



Area Planning Committee (North)

Date Thursday 16 May 2019
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 25 April 2019 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/19/00463/FPA - Land at the South West of Pont House Farm, Leadgate, DH8 6JP (Pages 7 - 20)
Construction of 9 bungalows.
6. Appeal Update (Pages 21 - 26)
7. Planning Development Management Performance Summary 2018/19 (Pages 27 - 30)
8. 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
8 May 2019

To: **The Members of the Area Planning Committee (North)**

Councillor I Jewell (Chairman)
Councillor S Wilson (Vice-Chairman)

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, A Hoggood,
C Martin, O Milburn, J Robinson, A Shield, J Shuttleworth, T Tucker
and S Zair

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DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber - County Hall, Durham on **Thursday 25 April 2019 at 1.00 pm**

Present:

Councillor

Members of the Committee:

Councillors A Bainbridge, D Bell, M Clarke, C Martin, O Milburn, J Robinson, A Simpson, T Tucker, S Wilson (Vice-Chairman) and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillor L Boyd, A Hopgood, I Jewell and A Shield.

2 Substitute Members

Councillor M Clarke substituting for Councillor I Jewell and Councillor A Simpson substituting for Councillor A Hopgood.

3 Minutes of the Meeting held on 28 March 2019

The minutes of the meeting held on 28 March 2019 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

There were no declarations of interest submitted.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/18/03865/FPA - Hedley House, 282 Park Road, South Moor, DH9 7ED

The Committee considered a report of the Senior Planning Officer regarding an application for the Change of Use of 12 self-contained flats (Use Class C3), within two three storey buildings, into a hostel (Use Class C2) incorporating 11 self-contained flats, and 1 office/crash pad facility for 16 to 21-year olds (for copy see file of Minutes).

S France, Senior Planning Officer gave a detailed presentation on the application which included a location plan, aerial photograph and site photographs. Members of the Committee had visited the site the previous day and were familiar with the location and setting. In addition, a visit to a facility operated by the applicant in Birtley was also visited, to further allow Members to view the service in operation.

The Senior Planning Officer noted that despite several concerns being raised regarding crime and fear of crime, it was noted that whilst this was a material planning consideration, it must be supported by evidence to allow any weight to be placed upon it. He further reported that the service had proposed a robust management plan and this was critical to the success of the service going forward. Mitigating measures including 24 hour staffing, CCTV and a secure door system were all included within the conditions of the plan.

He also reported that a late complaint had been received from a neighbour with a disabled child who raised concerns regarding the proximity to her property however, it was considered that the relationship between the two properties was appropriate for this type of use.

Councillor M Davinson, local member addressed the committee and advised that despite his support for the charity and the work it did in changing lives, he did sympathise with some of the objectors and their concerns raised. He noted many of the nearby residents were elderly and saw the potential problems that the residential development could bring as a big problem in their lives. He further noted that South Moor did heavily rely upon police and council resources due to ongoing issues and he had concerns that the development could further exacerbate these issues and put further strain on these services. He did however, appreciate that many of the concerns related to fear of crime and there was no evidence presented to substantiate these claims. In conclusion, he asked whether details could be provided as to how local residents could become involved in the steering group, should the application be approved.

The Chair noted that the objectors registered to speak were not in attendance.

Mr Dominic Waugh, Applicants Agent addressed the committee to speak in support of the application. Mr Waugh advised that Changing Lives was a national registered charity who sought to help vulnerable families who needed low to medium support, especially those leaving the Looked After system and those requiring additional support in achieving a sustainable transition into adulthood.

He noted that the service excluded those requiring high level support such as those with a history of violence, previous arson or sex offences, in active addiction of drugs or alcohol or had had previous evictions for anti-social behaviour, such as dealing substances, threats to harm or violence.

He further went on to detail the various ways in which Changing Lives provided support by encouraging healthy lifestyles and positive relationships by offering support through; health, training, emotional wellbeing, identity, finances and independent living.

It was noted that the applicant had demonstrated a clear commitment to community engagement and noted that concerns raised had been mitigated against by way of installation of CCTV, 24-hour staffing and continued public involvement through a steering group.

The Chair then welcomed Donna Calverley, Changing Lives to the meeting who went on to provide a summary of the format and focus of the Steering Group, noting that aside from public representation, local Councillors were also invited to attend and provide input.

Councillor Martin noted that many of the concerns related to potential crime and fear of crime, however there had been no evidence submitted to substantiate this. He further noted that there had been no unfavourable comments received from the police. He did however note that the facilities success hinged upon the management plan and whilst he acknowledged a similar facility within his area and some of the problems which had been faced there he added that he was minded to approve the application.

Councillor Milburn in referring to the site visit undertaken the previous day noted that the facility at Birtley appeared to be run extremely well and young people were found to be complying well and with positivity. She noted that this facility was also within a built-up area and there had been no complaints received from residents of neighbouring properties. With that she also noted her support for the application.

Councillor Tucker further expressed her views on the facility at Birtley, noting that following the site visit, she too was extremely impressed with the service offered and the strong code of conduct by which those using the service lived. She felt that the benefits that the facility brought to young people far outweighed concerns.

Councillor Bainbridge asked how long residents remained at the facility before they were discharged. It was noted that each case was different, however all residents would remain at the facility until staff were confident that they could live independently.

Councillor Clarke noted that whilst he acknowledged local comments, the agreed mitigation offered reassurance. With that also noted his support for the application.

Councillor Tucker **MOVED** that the application be approved subject to the conditions listed in the report. Councillor Milburn **SECONDED** the motion.

Resolved:

That the application be approved subject to the conditions contained within the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00463/FPA
FULL APPLICATION DESCRIPTION:	Construction of 9 bungalows
NAME OF APPLICANT:	Jade Homes Limited
ADDRESS:	Land at the South West of Pont House Farm Leadgate DH8 6JP
ELECTORAL DIVISION:	Leadgate and Medomsley
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is comprised of 0.34ha of open land between Main Road and Pont House Farm in Leadgate. To the north and north-west of the application site is an area of inter-war terraced bungalows and a recent modern development of modern detached and semi-detached dwellings built in 2015 on former industrial land. There is an equipped play area and beyond that Watling Street Bungalows to the south-east.
2. To the north west part of the site a detached bungalow known as Caberfeigh which has been constructed on the site of the former Co-op store. This dwelling has windows overlooking the site, very close to site boundaries. Site boundaries around this bungalow are defined by low wooden fences, but elsewhere by mature trees, shrubs and hedgerows, except on the north-east boundary where a post and rail fence separates the semi-improved grassland of the site from a grassed verge without footpath. Despite the lack of a path there is a bus stop with shelter on this roadside.

