has since been submitted although updated comments have not yet been received from the Coal Authority. Notwithstanding this, it is noted that the submission and agreement of a coal mining risk assessment and any remediation could be appropriately secured through planning condition. Therefore subject to the inclusion of a planning condition in this regard the development is considered to accord with the requirements of paragraph 102 of the NPPF.
100. In relation to archaeology it is noted that this area lies within the suspected area of the battle of Nevilles cross and as such it is possible that finds or remains relating to this battle could be encountered. Consequently, the Council's Archaeology Section raises no objection to the application subject to the inclusion of a planning condition requiring the implementation of a programme of archaeological work to be approved in writing by the Local Planning Authority and the results be recorded within the County Durham Historic Environment record. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the requirements of policy E24 of the CofDLP and paragraphs 135 and 141 of the NPPF.

Planning Balance

101. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF.

Benefits

102. The application site is within a highly sustainable location within close walking distance to shops, services and public facilities. The principle of residential development in this location is considered acceptable and in accordance with the sustainable aims of the NPPF.
103. The development would provide some benefit in terms of providing a boost to housing supply although this could be considered limited at 4 dwellings, particularly in the context that the Council is currently able to demonstrate a 5 year supply of housing land and less weight should be afforded to the benefits of delivering new housing as such than would otherwise be the case if a more significant shortfall in supply existed.
104. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

Adverse Impacts

105. Whilst the development would have some adverse impact in that it would alter the outlook for those occupiers of properties at Neville Terrace, any impact in this regard would likely be limited.

CONCLUSION

106. As the relevant CofDLP policies are considered to be out of date, the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole or specific policies indicate development should be restricted.
107. In this instance, it is accepted that there would be some adverse impact as a result of the development, primarily centring around the impact on neighbouring residents. However, as identified in the planning assessment, the impacts would not significantly and demonstrably outweigh the benefits associated with additional family dwellings within the area.
108. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised by local residents have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

| Drawing No. | Description | Date Received |
|---------------------|---------------------------|---------------|
| | Location Plan | 06/04/2018 |
| P100-02 (REV E) | Proposed Site Plan | 06/04/2018 |
| J240-P50-01 (REV B) | VARIOUS 3 BED HOUSE PLANS | 29/05/2018 |
| P51-01 (REV C) | VARIOUS 4 BED HOUSE PLANS | 29/05/2018 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained and to meet the objectives of saved Policies Q1 and Q2 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To protect the character and appearance of the surrounding area in accordance with the requirements of Policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

4. No development shall commence until details of all means of enclosure have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In the interest of visual amenity in accordance with the requirements of policies H13 of the City of Durham Local Plan.

5. No development shall commence until such time as a scheme for the upgrading of the lane to the rear of Neville Terrace, site access from Newcastle Road and vehicle areas within the development site, as identified on Approved Drawing No. P100-02 (REV E) entitled Proposed Site Plan received 06 April 2018 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the installation of street lighting, appropriate resurfacing and the imposition of a one way system of access from Newcastle Road through a Traffic Regulation Order. Thereafter the development shall be carried out in accordance with the approved details and completed prior to the first occupation of any of the dwellings hereby approved.

Reason: To protect highway safety in accordance with the requirements of policies T1 and T10 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

6. No development shall commence until such time as a scheme detailing the noise attenuation measures to be incorporated into the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall achieve the following noise levels;

35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)

45 dB LAmax in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

The development shall be thereafter be carried out in accordance with the approved and the measures retained in perpetuity.

Reason: To protect the amenity of future occupiers in terms of the impact from road noise in accordance with the aims of policy H13 of the CofDLP and Part 11 of the NPPF.

7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of delivery and parking operations.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations. The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

8. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies E14 and H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies E14 and H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

10. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required. Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experienced and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

11. No development shall commence until a Coal Mining Risk Assessment has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include full details of intrusive site investigations, remediation and verification where need is identified. Thereafter the development shall be carried out in the accordance with the agreed details.

