



Area Planning Committee (Central and East Durham)

Date Tuesday 19 July 2011
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 14 June 2011 (Pages 1 - 8)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/10/00625/OUT - Lowfield Bungalow, Foundary Row, Coxhoe, Durham DH6 4LE (Pages 9 - 22)
Outline Application Proposing the Residential Development of 9 No. Houses, Seeking Detailed Approval of Means of Access Only
 - b) 4/11/00235/FPA - Plot 4, Bishopgate Nursing Home, 48 North End, Durham DH1 4LW (Pages 23 - 36)
Erection of Detached Dwelling House (Retrospective with Proposed Amendments to Main Roof Shape and Fenestration)
 - c) 4/11/00289/FPA - Land at Former Cape Asbestos Works, Durham Road, Bowburn, Durham DH6 5NG (Pages 37 - 50)
Substitution of House Types on 13 No Plots and Amendments to Layout Including Removal of 2 No Units and Formation of Access Road
 - d) 4/11/00328/FPA - The Masons Arms, Bells Hill Road, West Rainton, Durham DH4 6SQ (Pages 51 - 62)
Erection of Two Storey Building Housing 2 No. Ground Floor Flats for Holiday Let Accommodation and 2 No. First Floor Flats with Associated Parking and Landscaping

- e) 4/11/00352/FPA - Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB (Pages 63 - 74)

Change of Use of Open Space to Form Land for the Display and Sale of Motor Vehicles Including the Provision of Tarmac Hardstanding (Resubmission)

- f) PL/5/2010/0497 - Village Farm, The Village, Murton SR7 9RP
(Pages 75 - 86)

Erection of 14 No. Dwellings and Associated Road Improvement Works

4. Appeal Update (Pages 87 - 88)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

11 July 2011

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

Councillor C Walker (Chair)
Councillor P Taylor (Vice-Chair)

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown,
P Charlton, D Freeman, S Iveson, A Laing, R Liddle, J Moran,
J Robinson, K Thompson and B Wilson

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 14 June 2011 at 1.00 pm**

Present:

Councillor P Taylor (Vice-Chair)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Moran, J Robinson, K Thompson, J Chaplow, A Naylor and M Williams

Apologies:

Apologies for absence were received from Councillors C Walker, J Bailey, J Blakey, J Brown, P Charlton, D Freeman, S Iveson, A Laing and R Liddle

Also Present:

N Carter (Solicitor - Planning and Development), A Dobie (Principal Planning Officer - Easington Area Office), B McVicker (Highways Officer) and J Taylor (Principal Planning Officer - Durham City Area Office)

1 Minutes

The Minutes of the meeting held on 10 May 2011 were confirmed as a correct record and signed by the Chair.

2 Declarations of Interest

There were no declarations of interest.

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

3a 4/11/256/FPA - Vacant Philips Components Ltd, Belmont Industrial Estate, Durham, DH1 1TG.

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended approval. The Principal Planning Officer gave a detailed presentation of the main issues outlined in the report.

Conditions 14, 16 & 17 on pages 15/16 related to the 2007 consent and would be replaced with conditions from the 2009 consent for exactly the same purposes.

RESOLVED that the application be approved, subject to the conditions contained within the report.

3b 11/166/FPA - Land at Commercial Road East, Coxhoe, Durham, DH6 4JU.

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended approval. The Principal Planning Services Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

A reason was omitted in the report for Condition 4 (landscaping) and was proposed to be added in the interests of visual amenity.

Since the report was prepared a letter had been received from Roberta Blackman-Woods raising the following points:

Parish Plan – that development should be in accordance with and wait until outcome of plan established.

Affordable Housing – concerns raised that in total 127 homes would be built without affordable provision as required by Policy H12 of the City of Durham Local Plan.

Road Access – that an additional 47 dwellings on the Haul Road would cause unacceptable impact on highway safety.

Local Infrastructure – concern that the developer was not contributing more to support local infrastructure in the village such as the primary and secondary schools.

Percent for Art – that the public artwork offering was ‘meagre’ compared to the size of development.

In response to the letter, the Principal Planning Services Officer explained that the Council were not requiring the affordable housing provision as it would not be financially viable to deliver it in the current market. The oversupply of employment land in Durham City was not material to the application.

Councillor Morgan, Local Ward Member explained that the Parish Council and elected Members expressed concerns in 2007 when the 80 dwellings had been approved. His concerns were regarding the removal of the affordable homes provision, loss of the last community development in the settlement, highway implications not been addressed adequately and the strategic importance of Haul Road.

The principle traffic using Haul Road were vehicles too and from the landfill and waste station and there was nothing outlined in the conditions to protect residential amenity. There was a fear that vehicles would be re-routed through the village and he would therefore like a supplementary condition to state that under no circumstances should the Haul Road be changed in the future.

Mr Hepplewhite, an objector explained that the Parish Plan 1 which identified the need for two bedroom bungalows and affordable houses was compiled in 2005. It had ran its course and there was little sign of the need being met.

The Parish Plan 2 was currently under consultation and had been circulated to residents. He referred to localism and the Big Society and commented that a decision would be taken which may not reflect the community's wishes. It was felt that a decision should not be made until Parish Plan 2 had been finalised.

Mr Hepplewhite explained that a newspaper report had stated that Hellens could not offer affordable housing because of the contamination of the land. He felt Hellens would have known about the contamination and purchased the land at a reduced cost.

There was an aging society and the village of Coxhoe was not accommodating their needs as the elderly were living in unsuitable accommodation. He requested a deferment of the application until the Parish Plan 2 had been agreed.

Councillor Pounder explained that he was representing Coxhoe Parish Council who were concerned that the phases of development would encroach further into the village and the environmental impact on the adjacent nature reserve. The layout should prevent any future development and access on the adjacent land.