The Proposal

3. The application proposes erection of 9 bungalows in a small cul-de-sac arrangement accessed from the north of the site. Each bungalow has a small area of private garden. There is a total of 19 car-parking spaces within the scheme, including 4 visitor parking spaces, one of which is in the form of a on street parking layby at the site entrance.

4. This application is reported to Committee at the request of Cllr. Stelling, the Ward Member on concerns relating to the relocation of the bus stop, site drainage and the residential amenity of the existing bungalow adjacent the site.

PLANNING HISTORY

5. 1/2011/0234 Outline planning consent residential development all matters reserved - Application Refused, Allowed at Appeal.
DM/15/00760/OUT Outline planning consent residential development all matters reserved (Re-submission) – Approved.

PLANNING POLICY

NATIONAL POLICY

6. 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 NPPF was updated in July 2018. The overriding message remains 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.
7. In accordance with paragraph 48 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, 'so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.

12. *NPPF Part 9 - 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.
13. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including, *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
14. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
15. *NPPF Part 15 - 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.
16. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
18. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.
19. *Conserving and enhancing the historic environment* - Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
20. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of

development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

21. *Land affected by contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
22. *Natural environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

LOCAL PLAN POLICY:

23. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
24. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, deterring crime and consideration of drainage.
25. *Policy EN11 – Trees and Development* – states that development will only be permitted which will not cause harm to or result in the loss of trees protected by preservation orders, or trees which contribute to the character and appearance of conservation areas. Throughout the district existing trees should be retained where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, which contribute significantly to the setting of nearby existing buildings or visual amenity.
26. *Policy HO5 – Housing Development on Small Sites* – Leadgate is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
27. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

28. Paragraph 48 of the NPPF states 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' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for

consultation. 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:

29. *Highways* – have asked for some minor revisions at the estate entrance and suggested the relocation of the bus stop could be agreed by a condition. They offer no objection to the proposals.

STATUTORY RESPONSES:

30. *The Coal Authority* – On previous schemes the Coal Authority have set out requirements for a condition to ensure the Coal Mining legacy issues on the site are properly addressed. It is proposed to repeat this condition.

INTERNAL CONSULTEE RESPONSES:

31. *Archaeology* - The archaeological evaluation report has been provided and has shown that the potential for below-ground deposits is low and therefore no objection is raised on archaeology terms. It is requested that a copy of the report is sent to the Durham Historic Environment Record as set out in the written scheme of investigation.

32. *Landscape Officers* – confirm there are no landscape designations in the area. They note the proposal does not respect the established building line of the existing settlements, and that the existing hedge is not suitable for screening. The proposed development would represent a significant erosion of the open space that currently divides the two communities. Housing on the site would effect a considerable reduction in the character of the streetscape that defines the distinct settlements of Pont and Leadgate. The proposals would have some adverse landscape and visual effects.

33. *Tree Officers* - The tree constraints plan is satisfactory. Trees outlined within the proposed plan will require further thought in their planting, newly planted trees within new hard standing urban situations normally do not last more than 10 years due to lack of rooting and soil volume available. Species of trees and shrubs must be identified within a landscape plan.

34. *Environmental Health, Contamination* - Due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should be imposed.

35. *Ecology* – request the applicants consider a revised layout to deliver net bio-diversity gains for the site.

PUBLIC CONSULTATION EXERCISE:

36. In response to a consultation exercise consisting of 24 letters, objection has been received from the residents of the bungalow bordering the site, and from Cllr. Stelling.

37. Three main concerns are offered –

- The effect of the development on the residential amenity, from the proposed relationship between the existing windows, doors and amenity areas, close to the site boundary and the proposed windows and vehicular movement arrangements.
- Development of the land will lead to flooding issues from a reduction of permeable area.
- Highway safety is a concern, exacerbating the additional traffic resulting from the recent residential development of the Lamplas site to the north.

38. Other issues mentioned are the hours of the Construction Management Plan – 7am being proposed instead of the usual 8am. The differences between the previous consent, the status of that approval and the current scheme are queried.

The above is not intended to list every point made and 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/applicationDetails.do?activeTab=documents&keyVal=PMT9A6GD0CF00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

39. 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 principle of development and issues of residential amenity.

The Development Plan

40. 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 Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

41. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Policy GDP1 seeks a high standard of design in keeping with the character and appearance of an area, with form, mass, layout and materials appropriate to a site's location. This Policy aligns with the Design section of the NPPF. Policy HO5 allows for windfall development on sites within established settlements, which is in resonance with the Housing section of the Framework but seeks to restrict the extent of settlements, which is advised as not compatible with that document.

The NPPF

42. Paragraph 11d)ii. of the Framework sets out that where the policies which are most important for determining the application are out-of-date, granting permission unless 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. The lead Policy for assessing the application would have been HO5, however, as a settlement boundary

policy, this is out-of-date. On this basis, the presumption in favour of sustainable development and the 'tilted balance' as set out in paragraph 11 of the Framework is engaged. The relevant advice set out in the Framework, particularly at Parts 5 – Delivering a sufficient supply of homes and 12 – Achieving well-designed places, have been given special attention, as have the relevant elements of Policy GDP1.

Site Use and Layout

43. The planning history of the site is significant to the consideration of the application. An Outline planning approval was granted in August 2012 by a Planning Inspector for the residential development of this site. That consent was extended and finally lapsed unimplemented in April 2018. Whilst there are elements of the Inspector's assessment of the Policy context that have changed, the principle considerations against the Derwentside District Local Plan and the NPPF remain consistent.
44. To quote from the Inspector's report, 'the ... site is within the defined development limits of Pont and Leadgate and appears to be relatively well located for access to local facilities. In view of this... the site's greenfield status does not in this instance warrant refusal of the scheme'. The site is therefore once again concluded as in a sustainable location, with good access to bus routes, reasonable access to local facilities and a good relationship to the greater offer of Consett, 1.8km to the south-west.
45. The Inspector noted the role of the site in conjunction with the adjacent children's play area in separating the built-up parts of Pont and Leadgate but concluded that the open views across the play area contributed most to this, with the potential for retaining the site's boundary landscaping mitigating the visual impact of the two storey dwellings then proposed. The Inspector was not persuaded that development of the site would cause significant harm to the landscape or to the character or appearance of the area, and noted that 'the play area, albeit a feature with urban connotations, would continue to be a visual and physical divide between Pont and Leadgate'.
46. Officers see no reason to come to a different conclusion at this time. Indeed, with a single storey form of development now proposed, the proposed scheme will have a lesser visual effect than that previously approved. Landscape Officer's suggestion to maintain the existing building line would undermine this approach. With existing modern development in the immediate vicinity of the site on the former Lamplás industrial site, the single storey form of the development in a modern layout is argued to pick up on existing elements of the surrounding urban form and is concluded acceptable.