Reason: In the interest of land stability and to ensure that the land is suitable for the proposed use in accordance with the requirements of policy U13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007 and part 11 of the NPPF.

12. No development shall commence until such time as a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the National Planning Policy Framework

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason

To protect archaeological remains in accordance with para 135 & 141 of the NPPF and policy E24 of the CofDLP.

14. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason

To protect archaeological remains and to comply with policy E24 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007 and paragraph 141 of the NPPF.

15. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015).

BACKGROUND PAPERS

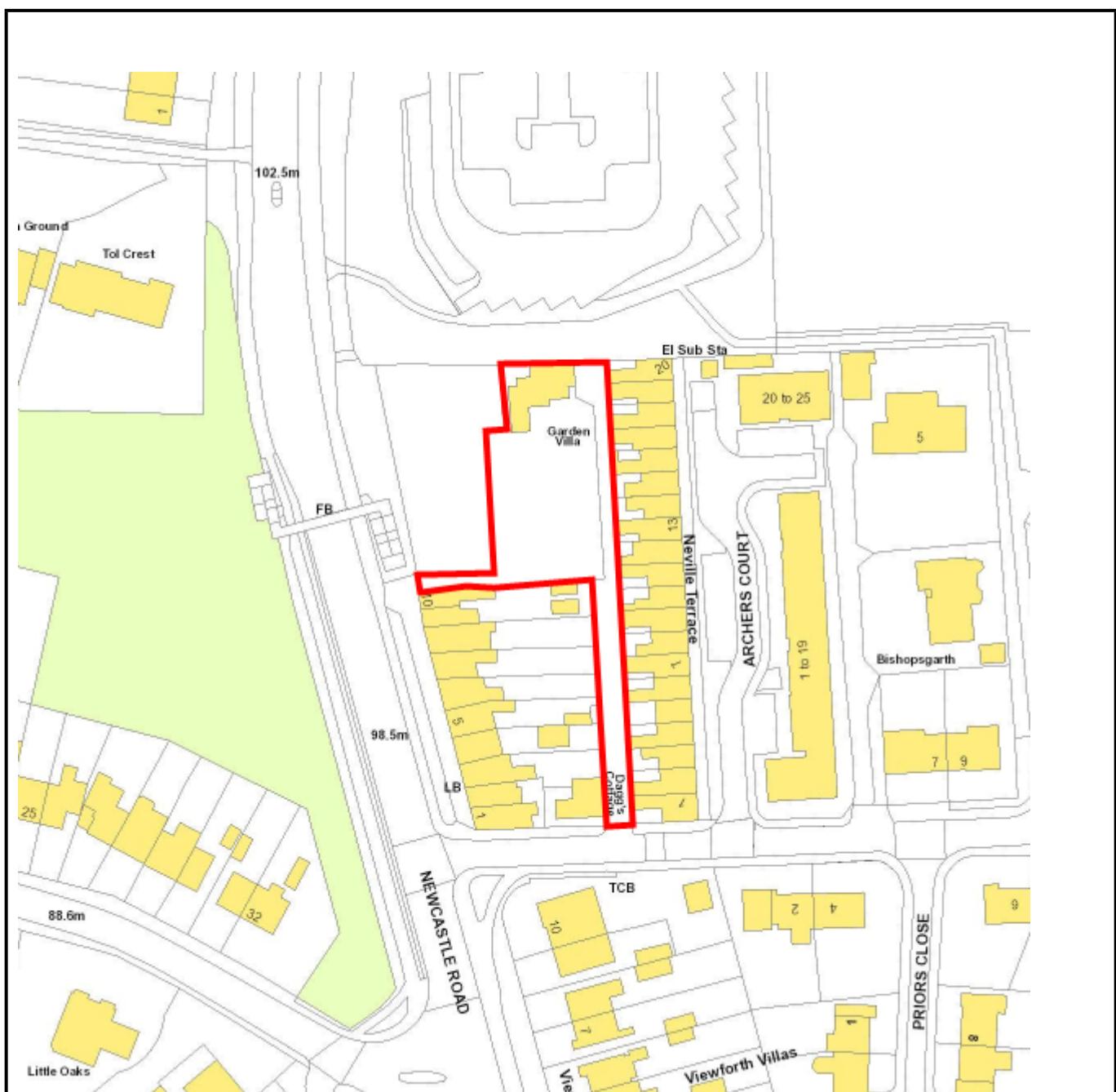
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