The Chief Executive of Hellens had advised the Parish Council that there were no plans for further development beyond phase 2 but could not give any assurances that they wouldn't develop further in the future.

The Parish Council felt that percentage for art that would be donated from Hellens fell short for the disturbance the village had suffered. They were opposed to any significant housing developments and no social infrastructure improvements.

The Parish Plan 2 was out to consultation with residents. Questions to residents were put in at the request of the planning department. The application should be deferred until an overall housing scheme and strategy were agreed which took into consideration residents' views.

The Durham Times had reported that Hellens could not provide affordable housing because of the contamination of the site. The Parish Council felt this was misleading and urged the committee to defer the application until the Parish Plan 2 had been agreed.

The Principal Planning Officer commented that the Parish Plan had been implemented in 2005 and would have a significant role in the localism and neighbourhood planning agenda. The Council was in a period of transition and the Statutory Development Plan was the Durham City Local Plan. The Parish Plan would inform and be dovetailed with the future County Durham Plan, localism and neighbourhood planning. Until the new Development Plan was in place, all planning applications had to be assessed using the current Durham City Local Plan.

He was aware that bungalows were required across the county which would be looked at as part of the Strategic Housing Assessment.

It was his opinion that the current housing mix catered for the needs of the community. With regard to expansion beyond the settlement boundary, this did not mean that all housing sites would come forward or be approved. 1% of the build cost would be dedicated to art and phase 2 completed the obligation. It was a community idea to link the art as part of the old railway.

The Section Manager explained that Haul Road had been built by Durham County Council to access Joint Stocks Quarry. There was no intention to re-route the traffic and he would object to any representations to do so. The road was adopted up to the end of the tarmac. LTP3 included a scheme for the extension of the adopted road up to the B road near Joint Stocks Quarry and was the Council's intention to use the road as a bypass route in the future. The level of traffic from the housing estate would be relatively similar to other housing estates. He was confident that the road had the capacity to take the additional traffic.

Mr Cordwell-Smith spoke on behalf of the applicant and explained that Hellens had been responsible for the original planning consent in 2008 for 80 dwellings. Extensive negotiations had taken place with the community including the Parish Council. The ideas for the replica railway gate had been presented to the Parish Council and the Planning Officer had been in attendance and had made some amendments. The hammerhead had been redesigned which removed the potential for expanding the site.

With regard to the concerns of the loss of employment land, Hellens had owned the site since 2003 and had been fully marketed for employment uses with no interest. Bowburn was the first choice for businesses and along with the high remediation cost meant the site was unviable as employment land.

The developers had no intention of re-routing vehicles from the Haul Road and he would have no objection to Councillor Morgan's suggestion of adding a supplementary condition to this effect.

Mr Cordwell-Smith explained that there was a mix of housing of 2 & 3 bedroom starter homes and 3 & 4 bedroom family homes on the site. It was not viable to meet the affordable homes policy although a condition was included to allow a review if market conditions changed. The shared equity scheme and matched value scheme that Barratts operated made the houses more affordable.

The village would benefit from a brownfield site being cleaned up and new homes which would strengthen the community. A number of economic benefits were also referred to. There had been no objections from members of the public to the scheme.

The Solicitor advised that despite the applicant agreeing to Councillor Morgan's suggestion of a supplementary condition relating to re-routing of the traffic, it could not be lawfully imposed. It was also not possible for the committee to constrain future decision making.

Councillor Robinson commented that his assumption was that Phase 1 would have accounted for the costs of decontamination of the land and therefore should not be taken into consideration. The Principal Planning Officer explained that remediation had taken place on phase 1. Phase 2 remediation had been assessed and costed separately.

Councillor Williams explained that he had concerns of the accessibility of traffic, pedestrians and refuse vehicles. Refuse vehicles had difficulties using the road in inclement weather. He queried if there was capacity in the local schools for additional children and suggested that the application be deferred pending further consultations with the Parish Council.

The Principal Planning Officer explained that adverse weather conditions could be an issue but was not a material planning consideration. The LEA had confirmed previously that there was capacity in the local schools. The Parish Plan and neighbourhood planning would be dovetailed into the County Durham Plan.

The Chair queried when the Parish Plan would be completed and implemented. Councillor Pounder explained that the consultation would be assessed in early July and it would be possible to have discussions once it was known how residents would like to see Coxhoe developed in the future.

Councillor Thompson referred to the viability of the affordable housing assessment and queried if the Council used Proval. The Principal Planning Officer explained that the Council did use Proval which was only as good as the information that was inputted. Work was ongoing with partners to make sure it was robust for County Durham. He added that he would be concerned if the application was deferred to await the implementation of the Parish Plan as it was not part of the statutory framework at present and was unlikely to be in the foreseeable future.

The Solicitor explained that it would be approximately 6 months before the Parish Plan was formalised and it was unlikely that it would have any impact on the Development Plan. He urged Members to determine the application and to have regard to the fact that the applicant would have the right to appeal for non determination if the application was deferred.

RESOLVED that the application be deferred until the Parish Plan for Coxhoe was finalised.

3c 4/11/24/FPA & 4/11/25/CAC - 76 Claypath, Durham, DH1 1QT.

Consideration was given to the report of the Principal Planning Officer (Durham City) which recommended the application for approval. The Principal Planning Officer explained the Members had visited the site that day and gave a detailed presentation on the main issues outlined in the report.

The Principal Planning Officer advised that some of the objections were potentially libellous and would not be made available for public inspection. He also advised

that on Page 46 all references to a listed bridge should be omitted from Condition 9, and the following:

New Condition 15 proposed to require the erection of and retention of the timber screen as per the amended plans in the interests of residential amenity.

Condition 12 amended so that the boundary wall should be retained in perpetuity and implemented in accordance with the agreed scheme in the interests of preserving archaeology and visual amenity.

Condition 8 – remove reference to Brancepeth Manor as this was a clerical error.