Design, Layout and Residential Amenity

47. In terms of residential amenity, only one dwelling is directly affected by the proposals – the bungalow named Caberfeigh. It is from this dwelling that the objections to the scheme have come. The bungalows to the north of the site all present blank gables towards the site.
48. Whilst residential amenity impacts are principal concern of the resident of the existing bungalow, it must be acknowledged that that dwelling derives much of its residential amenity from land not in its control – i.e. the application site – having built main living room windows close onto site boundaries. The new development has been designed so that the rear elevation of the existing bungalow faces across the open frontages and drives of the western part of the proposed development. The nearest new dwelling, plot 8 has been redesigned to take the main living room window away from the boundary, leaving a bedroom window nearest. The two living room windows have a separation of 8.3m at an angle of 25 degrees. The development plan sets out guidelines for facing separation distances but gives no advice for those at oblique angles. The proposed site

sections also show the new dwellings constructed at a slightly lower level, falling away from that existing. Examining this arrangement in detail, the arrangement is not unusual (from 'square' type developments) results in part from the existing dwelling 'borrowing' amenity from adjacent land. On balance, the proposed arrangement is considered acceptable.

49. Objection is also raised to the relationship of plot 9 to the east, and the relationship to the front door and the front seating area of the existing bungalow. Officers do not consider the concerns and impact on the door and seating area on the south elevation to be an unusual or an unreasonable relationship. The privacy guidelines in the development plan suggest a 7.5m separation where the main rear elevations of dwellings face boundaries that may be developed. There is no specific guidance for the relationship proposed between a side gable with bedroom windows overlooking a main garden towards the side elevation of an existing bungalow with a secondary window in it. It is noted that whilst the existing dwelling has a rear sitting out area on its south-east boundary, its main garden is to the west, between the bungalow and its garage. There is an 8m separation between the bedroom windows on this side elevation – that look over the new dwelling's small garden area – and the side window of the existing bungalow, with a small green-house in that gap. The new garden itself is 5.7m long. Given the detailed nature of the relationships between dwellings, boundaries and the private outdoor spaces, it is considered that the proposals meet reasonable expectations of amenity for existing and new residents.

50. The submitted sections show the proposed dwellings at a lower level than the existing bungalow. To ensure the built development properly reflects this stated relationship and given it formed part of the detailed assessment, a condition requiring submission of detailed site levels and finished floor levels, including those of the existing bungalow, is proposed as part of any approval, in the interests of clarity and the amenity of the existing dwelling.

51. In terms of design and layout, the site is laid out around a simple hammerhead cul-de-sac accessed from the north of the site. An extended private drive arrangement serves the four dwellings on the western part of the site. There is a mix of detached, semi-detached and mid-link bungalows proposed. The proposed brick-built bungalows are simple in form, with some elevational detailing, including brick heads over openings. The bungalows are smaller than that existing. The predominant form of the surrounding area is single storey – both in traditional form in the bungalows to the north and in the modern form of the existing bungalow adjacent the site. The redeveloped Lamplas site is formed of a series of cul-de-sacs. The application can therefore be argued to pick up on various elements of the surrounding urban environment.

52. The gardens proposed for the new dwellings are small but do offer a private area for each dwelling. To ensure that this area is not further reduced in an unplanned manner it is proposed to remove permitted development rights for extensions from the development.

Highway Safety

53. County Highways Engineers have raised no objection to the layout – subject to some detailed alterations being pursued as this report is written, or the proposed parking levels – 19 spaces to serve 9 dwellings including 4 visitor spaces. Likewise, no objection is raised to the traffic that will be generated by the development in terms of highway safety effects on the surrounding highways network.

54. The proposals are acceptable in respect of the highways implications considered against policies TR2 and GDP1(h).

55. The new site entrance requires re-location of the existing bus stop. This can be achieved by a small movement of a few metres that will not affect users. Revised drawings to reflect this arrangement are being prepared as this report is written, hence the suggested approved plans list is not filled in at this time and will be described at the Committee Meeting.

Other Issues

56. The surface water drainage of the site has been raised as of concern by the local resident and the Councillor. On a 'minor' planning application, there is no role for the Council's Drainage and Coastal Protection Team, and this technical issue would be dealt with through the requirements of the separate Building Regulations Process.

57. As the land is proposed used for a 'more sensitive receptor', a standard land contamination condition is requested attached to any approval by Environmental Protection officers.

58. The land is within an area shown as having Coal Mining legacy issues. Consistent with previous approvals, a condition is suggested to address this issue.

59. The Construction Management plan can be amended to reflect the Council's standard suggested appropriate hours for noisy site works.

60. The proposal will bring material benefits to the Council's housing supply – albeit this benefit is not significant given both the numbers of dwellings proposed, and the Council's healthy housing supply position. The development is notable however in proposing new open-market bungalows, a housing option that is generally considered in short supply.

61. There are also material benefits from both the construction process and the introduction of new residents into the local economy, albeit the weight that can be attributed to this is not significant, again given the size of the development and in that these benefits have not been quantified in the application.

62. The layout shows that the proposal will avoid the existing trees on and adjacent site boundaries. The Inspector in 2012 noted the value the existing hedges on the west and south boundaries to the character of the area. The retention of these features included in a proposed landscaping plan will bring both visual and ecology benefits. A suitable condition is suggested. Ecological issues are not such that a redesign is considered justified.

The Tilted Balance

63. The Development Plan is out-of-date and as a consequence, the 'tilted balance' addressed by paragraph 11 of the Framework and the presumption in favour of sustainable development is engaged.

64. Any limited harm to the countryside and arguments relating to calescence of settlements are argued as ceded by the previous approval and the site planning history.

65. The potential provision of additional dwellings to the local housing market, particularly in the form of bungalows, would be an undoubted benefit of the proposed development. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers going forward, as would the vitality of the existing community be further bolstered.

66. Where there are adverse impacts of granting permission, these are not such that they would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

CONCLUSION

67. This site has benefitted from an outline consent for a number of years, and despite this having lapsed officers consider the principle of developing the land has been established. No arguments have been offered that would contradict the 2012 Planning Inspector's conclusions on this matter, reached on the basis of the policies in the current Development plan and a slightly earlier version of the Framework.