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|  <p>Planning Services</p> | <p>Demolition of existing residential dwelling and construction of 4 No. residential dwellings</p> |
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION No: | DM/17/02848/OUT |
| FULL APPLICATION DESCRIPTION: | Residential development – Outline (all matters reserved) |
| NAME OF APPLICANT: | Mr Alan Jones |
| ADDRESS: | The Bungalow, Sandgate, Shotton Colliery, Durham, DH6 2NE |
| ELECTORAL DIVISION: | Shotton and South Hetton |
| CASE OFFICER: | Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land on the eastern edge of Shotton Colliery, just south of the C15 Shotton Road. The site is mainly open land with the exception of The Bungalow residential property located within the centre of the site. Immediately bounding the site to the east is an access track with agricultural fields located beyond. Public Right of Way Footpath 8 runs along this track to the eastern boundary of the site. To the north opposite the main road are some residential buildings and agricultural fields. There are residential properties to the south and west of the site. A redundant scrap yard is also located to the south west corner of the application site.

The Proposal

2. This application seeks outline planning permission for residential development. All matters are reserved for future consideration. An illustrative layout plan has been submitted which shows a modest housing estate of 18 semi-detached properties. The layout plan shows the retention of the existing Bungalow within the centre of the site. Access would be taken from the main highway to the north and open space would also be retained along the northern boundary of the site.
3. This application is being referred to the planning committee as it constitutes a major planning application.

PLANNING HISTORY

4. There is no planning history on this site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

14. NPPF Part 11 – Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

District of Easington Local Plan

- 15. Policy 1-** Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
- 16. Policy 3 –** Development limits are defined for the settlements of the District and are shown on the proposals map and the settlement insert maps. Development outside the ‘settlement limits’ will be regarded as development within the countryside.
- 17. Policy 16 -** Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
- 18. Policy 18 -** Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
- 19. Policy 19 -** Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
- 20. Policy 35 -** The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
- 21. Policy 36 -** The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
- 22. Policy 37 -** The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
- 23. Policy 66 -** Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
- 24. Policy 74 -** Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

25. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
26. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.
27. *Policy 90* – The Council will seek to secure outdoor sports facilities in the settlements of Peterlee and Seaham and at a district wide level.

RELEVANT EMERGING POLICY

The County Durham Plan

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *County Highways Authority* has not raised any objections to the proposed scheme. It is noted that the proposed access would require a junction radii which would incorporate council owned land.
30. *Northumbrian Water* has not raised any objections however further details are required in relation to the disposal of foul and surface water
31. *The Environment Agency* has not raised any objections.
32. *County Drainage Team* has not raised any objections in principle.

INTERNAL CONSULTEE RESPONSES:

33. *Ecologist* has not raise any objections in relation to impact of the development on protect species. The site is within the Heritage Coastal buffer and therefore suitable green space is required to reduce the frequency of dog walking activity to the coast.
34. *Landscape Team* has not raised any objections to the proposed scheme and welcomes the retention of open space to the front of the site.
35. *Tree Officer* has not raised any objections to the scheme.
36. *Environmental Management (Noise)* has indicated that there is no objections to the proposed development in principle. Further information had been requested in relation to the operations of the adjacent scrap yard. Planning conditions are recommended to ensure adequate mitigation is put in place during development.

37. *Environmental Management (Contamination)* has not raised any objections however a condition is required for further site investigation works to be undertaken prior to works commencing.

38. *Public Rights of Way* has not raised any objections to the proposed scheme.