Mrs Squires explained that she lived in Blue Coat Court and the development would have a devastating effect on her privacy and amenity. The development had an outside staircase and would overlook the houses. The screen that was proposed would not stop the adjacent residents being overlooked. The amended plans would still have an effect on her amenity, be intrusive and make a difference to the 27 years privacy she had enjoyed.

Concern was also expressed about the quaker burial site. The report from the County Archaeologist had not been made available which gave her concerns about the Planning Officers accuracy. The site was of archaeological significance and she requested that the application be rejected or deferred until such matters were fully investigated.

Mr Golightly explained that he was the director of St Anthony's priory and if the proposal reflected a building of the current orientation and shape on site he wouldn't be objecting. The proposal would be 10ft above the existing hedge and 20ft along the length and would have a huge impact on local amenity. He suggested that a modest family home would be acceptable but this was not a modest family home and 5 bedrooms would be beyond the dreams of most families. Barriers would be created, light denied and requested that the application be deferred.

Mr Kendall, Jane Darbyshire and David Kendall Architects explained that he represented the applicants. He gave a presentation showing how the proposal would look once it was built. The site had a heavily difference in ground levels. From the rear it was one and a half storeys in height. The burial ground and the boundary would remain undisturbed. The overlooking issues had been addressed in the redesign and modification of the building. The amount of glazing had been reduced and a fixed lattice screen added. The real distance was 26m to Blue Coat Court and the Priory was set very high. The materials to be used were brick, timber and tile.

The Principal Planning Officer explained that the burial site would not be disturbed or full excavation carried out. Various discussions had taken place with the Archaeology Officer and the full report was available on the website. There would always be an impact of any development because of the difference in levels. The proposal was 26m away and it was felt that residential amenity impact had been mitigated in the development.

Councillor Freeman suggested that an additional condition be added which removed the permitted development rights from the graveyard area. He felt that the proposed plan of how the building would look did not show how residents would be affected and felt that the dwelling could not be described as modest.

Councillor Bleasdale commented that it was a large building and would be intrusive to adjacent residents. She felt that another site visit could be beneficial.

Councillor Charlton commented that Blue Coat Court would have been considered modern at the time it was built and the proposed house would be a tasteful modern construction which would be 26m away and there would also be a tree and a barrier. Consequently, she did not think that the proposal would have a large impact on residential amenity.

Councillor Moran commented that the graveyard had been there a long time, that the design was very sympathetic and that the Quakers had no objection to the proposals.

Councillor Taylor commented that a desire to talk further was not a good reason for deferment and also pointed out that Members had already had a site visit.

Councillor Williams asked about the Archaeological report and the Principal Planning Officer confirmed that it had been circulated to Members and that the County Archaeologist was happy with the proposals.

RESOLVED that the application be approved subject to the conditions outlined in the report, changes proposed by the Principal Planning Officer and the inclusion of a further condition to remove permitted development rights on the Quaker burial site.

3d PL/5/2011/0121 - 10 Welfare Crescent, South Hetton, DH6 2RN.

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

RESOLVED that the application be approved subject to the conditions detailed in the report.

3e PL/5/2011/0110 - Land at Seaham Hall Farm, Seaham.

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Councillor Bleasdale commented that the car boot sale was very well organised.

Councillor Bell commented that it was very good for the economy of Seaham but raised concerns regarding the barbed wire fencing and queried if the organisers could replace it as it was dangerous. The Principal Planning Officer explained that he was not aware of any problems arising from the barbed wire fencing but a condition could be included.

RESOLVED that the application be approved subject to a Section 106 agreement and the conditions detailed in the report with the inclusion of a condition relating to the replacement of the barbed wire fence.

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION No:	4/10/00625/OUT
FULL APPLICATION DESCRIPTION:	Outline application proposing the residential development of 9 no. houses, seeking detailed approval of means of access only
NAME OF APPLICANT:	Mrs J Lowery (deceased)
ADDRESS:	Lowfield Bungalow Foundary Row Coxhoe Durham DH6 4LE
ELECTORAL DIVISION:	
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application relates to Lowfield Bungalow and its residential curtilage, land adjacent to the bungalow used as a paddock and the unmade access road leading to the property and Basic Cottages beyond. A football ground is also access via this existing unmade road.
- 1.1.2. The application site is located within the settlement boundary of Coxhoe, a village located to the south east of Durham City. The land proposed for development is located to the rear of a large parcel of open space which runs through the heart of the village adjacent to the main thoroughfare through the village.
- 1.1.3. Adjacent to the site is Coxhoe Industrial Estate which has previously gained planning permission for a mixed use development of employment uses and 80 no. dwellinghouses.
- 1.1.4. The enclosed paddock where the proposed dwellings would be constructed is greenfield land and comprises of a grassed area with no trees or significant landscape features.

1.2. PROPOSAL

- 1.2.1. This application seeks planning permission, in outline, for the erection of 9 no. dwellinghouses. Approval for the means of access is sought within this application though all other detailed matters are reserved.

- 1.2.2. The indicative plans and information accompanying the application proposes 6 no. two storey 4 bed dwellings with garages and 3 no. 2/3 two storey linked dwellings.
- 1.2.3. The application proposes a means of access gained adjacent to No. 20 Commercial Road East. The proposed road leading to the 9 no. dwellinghouses would be formed to an adoptable standard including junction improvement, drainage, lighting, landscaping and footpaths.
- 1.2.4. During the course of the application a draft S106 agreement has also been submitted seeking to provide a financial contribution towards a local environmental improvement scheme.
- 1.2.5. The application is being presented to Committee due to an objection being raised from the Parish Council.

2.0 PLANNING HISTORY

- 2.1. In 2006 planning permission was refused for the change of use of paddock to domestic garden on the grounds that the development would have an adverse impact upon the character and appearance of the area and would involve the development of a greenfield site contrary to Policy H3 of the Local Plan.