68. Consideration of the application is led by the 'presumption in favour of sustainable development', and there are neither policies in the Framework that protect assets of particular importance, nor adverse impacts that would significantly and demonstrably outweigh the benefits of the benefits to housing supply, especially where market bungalows are proposed.

69. A detailed assessment of the residential amenity implications, led by the guidance in the development Plan has been carried out, with Officers coming to the conclusion that the relationships proposed meet reasonable expectations of amenity as required by Policy GDP1(h) of the Development Plan.

70. Detailed drainage requirements will be addressed by the Building Regulation system.

71. Highways Engineers have raised no objection to the proposals and suggest the detailed relocated position of the bus-stop is being agreed as the report is being written. Members will be updated with regard to this at your meeting.

72. Other technical requirements can be addressed by condition and no other issues have been raised that, in Officers' opinion would preclude the granting of consent. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.

RECOMMENDATION

95. That the application be APPROVED, subject to the conditions detailed below:

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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN11, HO5 and TR2 of the Derwentside District Local Plan 1997.

3. Notwithstanding any details of materials submitted with the application, before erection of the dwellings hereby approved commences, details of the make, colour and texture of all walling and roofing materials must be submitted to and approved in writing by the Local planning authority. The development shall be constructed in full accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.
4. Construction of the highways hereby approved must only commence once a scheme of engineering details for the proposed adopted highways has been submitted to and approved in writing by the Local planning authority. The 3 visitor spaces next to plot 8 and plot 2 should be constructed in a contrasting material.
Reason: In the interests of highway safety to comply with Policy TR2 of the Derwentside District Local Plan 1997.
5. No plot hereby approved may be occupied until a detailed scheme for relocation of the bus stop to an agreed specification has been agreed in writing by the Local planning authority in discussion with the County Highway Authority and then implemented.
Reason: In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan 1997.
6. Before construction of any of the dwellings hereby approved commences, detailed levels plans showing the proposed finished floor levels of all new dwellings and that of the existing dwelling must be submitted to, and approved in writing by the Local planning authority, the scheme being thereafter implemented in full accordance with said approval.
Reason: In the interests of residential amenity as required by Policy GDP1 of the Derwentside District Local Plan 1997.
7. Before any site clearance or construction works commence tree protection fencing to a specification matching that set out in BS 5837:2012, 'Trees in relation to design, demolition and construction', must be erected in the positions shown as root protection zones on plan 'Batson Groundworks 0008839P1', said fencing being retained for the full duration of construction works.
Reason: In the interests of the appearance of the area and to comply with Policies GDP1 and EN11 of the Derwentside District Local Plan 1997.
8. Before erection of the dwellings hereby approved commences a detailed landscaping scheme, including the retention of the existing hedges and retained trees identified on plan 'Batson Groundworks 0008839P1', including a schedule for implementation and maintenance for a period of 5 years from implementation must be submitted to and agreed in writing by the Local planning authority. The development shall be carried out in full accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.
9. Before any of the dwellings hereby approved are implemented details of all boundary markers (in particular where these relate to boundaries with retained hedges) must be submitted to and approved in writing by the Local planning authority. The development shall be constructed in full accordance with the approved details.
Reason: In the interests of residential amenity and the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.

10. Agreement in writing with the Local Planning Authority must be reached before development commences as to whether a scheme of site investigation works is required in relation to Coal Mining legacy issues. In the event that intrusive site investigations are required and these confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development scheme to a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and Implementation of those remedial works, must be agreed and implemented in full within an agreed timescale
Reason: To ensure Coal mining legacy issues are addressed with the approved development.
11. Contaminated Land (Phase 1-3): No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a further Phase 2 site investigation and risk assessment. A Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.
Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. (Required to be pre-commencement to ensure that the development can be carried out safely.)
12. Contaminated Land (Phase 4): Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.
13. Before any dwelling hereby approved is occupied a hard copy of the Archaeology Written Scheme of Investigation must be submitted to Local HER.
Reason: to ensure the historical interest of the site is properly recorded and accessible, in accordance with part 16 of the Framework.
14. Construction works on the site must be carried out as set out in the Construction Management Plan element of the Design and Access Statement (dated 8th Feb. 2019) except for operating hours which must be within 0800hrs – 1700hrs Monday to Friday, 0800hrs – 1230hrs Saturday and no works on Sundays or Bank Holidays. *Reason:* In the interests of residential amenity and the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.
Reason: In the interests of existing residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan 1997.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) development falling within Schedule 2, Part 1, Classes A, B, C, D, E shall be submitted to and approved in writing by the Local planning authority.
Reason: Reason: In the interests of existing residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan 1997.

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

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Construction of 9 bungalows.
Application Number DM/19/00463/FPA

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Comments

Date 16th May 2019

Scale NTS



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against refusal of outline planning permission for the erection of a single dwelling to use existing farm access at Stobilee Farm, Langley Park, Durham.

Planning permission was refused under delegated powers on 25th May 2018 on the following grounds:

'The proposal would neither protect or enhance this valued landscape contrary to Derwentside Local Plan Policies GDP1, EN1, EN6 and section 11 of the NPPF.

The proposal would result in the encroachment of built development into the countryside contrary to Derwentside Local Plan Policy EN2.

The proposal does not generally support sustainability objectives of paragraphs 17 and 35 of the NPPF with regard to the potential for reducing greenhouse gas emissions and locating development where sustainable modes of transport for the movement of people can be exploited. Therefore this is not a sustainable location for a dwelling.'

The appeal was dealt with by way of written representations and an unaccompanied site visit.

The main issues in the determination of the appeal were whether the proposed development would be in an appropriate location, having regard to the aims and objectives of national and local planning policies, and the effect on the valued landscape and character and appearance of the countryside.

Whilst the Inspector considered the site to be within the countryside and that Derwentside Local Plan Policy EN1 is of relevance in terms of protecting the landscape the Inspector considered that this policy approach to constraining

housing supply would be given limited weight with the Development Plan being out-of-date and being in conflict with the Framework.

With regards to the location of the appeal site, the Inspector disagreed with the Council's conclusions regarding the likely level of reliance on the private car to access the shops and services in Langley Park. The Inspector noted that the distances to shops, bus stops and a school were within the preferred maximum distances outlined in the *Institute of Highways and Transportation Guidelines for providing for journeys on Foot, 2000 (the IHT Guidance)* although he acknowledged that other services and facilities would fall beyond the preferred maximum distances. It was acknowledged by the Inspector that the distance from the site to the Front Street would be along an unlit and unmade access where the terrain is not level, however taking into account the limited conflict with vehicles, the reasonable maintenance of the access and the gradient of the track the Inspector was not persuaded that this section of the journey would necessarily act as a complete deterrent to access by foot or bicycle. The Inspector was therefore satisfied that the accessibility of the site to local services and facilities would not be solely dependent on the use of the private car.