39. *Archaeology Officer* has not raised any objections on archaeology grounds indicating there is unlikely to be anything on this site.

40. *Education Team* has not raised any objections and have not indicated that there are any requirements for education contributions in the area.

41. *Housing Team* has indicated that the Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the East delivery area has an affordable housing requirement of 10%, equating to 2 affordable units on this site should 18 houses be brought forward.

PUBLIC RESPONSES:

42. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. One letter of support has been received and one letter of objection.

43. The letter of support indicates that the proposed scheme would be a vast improvement on the appearance of the existing site.

44. The letter of objection raises concerns with disturbance during the construction phase of the scheme. There are also worries that the proposed scheme would have an adverse impact on traffic and that the proposed houses would result in the loss of privacy and view to neighbouring properties. It has also been noted that there are too many houses being built in the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; highway and access issues; affordable housing and S106 contributions; ecology; and layout, design and visual amenity.

Principle of development

The Development Plan

46. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The District of Easington Local Plan (DELP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.

47. The DELP was adopted in 2001 and was intended to cover the period to 2006. The NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.
48. On this basis given the age of the DELP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 215 of the NPPF.

The NPPF

49. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
50. In September 2017, the Government published a consultation document entitled “Planning for the Right Homes in the Right Places”, which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
51. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, ‘in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance’.
52. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.

Five Year Housing Land Supply

53. The Council’s position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the ‘Preferred Options’ of the County Durham Plan (CDP) was presented to the Council’s Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
54. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

Assessment having regards to Development Plan Policies

55. The application site is located outside the settlement limits of Shotton. The policy that was relevant to this area, policy 3, has not been saved. With regards to the principle of the new housing development at Shotton the local plan is considered to be silent and as such paragraph 14 of the NPPF is engaged. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Locational Sustainability of the Site

56. Within the Durham County Council Settlement Study (2012) Shotton is classified as a Tier 1 Settlement – Main Towns. Such settlements have primary and secondary schools, several GPS and health centres, community facilities and industrial estates. They act as a public transport hub for a wider hinterland. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.

57. In assessing the sustainability of the site, it is considered that it performs well and future residents would have the opportunity to access a range of facilities and services without the need to utilise the private motor car. Sustainable transport links are considered to be good with bus stops located outside the development on the C15 Shotton Road. Walking and cycling to local amenities is also a viable option.

58. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

Highway and access issues

59. This application is made in outline with all matters reserved for future consideration. An access has been shown on the illustrative plan and the County Highways Officer has commented on this. No objections are raised in principle to this access onto the C15. However it is noted that the new junction will need to incorporate a 10 metre junction radii which can be achieved but would mean that some land owned by the County Council would be required. This is an issue which the developer would have to resolve with the Durham County Assets Team prior to development commencing on site. It is not considered a reason to withhold outline planning permission at this stage. A highways condition is recommended to ensure that a suitable access into to site is constructed.

60. On a related matter, the introduction of the proposed access may impact on the existing westbound bus stop. This therefore mean that the bus stop may need to be relocated to accommodate the proposed access. It is however considered that this relocation can be adequately achieved.

61. The Highways Officer has also commented on the illustrative layout plan and notes that the on-site car parking provision will need to comply with the Durham County Council Residential Car Parking Standards. Plots 1 and 2 appear to access directly onto the C15 and as such, these plots must incorporate on-site turning to ensure that motor vehicles

can drive out in a forward gear. Whilst these comments should be noted, it is acknowledged that the application is outline and the layout of the scheme is subject to change. However, it is considered that a satisfactory layout in terms of highway safety is achievable on the site.

62. Overall, it is not considered that the proposal would compromise highway safety and the scheme is in accordance with policy 36 of the local plan.