3.0 PLANNING POLICY

3.1. NATIONAL POLICY

- 3.1.1. **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
- 3.1.2. **Planning Policy Statement 3: Housing** underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 3.1.3. **Planning Policy Guidance Note 13: Transport** seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

3.2. REGIONAL POLICY

- 3.2.1. **The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)** July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the

environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

- 3.2.2. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to these applications include the following:
- 3.2.3. **Policy 2: Sustainable Development** planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
- 3.2.4. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.5. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.6. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.3. **LOCAL PLAN POLICY**
- 3.3.1. **Policy H3: New Housing Development within the Villages** allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
- 3.3.2. **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.
- 3.3.3. **Policy E5A: Open Spaces within Settlement Boundaries** does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
- 3.3.4. **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.
- 3.3.5. **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.

- 3.3.6. **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.
- 3.3.7. **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.
- 3.3.8. **Policy U8a: Disposal of Foul and Surface Water** requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1. STATUTORY RESPONSES:

- 4.1.1. The Highway Authority have commented on the application and consider that the access and road improvement shown on submitted plan indicating a widened carriageway, footpath provision and larger kerb radii to both sides would be acceptable. The junction to Commercial Road is considered capable of carrying the extra traffic. No objections are therefore raised subject to the road being constructed to adoptable standards.
- 4.1.2. Northumbrian Water have been consulted on the application and no objections have been raised.
- 4.1.3. Coxhoe Parish Council have objected to the proposal considering that the SHLAA has not allocated the land as being suitable for immediate development and that the development would lead to unacceptable intrusive development into an open area which would adversely impact on the setting of the adjacent open space. The development would set a precedent and lead to pressure to develop the adjacent area of open space. It is not considered that there is a proven need for private housing and as the proposal does not propose bungalows or apartment provision for the elderly would be contrary to the Parish Plan. Objection is raised to the proposed layout on the grounds of highway safety and privacy.

4.2. INTERNAL CONSULTEE RESPONSES:

- 4.2.1. The Council's Senior Low Carbon officer has commented on the application and although the development does not meet the threshold of 10 dwellings requiring the need for a scheme of on site renewables or carbon reduction it is considered that an information pack be supplied to the applicant with regards to sustainability measures.

4.3. PUBLIC RESPONSES:

- 4.3.1. Nine letters of objection have been received during the course of the application all from residents of the nearby Basic Cottages.

- 4.3.2. Objections are raised on the grounds of the absorption of a greenfield site causing a negative effect on the character and appearance of the area as well as being contrary to the County Councils aim of making County Durham “Altogether greener”. The development would also block the view of green belt land adjacent to Basic Cottages.
- 4.3.3. Basic Cottages form part of the historic character of Coxhoe being a street of former mining/quarry houses, the proposed new build dwellings would offer no historic value, blocking site of Basic Cottages and therefore diminishing the historic character of Coxhoe and County Durham.
- 4.3.4. The development is considered to result in a loss of privacy and light. A further objection is raised at a considered insufficient availability of school places.
- 4.3.5. In addition to the letters of objection officers have entered into direct correspondence with one objector with officers providing updates on the application and the applicants efforts to further support the application with a S106 agreement and further details on the degree to which the access road would be improved. The local resident considers that the road improvement is not a significant community benefit but is for personal gain as it would serve Lowfield Bungalow itself. A request is also made that an untidy grassed area adjacent to the site is improved at the applicants expense.

4.4. APPLICANTS STATEMENT:

- 4.4.1. The application has been accompanied by a design and access statement which considers that the application site has been identified as a preferred site in the 2008 Durham City Council document “Planning for Housing (Preferred Housing Sites)” and has been identified as a “green” site in the Strategic Housing Land Availability Assessment (SHLAA).
- 4.4.2. Residential development is being undertaken on the adjacent Coxhoe Industrial Estate reinforcing the localities suitability for residential development.
- 4.4.3. The development is considered to bring regeneration benefits through the making up of a road to fully adoptable standard with both visual and functional benefits. The overall scheme will assist in the regeneration of Coxhoe through the improvement of the main vista to the east from the main road.
- 4.4.4. The scale of the dwellings is considered to integrate into the existing area whilst the layout looks to maximise outlook across open space whilst a landscaping scheme would be integrated into the development.
- 4.4.5. The application site is considered to be located within a sustainable location being within close proximity to schools, shops and employment opportunities for example.

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

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx

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

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 5.1. The main planning considerations relating to this application are the principle of development, the impact upon the visual amenity of the area, impact upon the amenity of adjacent and nearby occupiers and highway safety.
- 5.2. Principle of the Development
- 5.3. The land upon which the proposed dwellinghouses would be sited forms part of a paddock adjacent to Lowfield Bungalow. This land constitutes greenfield land. PPS3 has a preference for the development of previously developed land over greenfield land and sets a national annual target of 60% of new housing to be provided on previously developed land.
- 5.4. Policy H3 of the Local Plan seeks to encourage all residential development, in the first instance, to be located on previously developed land. However, exceptionally within the former coalfield villages such as Coxhoe, the development of small greenfield parcels of land can be accepted where there are clear, quantifiable regeneration benefits and those benefits could not be achieved through the development of previously developed land.
- 5.5. The applicant has sought to demonstrate that there are clear regeneration benefits to the proposed development. Namely that the development would create a visual improvement to the village through the creation of an attractive, modern development visible from the main thoroughfare through the village.
- 5.6. In addition the application seeks to develop an improved access road up to adoptable standard to serve the Lowfield Bungalow, the proposed new houses but also Basic Cottages and the football ground to the rear. The applicant considers that this road would provide substantive benefits through a visual improvement and through the functional improvement of a repair to a road which floods and is difficult to negotiate. The applicant has also stated that the road would be improved to adoptable standard and that the improvement would be far greater than that which is required by way of a condition attached to the residential development at the adjacent "Hellens site".
- 5.7. The applicant has also submitted a draft S106 agreement which seeks to make a financial contribution of £1,350 per dwelling towards an environmental improvement scheme within Coxhoe which would be arranged in partnership with Council's regeneration team.
- 5.8. Some objection to the development from the Parish Council and local residents is with regards to the absorption of a greenfield parcel of land. Officers do agree that the siting of the development on a greenfield parcel of land is not as sequentially preferable as a previously developed parcel of land.
- 5.9. However, the site is located in a sustainable location within close proximity to services and facilities and within easy reach of local bus services. It is considered that there would be cumulative regeneration benefits through the development. The provision of a modern residential estate together with the formation of an adopted road would provide some visual improvement to an area which is visible from the main thoroughfare through Coxhoe village. There would be a functional improvement to the access to existing properties and the football club though it is acknowledged that some local residents consider this improvement to be purely for personal gain.
- 5.10. Crucially the applicant is willing to make a significant financial contribution to a local environmental improvement scheme, which it is understood has already been identified by the Council's regeneration officers.