With regard to the protection of the landscape, the Inspector noted the peripheral location in respect of the AHLV and considered that the site does not reflect the wider agricultural character of the AHLV. Whilst the Inspector noted the development would be visible from a public right of way east of the site and in approaching from the south east, he considered that the development would be read in the context of the existing buildings and dwellings immediately adjacent to the south and was therefore satisfied that this would limit the overall negative effect on the proposed development with regard to the AHLV.

The Inspector accepted that the development would result in some unjustified encroachment into the countryside and adverse impacts on the countryside through the introduction of development, nevertheless, he considered that the development of the appeal site would have a more limited adverse visual impact on the character and appearance of the countryside and wider landscape given the position of existing dwellings and buildings, and the secluded position of the appeal site.

With regards to other matters the Inspector considered the provision of an additional dwelling to the local housing market would be an undoubted benefit and attached some limited weight to this. The Inspector also considered that the local economy would benefit during the construction period and from the expenditure of future occupiers.

To conclude, whilst the Inspector found that the development would not be in accordance with the Development Plan as the development plan is out of date he considered that paragraph 11 of the NPPF is engaged and he did not consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

The appeal was allowed, no application for costs was made.

Report prepared by Louisa Ollivere (Planning Officer)

Appeal against the refusal of a Householder Prior Notification of the erection of a single storey rear extension with a projection of 4 metres, an eaves height of 2.1 metres and a total height of 2.7 metres at 8 Kinloch Court, Chester-le-Street (DM/18/02722/HPN).

The notification was refused on the following grounds –

‘The proposal is considered to be contrary to Policy HP11 of the Chester-le-Street District Local Plan, as by virtue of its scale it would result in an unacceptable loss of loss of light which would be harmful to the amenity of neighbouring properties.’

The appeal was dealt with by way of written representations and an unaccompanied site visit.

The main issues in the determination of the appeal were the privacy and amenity to neighbouring properties.

In terms of privacy and amenity to neighbouring properties, the Inspector considered that the extension will be located on the far side of the host property’s rear elevation beyond a centrally located bay window.

The extension by the very nature of its predominantly glazed elevations, would allow a degree of inter-visibility between properties in a suburban setting such as this. However, the conservatory would be located on the far side of No. 8’s rear elevation from No. 10, resulting in a reasonably generous distance between its side facing elevation and the neighbouring property.

Existing fencing between Nos. 8 and 10 would also continue to provide a degree of screening between the areas immediately to the rear of the two properties.

Although the proposed conservatory would lie to the south of No. 10, its siting on the far side of the rear elevation away from No. 10 would be sufficient to avoid a materially harmful impact in terms of sunlight and daylight to the rear of that property. As the sun follows its natural path, the more substantial form of the houses themselves would continue to have a far more significant impact in terms of daylight and sunlight than the fundamentally light-weight and predominantly glazed conservatory structure.

With regard to No. 6, the overall depth of the proposed conservatory would make it a relatively sizeable structure close to the boundary with that house. It would breach the 45° ‘line of sight’ guidance set out in the Council’s

Residential Estate Design Guidance. However, the general aspect from the rear of No. 6 is open and the proximity and relative depth of the proposed extension would be offset by its fundamentally light-weight and predominantly glazed nature, and a slight inset from the boundary with No. 6. Moreover, it would be located broadly to the north of No.6, thereby avoiding overshadowing and loss of light, whilst its south facing elevation would reflect a degree of sunlight and natural light back towards the rear of No. 6.

Whilst there may be a technical breach of the Council's 45° 'line of sight' guidance from the patio windows at No. 6, the extension would not result in material harm in terms of daylight or sunlight, whilst the otherwise open aspect would ensure adequate outlook for the occupiers of No.6. The obscure glazing indicated on the submitted plans could be secured by way of a planning condition, thereby avoiding direct overlooking or loss of privacy. Insofar as development plan policies are relevant to an application of this nature, there would be no conflict with Local Plan policy HP11.

In addition to the conditions 2 imposed on development permitted by virtue of Class A of the Order, Schedule 2, Part 1, paragraph A.4(12) also allows for conditions 'reasonably related to the impact of the proposed development on the amenity of any adjoining premises. A condition to ensure the installation and retention of the obscure glazing shown on the submitted plans would satisfy these provisions. Thus, in addition to the conditions set out at paragraphs A.3 and A.4(13), (14) and (15) of the Order, the Inspector has also imposed a condition regarding the fitting and retention of obscure glazing.

To conclude, whilst the Inspector found that the development would not be in full accordance with the Development Plan, he considered that the privacy and amenity of neighbouring properties would not be significantly harmed.

The appeal was allowed, no application for costs have been made.

Report prepared by Tracey Outhwaite, Assistant Planning Officer.

APPEALS RECEIVED

An appeal has been received against the refusal of a Change of Use application for the change of use of open space to domestic garden at land adjacent to 41 Carrowmore Road, Chester-le-Street (DM/18/02961/FPA).

The application was refused on the following grounds –

'The proposed change of use of land to domestic garden and its enclosure would have an unacceptable effect upon an important landscape feature which by virtue of its open nature and appearance significantly contributes to

the character and visual amenity of the area contrary to Part (i) of Policy HP16 of the Chester-le-Street District Local Plan.'

The appeal will be dealt with under written representations and members will be updated in due course.

Report prepared by Sarah Seabury, Planning Officer.

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PLANNING DEVELOPMENT MANAGEMENT PERFORMANCE SUMMARY 2018/19

Statistical information is collated on a quarterly basis on the performance of core elements of the Planning Development Service, as part of the Council's corporate performance management framework.

In particular, information on the numbers and types of planning applications received and the timescales taken for determination are collated, monitored and, compared with other local planning authorities, both regionally and nationally. More detailed information is also collected and analysed about key elements of the processes involved, to help inform and improve the overall delivery of the service.

In your role as decision-makers, it is important that key information about planning performance is shared with our planning committees. As a bi-annual update, the information provided below details the headline performance information for the whole of the 2018/19 period, covering April 2018 through to March 2019 (with the exception of comparator authority data which is for 1 January 2018 to 31 December 2018).