Affordable housing and S106 contributions

63. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”. A development of this scheme usually expects 10% of the housing on the site to be affordable homes with a mix of affordable rent and an affordable home ownership. The Housing Team has indicated that the usual affordable housing split should be 75% affordable rent and 25% affordable home ownership however it is noted that this split would not be possible given the small number of units proposed. Further discussions are required with the County Housing Team to establish which type of affordable accommodation would be best suited on this site. The provision of the affordable housing will be secured through a section 106 legal agreement and confirmation of the actual type of affordable housing can be established through this agreement.
64. Policy 90 of the local plan as well evidence within the Council’s Open Space Needs Assessment (OSNA) requires new housing development to contribute to the provision and enhancement of outdoor sports facilities. In this instance a developer contribution can be made towards the enhancement and upgrade of recreational facilities in the locality. Spatial Planning have confirmed that the contribution required for this site would be £31,620, and this would be secured through a section 106 legal agreement. This contribution would help to support and improve facilities within the surrounding locality for the benefits of the additional properties and also existing residents of the local community.

Ecology

65. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2017 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
66. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider the derogation tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
67. The applicant has submitted a phase 1 ecology survey and a bat survey with the application. The survey concludes that no protected species have been recorded within the surveys area so there is a negligible risk that there will be any direct or indirect impact on any protected species. The Council’s Ecology Officer has been consulted on

the ecology survey and no objections have been raised as the survey indicates a low impact risk on protected species. Given this, it considered that it would be unlikely there would be a need to obtain an EPS in respect of the proposed development. Therefore, there is no need to consider the derogation tests in this instance. It is considered that the proposals would be in accordance with saved policy 18 of the local plan and part 11 of the NPPF. The bat report does indicate that some enhancements of the site can be undertaken for the benefit of protected species. A condition is therefore recommended for these enhancements described in the bat report is adhered too.

68. In order to take pressure from additional visitors away from the coastal designations of significant importance, sufficient and appropriate green space needs to be provided in association with the proposed development. Given the site is relatively small, it is unlikely that suitable or sufficient land can be provided on site to accommodate this requirement. In line with the Council's "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper, a financial contribution can be provided in this instance. The Council's Ecologist has confirmed that the developer contribution in this instance would be £658.98 per dwelling which equates to a full commuted sum of £11,862 for 18 properties. This sum would be secured through a section 106 legal agreement.
69. The Council's Ecologist has also indicated that the submitted Biodiversity Offsetting Calculation report concludes that there is likely to be a loss of biodiversity and several measures are proposed as mitigation which would be brought forward at the reserved matters stage through the design of the development. The report also recommends a small S106 payment for off-site biodiversity works to ensure there is no net loss of biodiversity from this development. This could be finalised at the design stage once confirmed layout and landscaping plans are known.
70. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Layout, design and visual amenity

71. The application has been made in outline with all matters reserved for future consideration. An illustrative layout plan has been submitted showing certain site development parameters.
72. The proposed layout plan indicates that 18 new dwellings can be located on the site which provides adequate separation distance ensuring residential amenity of existing and future occupiers will not be compromised. The proposed layout shows areas of open space and landscaped areas, along with pedestrian linkages to existing footpaths which would provide a positive appearance and good linkages. It is noted that the existing Bungalow building is retained in the centre of the site. Public right of way No. 8 runs along the east boundary however it is not expected that this would be compromised by the proposed scheme. There has been no major objections from the Landscape Officer, Public Rights of Way Officer or the Design and Conservation Officer.
73. The proposed site parameters shown on the illustrative layout plan indicate that a high quality residential scheme could be provided on the site and successfully integrated within the local area. The proposals are considered to be in accordance with policy 1, 35, 36 and 37 of the local plan.