- 5.11. Policy H3 of the Local Plan makes provisions for the development of small greenfield parcels of land within villages such as Coxhoe where regeneration benefits would result. On balance officers consider that the application, has cumulatively demonstrated clear regeneration benefits of the development. In addition the application site although not previously developed land has other sustainable attributes due to its central location and proximity to facilities, services and transport routes which accords with the requirements of PPS3.
- 5.12. Policy E5A of the Local Plan seeks to protect parcels of open space which possess important functional, environmental or visual attributes. The loss of the parcel of land to the development is an area of concern to both the Parish Council and local residents. However, the parcel of land upon which the dwellings would be located is a private paddock. It is not a parcel of public open space. It does not contain any trees or landscape features of any particular value and it is not considered to provide any important function to the local community. The larger parcel of open space adjacent to the site which very much forms part of the character of Coxhoe would remain undeveloped.
- 5.13. The Parish Council have in part objected due to the development proposing two storey dwellinghouses rather than bungalows or apartments and queried the need for the housing. In terms of scale and character, officers would have reservations on whether apartments would suitably assimilate into the area at this particular site. In terms of need, it is important that in the medium and longer term adequate housing land is available through both land availability and through extant planning permissions. Officers do not consider that there is a demonstrable lack of need for the development.
- 5.14. As a result officers consider that the development is acceptable in principle having regards to Policies H3 and E5A of the Local Plan, Policy 2 of the RSS and guidance contained within PPS3.
- 5.15. Impact upon Visual Amenity
- 5.16. Some public objection to the proposal relates to the considered detrimental impact upon the character of Coxhoe removing a view of Basic Cottages which are considered to be of historic value to the village.
- 5.17. Officers do not consider that the obscuring of Basic Cottages from some public vantage points as a result of the development would cause clear demonstrable harm to the character or appearance of the village. In contrast it may be argued that the development of an appropriately designed and landscaped modern housing estate together with adopted road would create a visual enhancement to this part of the village.
- 5.18. Basic Cottages though of some local historical value and merit are not listed nor is the area a designated Conservation Area defined by a particular historical or architectural merit. Basic Cottages would remain but views from some directions would be obscured. Officers do not consider that the obscuring of a row of properties of no designated historical or architectural merit from certain views by an appropriately designed and scaled development would cause any demonstrable harm to the character or appearance of the area warranting significant objection to or refusal of the application.

- 5.19. The application has been submitted in outline and detailed matters with regards to the layout, landscaping and appearance of the dwellings have been reserved for approval at a later date. However, subject to an appropriate final design, layout and landscaping scheme the small residential development should suitably integrate into the existing area in accordance with Policies H13, Q5 and Q8 of the Local Plan. The indicative details submitted propose a mix of detached and linked two storey properties with front elevations addressing the open space and street beyond, areas of soft landscaping and mix of materials for hardsurfaces all of which is considered to be appropriate.
- 5.20. Overall officers consider that the design and visual impact of the development is acceptable.
- 5.21. Impact upon Residential Amenity
- 5.22. Within the letters of objection received there are concerns over the impact of the development upon residential amenity namely through the loss of privacy and light to property including garden.
- 5.23. At this outline stage the detailed layout, scale of dwellings, elevational treatment and internal arrangement of the dwellings has not been finalised. However, from the indicative details supplied and with the benefit of site visits officers consider that a residential development at the site of 9 no. dwellings could be implemented without harm to residential amenity of neighboring occupiers.
- 5.24. The submitted plans demonstrate that separation distances between the rear elevation of proposed dwellings and the front elevation of properties on Basic Cottages can achieve the 21m which Policy Q8 of the Local Plan considers to provide adequate privacy. Garages would be sited closer to Basic Cottages than the dwellings themselves but with distances of 12m achieved to single storey garages no significant harm is considered to occur through a loss of light, outlook or creation of an overbearing impact.
- 5.25. On the southern sections of the application site adequate separation distances in accordance with the guidance contained within Policy Q8 of the Local Plan would also remain to properties on Beechfield Rise and at Wesley Place.
- 5.26. Officers consider that no significant harm to the amenity of neighbouring residents would occur through the development in accordance with Policies Q8 and H13 of the Local Plan.
- 5.27. Highways Issues
- 5.28. The outline application seeks approval at this stage of the means of access though not the layout. Objection on highway safety grounds has been raised by the Parish Council.
- 5.29. The Highway Authority considers that the access point is acceptable and is capable of handling the additional traffic. The road would require improvement up to an adoptable standard with a widening of the carriageway throughout its length, widening of kerb radii, footpath provision, drainage and street lighting. The indicative plan submitted is considered to be acceptable. No objections are raised to the indicative parking levels.
- 5.30. Officers concur with these views and the development is considered to cause no harm to highway safety in accordance with Policy T1 of the Local Plan.