Headline facts (2017/18 figures in brackets for comparison)

- 2629 (2747) planning applications were received of which 107 (136) were for major development.
- The number of 'major' planning applications determined within the statutory 13 week timescale was 95.6% (97.6%).
- The number of 'minor' planning applications determined within the statutory 8 week period timescale was 92.6% (89.8%).
- The number of 'other' planning applications determined within the statutory 8 week period timescale was 97.8% (96.3%).
- The number of all categories of planning application determined within the statutory timescale was 96.2% (94.5%).
- The number of Mineral and Waste applications determined within the statutory timescale was 100% (100%).
- There were 45 appeal decisions received, of which, only 7 were allowed (52/15).

In broad terms, the headline facts above show consistent, and in most cases, improved performance across key indicators in comparison to 2017/18.

The tables below show the key results in more detail and with a breakdown reflecting the area planning teams which in turn serve the relevant planning committees. More detailed information relating to all the performance indicators measured by the service can be obtained upon request from Stephen Reed, Planning Development Manager.

PLANNING APPLICATIONS

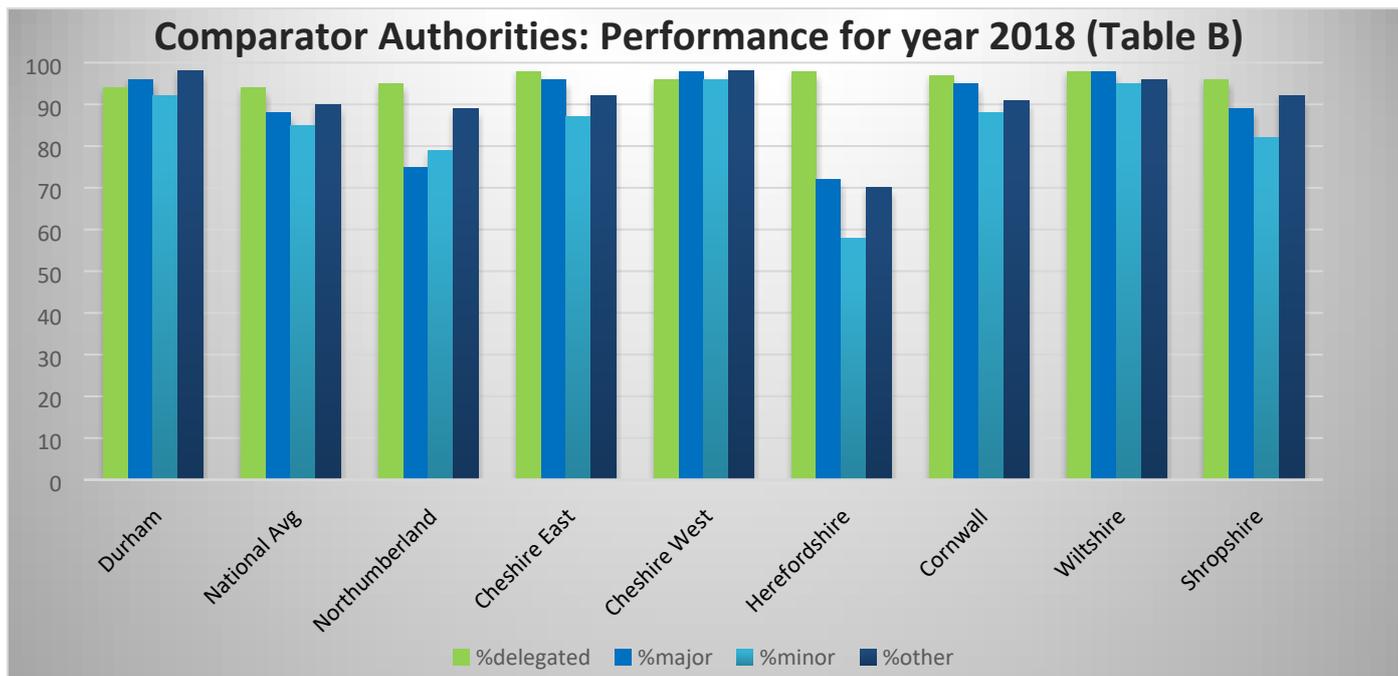
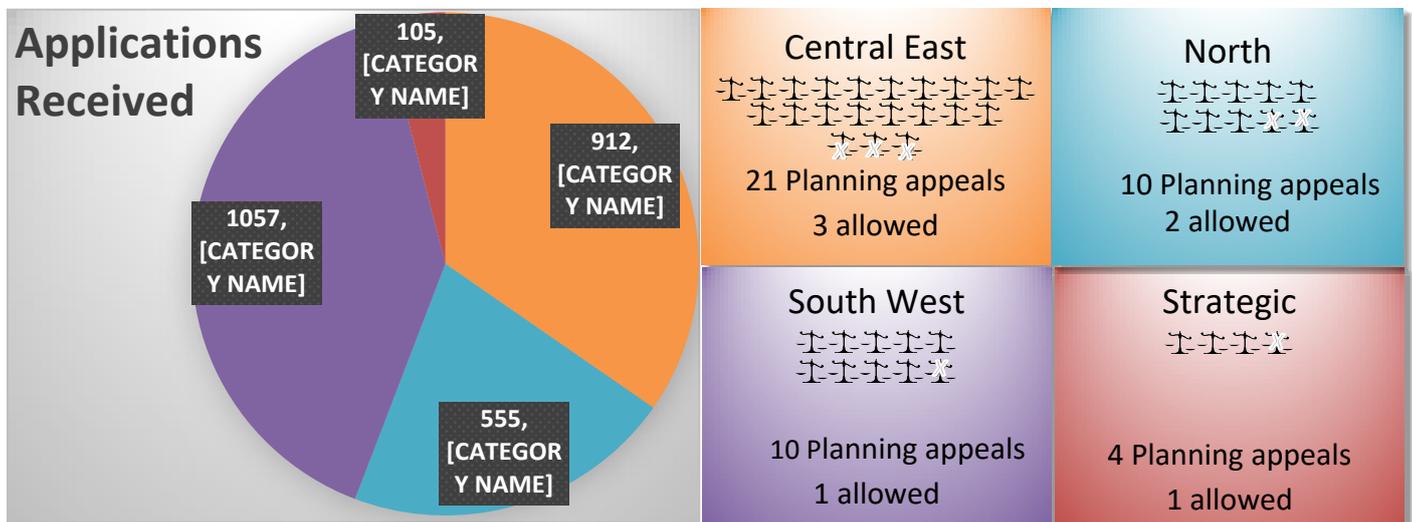
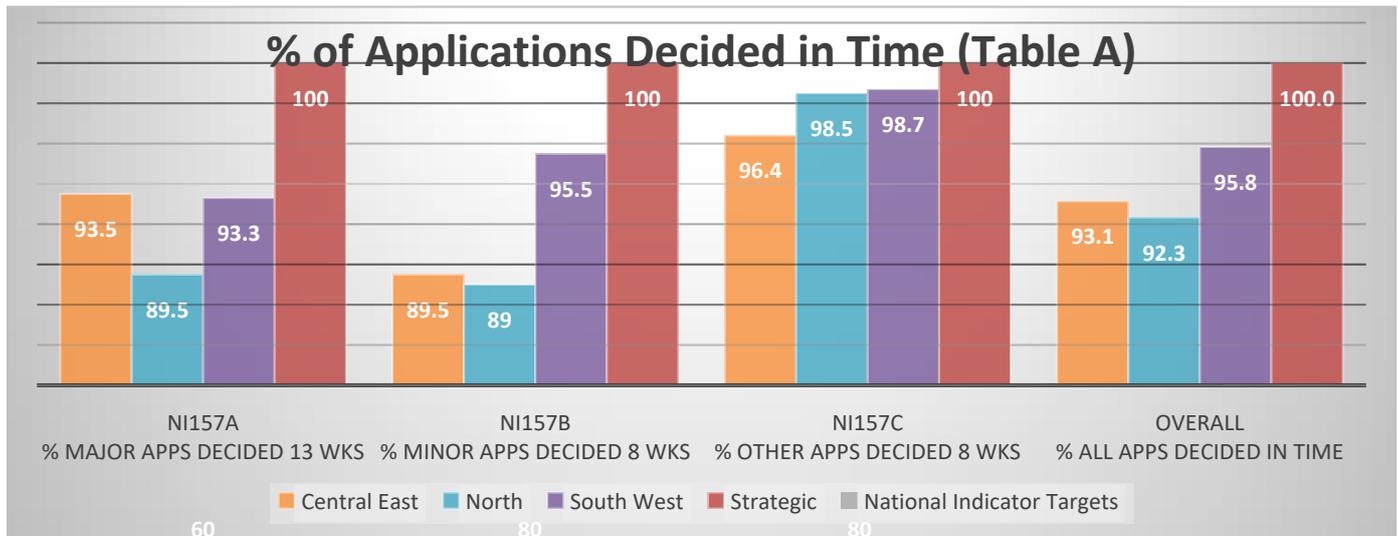