Other issues

74. The County's Environmental Management Team has been consulted on the application and they have raised no objections in terms of noise or contaminated land. Initial concerns were raised with regards to the nearby scrap yard, however it has been confirmed that this operation is no longer in use. That being said, it is noted that the operation could begin again therefore it is recommended that a noise survey is submitted to ensure future occupiers of the site are not adversely compromised. It is noted that there are existing houses which back on to the scrap yard. Conditions are requested in relation to the submission of a noise survey, as well as conditions relating to the construction phase and for further site investigation to be undertaken in respect of contamination prior to development commencing. Conditions are recommended accordingly.
75. The Council's Drainage Officer and Northumbrian Water have been consulted on the proposed application. No objections have been raised however a condition has been requested for details of foul and surface water drainage to be submitted prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.
76. The Council's Archaeology Team have not raised any objections to the proposed scheme. The Council's Education Team have not raised any objections and have not indicated that there are any requirements for education contributions in the area.
77. A letter of objection has been received raising some concerns with the proposed application. Concerns were raised with regards to impacts on traffic, however as discussed in the highways section above, the County Highways Officer has indicated that there are no objections from a highway perspective and the nearby roads can accommodate the proposed development. There were worries that there may be disturbance during the construction phase. Any construction will cause some level of disruption however this would only be for a limited time and the proposed development cannot be refused on this matter. A condition will be attached to an approval decision which would control help manage the construction phase of the development. The letter of objection also raised concerns that the proposed scheme would result in the loss of privacy and loss of view to neighbouring dwellings. It is considered that sufficient separation distances can be achieved between proposed properties and existing dwellings to ensure adequate levels of privacy are maintained. In terms of loss of view, this is not a material planning consideration and cannot be a reason to refuse planning permission.

Paragraph 14 Balance

Benefits

78. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, although the weight to be afforded to that boost is limited given the council's most recent position on 5 year housing land supply, the sustainable location of the development, the redevelopment of a run down site; and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers. Affordable housing will also be provided as part of the scheme.

Adverse impacts

79. It is noted that there may be some disruption during the construction phase and the introduction of the access may require the relocation of the nearby bus stop.

80. Applying the titled balance test in paragraph 14, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

CONCLUSION

81. The proposal is modest in scale and involves the redevelopment of a site which is in walking distance to Shotton main centre, the proposal is adjacent to established residential areas and there is a good range of facilities and services in Shotton to serve the development. The scheme has been made in outline, however it is considered that a quality scheme can be brought forward which would not compromise residential amenity, highway safety or have an adverse impact on the surrounding area. An element of affordable housing would also be brought forward on the site. It is compliant with all relevant saved local plan policy and in the context of paragraph 14, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 10% affordable housing; financial contribution of £31,620 towards play and recreational facilities within the Electoral Division; a financial contribution towards off-site biodiversity works; and a financial contribution of £11,862 towards the Durham Heritage Coast Management Plan and subject to the following conditions;

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters for the development 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 first approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

| Description | Date Received |
|---------------|---------------|
| Location Plan | 25/08/2017 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. No development shall take place until a detailed access scheme incorporating a 10 metre junction radii has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of highway safety and to comply with policy 36 of the Easington District Local Plan.

5. No development shall take place until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

7. No development shall commence until a noise survey has been submitted to and approved by the local planning authority. Any mitigation measures identified in the noise survey shall be fully implemented prior to the development being occupied and should be retained in perpetuity.

Reason: To ensure that adequate levels of residential amenity are achieved, in accordance with policy 35 of the District of Easington Local Plan.

8. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with policy 35 of the District of Easington Local Plan.

9. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of residential amenity having regards to policy 1 of the District of Easington Local Plan.

10. No development works (including demolition) shall be undertaken outside the hours of 7:30am and 6pm Monday to Friday and 8am and 2pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy 1 of the District of Easington Local Plan.

11. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Preliminary Ecological Appraisal, Bat Roost Assessment & Barn Owl Assessment prepared by Eco North Ecological Consultants dated 30th January 2018; and Bat Survey, prepared by Dendra Consulting Ltd dated 19th June 2018.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District Of Easington Local Plan
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

**Residential development – Outline
(all matters reserved) at The
Bungalow, Sandgate, Shotton
Colliery, Durham, DH6 2NE Ref:
DM/17/02848/OUT**

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| Date | 10th July 2018 |
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