5.31. Other Issues

- 5.32. Northumbrian Water have been consulted on the application and no objections have been raised. The Bowburn Sewage Treatment Works previously at capacity is in the process of being upgraded and its capacity expanded. No objections are raised with regards to the drainage infrastructure issues.
- 5.33. The Council's Senior Carbon Officer has sought to gain information from the applicant with regards to carbon reduction or onsite renewable provision. The application has not been accompanied with such detail, however, no objection is raised to this as the proposal is for 9 no dwellings and does not meet the threshold of requiring such information within either the RSS policy or the Council's own advice note.
- 5.34. One letter of objection raises concern that the local schools are already at capacity. Any prospective school starters would be required to go through the County Councils school admission policy. Officers have looked into the matter and held discussions with officers within Children and Young People's Services. From discussions it is understood that though in recent years Coxhoe Primary School has been oversubscribed, from September the capacity has just been increased from 210 to 270 to cater for the increase in demand. It is also understood that nearby schools outside of Coxhoe also have capacity for further pupils. Taking this into consideration and that the application is proposing a relatively small residential development of only 9 no. dwellings officers raise no objections with regards to the local schools capacity.

6.0 CONCLUSION

- 6.1. The application seeks planning permission for the development of a greenfield parcel of land for residential development. Although not previously developed the application site does benefit from being located within an otherwise sustainable location being sited within a central part of Coxhoe with good access to services, facilities, local bus routes and employment opportunities. The development of the land would provide regeneration benefits in the form of the development of a new residential development within a visible location in the village, visual and functional improvement of an unmade road and in addition a S106 agreement has been arranged to provide a financial contribution to a local environmental improvement scheme. As a result, no objections to the proposal in principle are made with the application considered to accord with Policy H3 of the Local Plan.
- 6.2. All detailed matters except for means of access are reserved, however, from the indicative details supplied no harm to the visual amenity of the area, residential amenity of neighbouring occupiers or highway safety would occur through the development.
- 6.3. As a result, the proposal is considered to accord with relevant Development Plan Policies and no objections are raised on other material planning grounds.

7.0 RECOMMENDATION

That the application be APPROVED subject to the following conditions and subject to the entering into of a Section 106 agreement to secure the payment of a commuted sum for the provision of an environmental improvement scheme in the locality

- 7.1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the 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.

- 7.2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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.

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

Plans numbered 09.52.03 Rev 001 received 19th August 2010

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, E5A, Q3, Q5, Q8, U8A and T1 of the City of Durham Local Plan 2004.

- 7.4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

- 7.5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

- 7.6. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwellings to which they relate.

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

- 7.7. 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.

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 visual amenity having regards to Policies Q5 and Q8 of the City of Durham Local Plan 2004.

- 7.8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Class(es) A, B or E of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: In the interests of residential amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

- 7.9. Prior to the occupation of the first dwelling hereby approved the proposed improvement to the access road and junction to adoptable standard shall be implemented in its entirety in accordance with a scheme to be first submitted to and then agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety having regards to Policies Q8 and T1 of the City of Durham Local Plan 2004.

8.0 REASON FOR THE DECISION

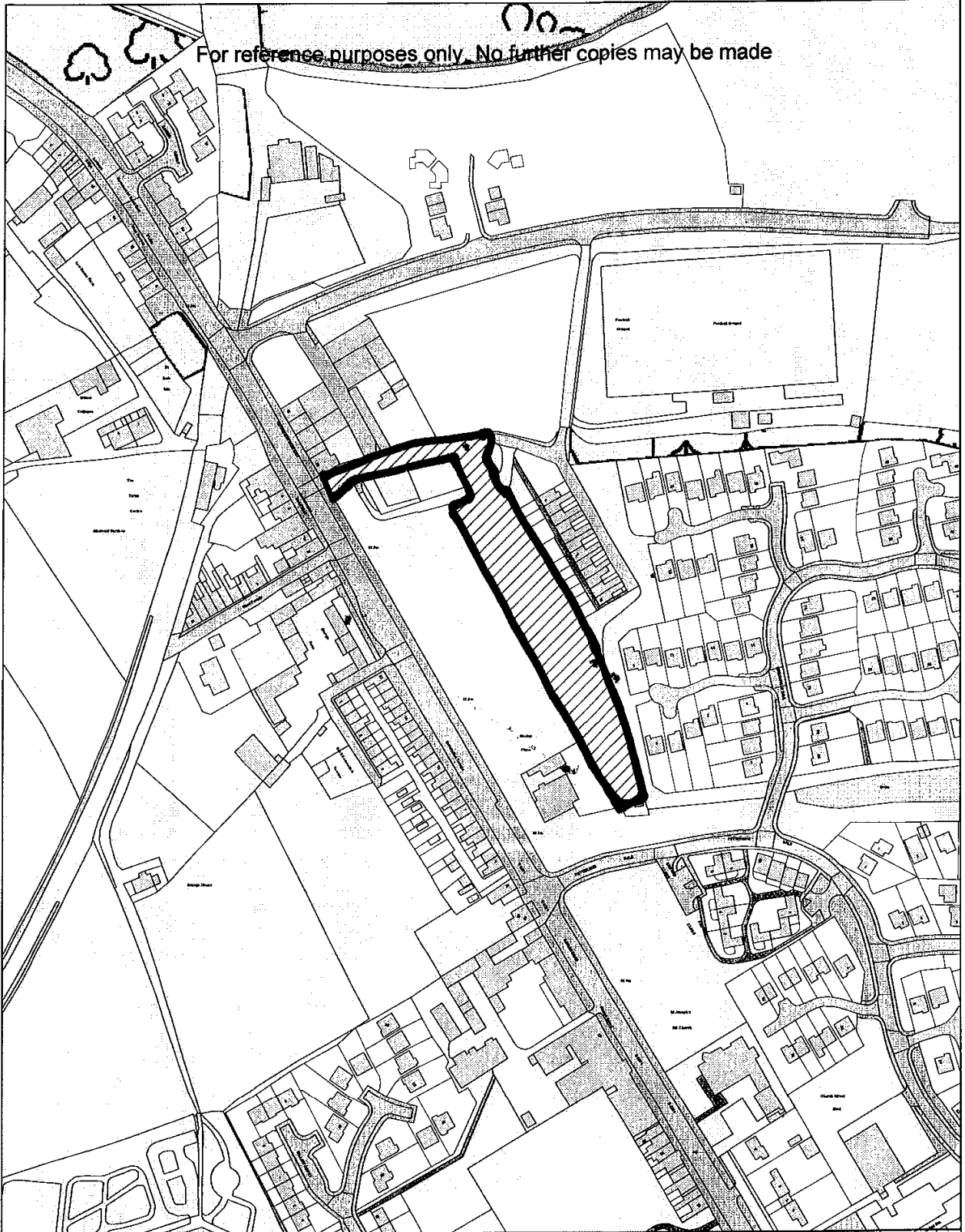
- 8.1. The development is considered to accord with the aims of Policies 2, 7, 8 and 24 of the RSS and Policies H3, H13, E5A, Q3, Q5, Q8, U8A and T1 of the City of Durham Local Plan 2004
- 8.2. In particular the principle of the development at the site and impact of the development upon residential amenity was considered acceptable.
- 8.3. Objections have been raised to the development due to the proposal seeking the development of greenfield land, lack of need for the housing, blocking views of Basic Cottages, harming residential amenity, highway safety, insufficient school places available for children and some objection to the improved road being a regeneration benefit. On balance, taking into consideration the otherwise sustainable location of the development and cumulative regeneration benefits the development of the parcel of greenfield land was considered acceptable. It is not considered that objection can be raised to the proposed private housing or type of housing on the grounds of need. It is considered that the development could proceed and adequately preserve the amenity of local residents and highway safety. The local school is in the process of increasing its capacity to cater for additional pupils. The development obscuring the view from some vantage points of Basic Cottages is not considered to cause a degree of harm warranting refusal of the application. The improvement to the access road is considered to contribute to the regeneration benefits of the scheme.