Figure 1(Source –CLG Live planning statistics table 132/134)

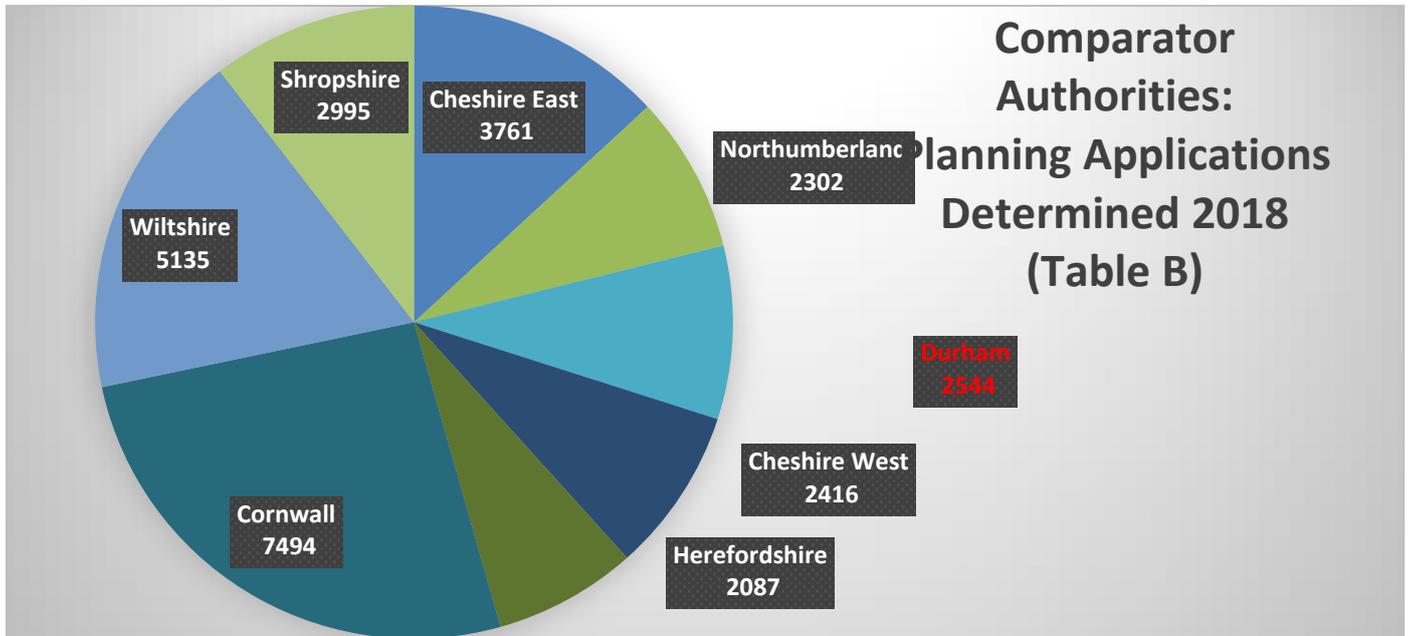


Figure 2(Source –CLG Live planning statistics table 134)