9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans

Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statements 1, 3 and Planning Policy Guidance Note 13
Responses from County Highway Authority and Northumbrian Water
Responses from Parish Council
Public Responses
Internal Consultee Responses
Planning Circular 11/95

For reference purposes only. No further copies may be made



 Durham County Council	Planning Services		4/11/00625/OUT	
			Lowfield Bungalow, Foundry Row, Coxhoe, Durham DH6 4LE	
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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	4/11/0235
FULL APPLICATION DESCRIPTION:	Erection of detached dwelling house (retrospective with proposed amendments to main roof shape and fenestration).
NAME OF APPLICANT:	Oaktree Homes (Durham) Ltd.
ADDRESS:	Plot 4, Bishopgate Nursing Home, 48 North End, Durham, DH1 4LW
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Steve France Steve.france@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 Included within the main Durham City settlement boundary, North End is a mature residential area, both in terms of the age of the properties and its extensive tree cover, elements of which are subject to Tree Preservation Orders. The houses in the general area, set in generous gardens, are generally characterised by large detached and semi-detached interwar housing. North End, the street, includes a mix of these properties, along with converted farm buildings, a large red-brick Nurse's Teaching Centre, and detached properties dating from both between the wars and the 1960s, along with modern infill dwellings. The area falls outside the Conservation Area, which extends to the top of Western Hill.
- 1.2 Plot 4, Bishopgate is a single building plot in the south-west corner of a larger site formerly occupied by Rookstone and Milford Nursing Homes at 48 North End. The nursing homes were cleared following approval of a part 'outline', part 'full' planning permission for 7no. building plots in 2009. Plot 4 was one of three units at the rear, southern part of the site approved in detail.
- 1.3 The front of the larger site is bounded to the front by an estate road that has a reputation for being a rat run between County Hall, the A167 and St. Leonards School, during busy times of the day. To its east is the large red brick Nurse's Teaching Centre, with a small modern development of specialist care bungalow accommodation at its rear. Traditional two storey semi-detached interwar properties wrap around the south-west boundaries of the site, with particularly long gardens. To the immediate west of the site, at a lower level is a bungalow called 'The Nook', where planning permission has recently been applied to extend a consent for its replacement with a larger dwelling house. The overall site slopes from the road frontage to its south-west corner. A Tree Preservation Order protects trees on the

front boundary of this larger site, a copse of trees along the rear boundary, and a mature Oak between Plots 3 and 4. Plot 4 is in the lowest part of the site.

- 1.4 Planning approval was granted in detail for a dwelling on Plot 4 in 2009. That dwelling provided for two floors of residential accommodation including kitchen/lounge/dining room/family room rooms and 5no. bedrooms. The dwelling was a two storey 'T' shape, the main element having a fully hipped roof, with a two storey gabled element projecting towards the road, stepping down to a single storey garage at the front. A single storey offshot was attached to the elevation facing the rear gardens of Fieldhouse Lane. This single detached house was approved was approved as 19.7m long, 12.2m wide, and 7.7m high.
- 1.5 The dwelling that was then constructed on site that differed from the approval in being 21.05m long, 12.2m wide and 9.5m high. The roof had been increased in pitch from 33 degrees to 40 degrees, with gabled ends, and accommodation inside the roof-space. An extra room was erected atop the garage – this has been removed.
- 1.6 Following various discussions with Officers the current application was submitted, which seeks to retain the structure as built, with the exception of a proposed alteration to the roof to hip the western section of the main element, where closest to Fieldhouse Lane.
- 1.7 The application is reported to Committee at the request of Councillor Holland reflecting concerns of local residents on the unauthorised works.