ENFORCEMENT

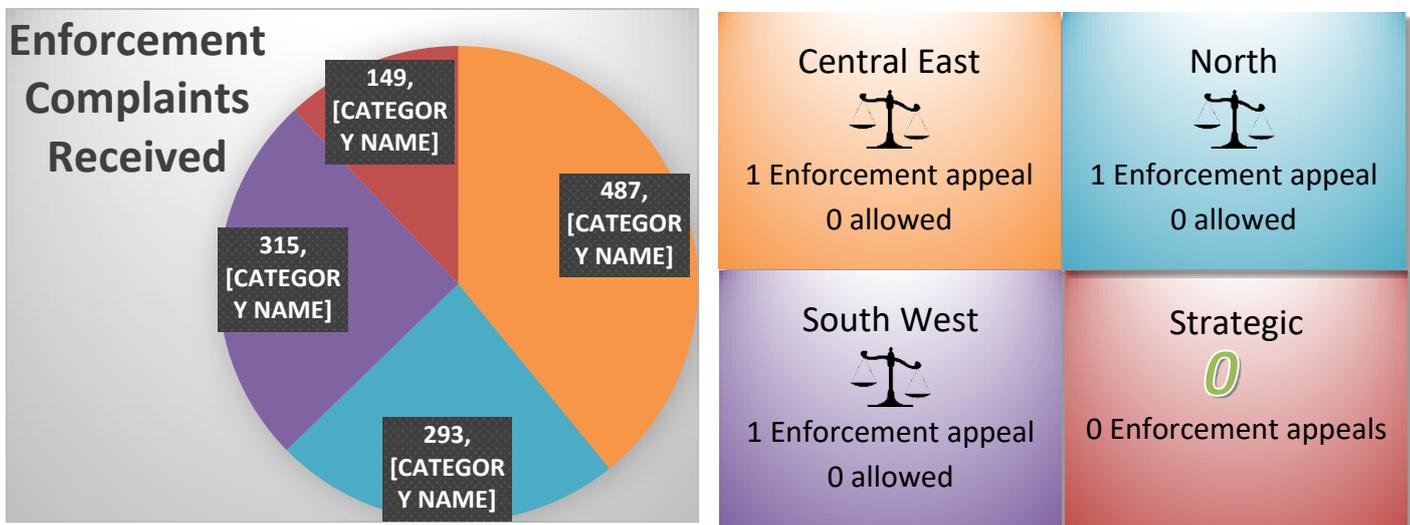
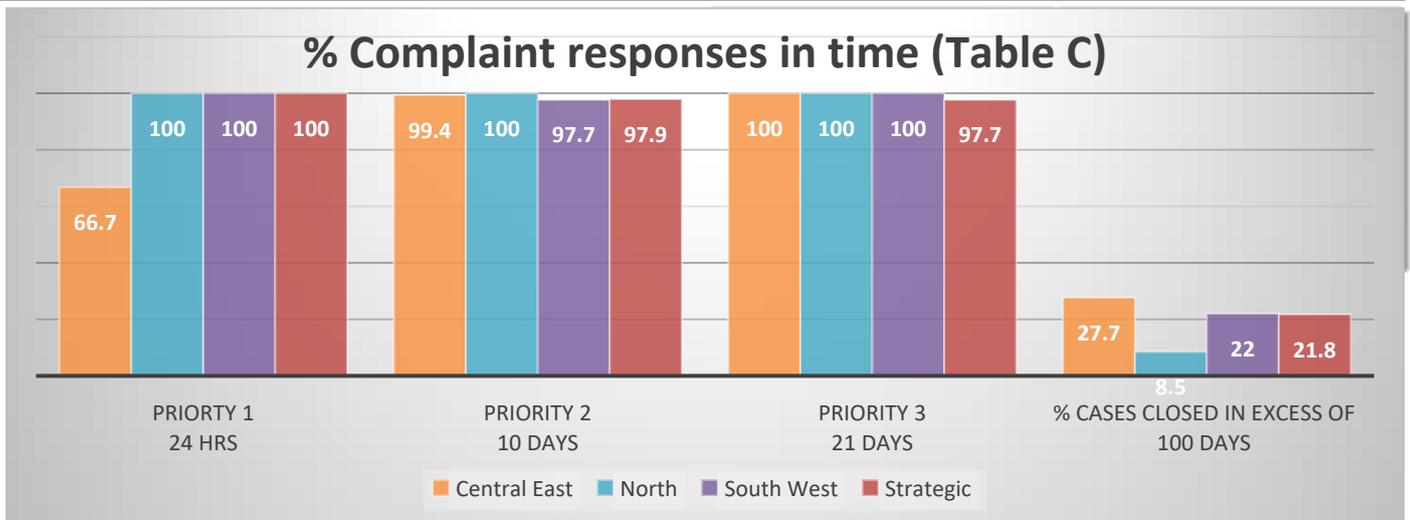


Table A (% of Applications Decided in Time)

Area Office/Benchmark	NI157a – Majors - %	Total Apps	Apps Achd	NI 157 b - Minors - %	Total Apps	Apps Achd	NI 157 c - Others - %	Total Apps	Apps Achd
Central East	93.5	31	29	89.5	200	179	96.4	343	330
North	89.5	19	17	89.0	146	130	98.5	388	382
South West	93.3	30	28	95.5	337	322	98.7	630	622
Strategic	100	55	55	100	19	19	100	25	25
<i>Average 2017/18</i>	<i>97.6</i>			<i>89.8</i>			<i>96.3</i>		
<i>Target 2018/19</i>	<i>90.0</i>			<i>90.0</i>			<i>95.0</i>		
Overall Result:	95.6	135	95	92.6	702	650	97.8	1386	1359

Table B (Source - CLG Live planning statistics tables 133 and 134)

Planning authority	Major developments		Minor developments		Other developments			
	Total decisions	Percentage of decisions delegated to officers	Total major decisions	Percentage within 13 weeks or agreed time	Total minor decisions	Percentage within 8 weeks or agreed time	Total other decisions	Percentage within 8 weeks or agreed time
England	413,519	94	14,789	88	119,969	85	278,761	90
Cheshire East	3,761	98	185	96	1,054	87	2,522	92
Cheshire West	2,416	96	97	98	656	96	1,663	98
Cornwall	7,494	96	255	95	3,502	88	3,737	91
Durham	2,544	94	151	96	724	92	1,669	98
Herefordshire	2,087	98	92	72	911	58	1,084	97
Northumberland	2,302	95	110	75	742	79	1,450	94
Shropshire	2,995	96	110	89	1,232	82	1,653	97
Wiltshire	5,135	98	155	98	1,267	95	3,713	96

Table C (% Complaint responses in time)

Area Office/Benchmark	Priority 1 -24 hours %	Total Apps	Apps Achd	Priority 2 -10 day %	Total Apps	Apps Achd	Priority 3 - 21 days %	Total Apps	Apps Achd	Cases close 100+ days %	Total Cases	100+
Central East	66.7	3	2	99.4	362	360	100	109	109	27.7	578	160
North	100	3	3	100	206	206	100	70	70	8.5	295	25
South West	100	15	15	97.7	174	170	100	112	112	22.0	304	67
Strategic	100	2	2	97.9	97	95	99.7	43	42	21.8	110	24
<i>Average 2017/18</i>	<i>100</i>			<i>98.3</i>			<i>99.7</i>			<i>18.8</i>		
<i>Target 2018/19</i>	<i>100</i>			<i>100</i>			<i>100</i>			<i><20</i>		
Overall Result:	95.7	23	22	99.0	839	831	99.7	334	333	21.4	1287	276