2.0 PLANNING HISTORY

- 2.1 The overall site has been subject to a series of applications for residential development over recent years. A proposed scheme of 24 apartments and 7 dwellings was refused in 2006. In 2008 approval was granted for the demolition of existing nursing homes and erection of 14 no. dwellings, including town-houses and dormer bungalows.
- 2.2 The site had a longer history of extensions to the two nursing home homes, including an approval for change of use to student accommodation.
- 2.3 The application approved under delegated powers in 2009 proposed the demolition of the then existing nursing homes and erection of 3 no. dwellings (Plots 2, 3 and 4) and outline planning permission with details of access and scale for 4 no. dwellings (Plots 1, 5, 6 and 7). Each of the three dwellings approved in detail are in an advanced state of construction, with pre-submission discussions with various parties interested in those plots approved in outline ongoing.
- 2.4 The application is part retrospective with alterations proposed. The dwelling at plot 4 was not constructed in accordance with the approved plans, and whilst once the unauthorised works were drawn to the Council's attention by local residents, some elements of variation were regularised by agreement – this including the additional room above the single story garage, and windows on the western boundary – the developer then submitted this application which seeks to approve a building larger than that originally approved.
- 2.5 Unfortunately assurances that works to the plot would cease whilst the Planning Application was considered had to be followed by a Stop Notice as internal works continued to be progressed. The public consultation exercise has been exacerbated by a series of mistakes and errors on the submitted and resubmitted plans which

has served to complicate an already contentious issue, along with elements of the on-going works - albeit some of the complaints about site works related to contractors working on the adjacent plots.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- 3.1.1 Planning Policy Statement 1: **Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- 3.1.2 Planning Policy Statement 3: **Housing** sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities and land supply.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=6618>

3.2 REGIONAL POLICY:

- 3.2.1 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The Government has stated its intention to rescind the RSS, when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The relevant Policies are detailed below:
- 3.2.2 Policy 1 (**North-east Renaissance**) seeks to deliver sustainable and inclusive economic prosperity and growth, and sustainable communities, capitalising on the Region's diverse natural and built environments, heritage and culture.
- 3.2.3 Policy 2 (**Sustainable Development**) sets out a series of environmental objectives, social objectives and economic objectives to address climate change issues.
- 3.2.4 Policy 8 (**Protecting and Enhancing the Environment**) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
- 3.2.5 Policy 33 (**Biodiversity and Geodiversity**) seeks to ensure planning proposals affecting geological and ecological resources are protected and enhanced by development proposals

3.3 LOCAL PLAN POLICY:

- 3.3.1 Policy H2 (**New Housing within Durham City**) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals

accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

- 3.3.2 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.
- 3.3.3 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.
- 3.3.4 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.
- 3.3.5 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.
- 3.3.6 Policy E14 (**Trees and Hedgerows**) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.1.1 None

4.2 INTERNAL CONSULTEE RESPONSES:

4.2.1 None

4.3 PUBLIC RESPONSES:

- 4.3.1 18 no. local residents have written, some repeatedly, with detailed objections, a standard letter raising concerns has been sent from 44 properties, and an objection has been received from the Member of Parliament.
- 4.3.2 Objections to the proposed applications have been complicated as some correspondents have sought to re-visit the existing approval, and the basis upon which that delegated decision for this was reached.
- 4.3.3 As regards the current application, objectors consider the building oversized, for the site, the wider residential area, and in relation to facing existing dwellings, therefore being detrimental to the character of the locale. The prime concern in terms of the building itself is with its height – and increased height over that approved, the raised

roofline described as dominant, huge, towering, overbearing, imposing, ostentatious, crude, astonishing, unsympathetic and out of scale, having the appearance of a prison or Victorian Workhouse. The three storey building is considered to compromise both resident's view and privacy both of their houses and gardens. The proposed half-hipped roof is described as lop-sided, destroying the aesthetic of the area. Residents worry of the danger of snowfall from the roof as proposed causing injury to children and garden structures in neighbouring properties. The scale of the building is such that the development can be seen from the approach from the A167 on Spingwell Road and between houses on Fieldhouse Lane. The additional accommodation afforded by the alterations proposed to the roof, and as a result of the unauthorised works are considered unacceptable.

- 4.3.4 Objection is also raised to the increases length of the building, and the implications of this to existing resident's amenity, in the increase in the 'immense' floor area of the building, the resultant increase in mass and in bringing the structure closer to the boundaries shared with existing residential property, making the property overbearing, and compromising privacy.
- 4.3.5 Overall the house at plot 4 is considered too big for it's plot, and of poor design in being built right up to the western boundary. It is considered too close to the new dwelling on Plot 3. The removal of the lleylandii hedge from the west boundary is criticised, there being considered not enough space for a replacement. The new gable roof window is considered to have an unreasonable effect on the privacy of properties in The Grove, and the use of that room variously described as a bedroom and storage in supporting information is questioned. A reduction in roof-pitch to that originally approved is requested. The raised height of the rear of the dwelling is considered to give its ground floor windows unreasonable effect on facing dwellings, with reduction in window numbers or the use of frosted glass proposed as the only recourse. The side door of the house on the west elevation is considered likewise unacceptable, representing a gross invasion of privacy to The Grove.
- 4.3.6 Objectors point out that the main site slopes towards plot 4 and between removed landscaping, and the presence of new buildings on the site, their gardens have potential for flooding and soil slippage. With development of seven dwellings, with hard-standing for potentially 15no. cars excessive demands on the existing sewers are envisaged, with requests for site testing of the adequacy of drains requested. Objection to the use of a Commercial Building Control contractor, and lack of Council control over them, or response to requests has been considered unacceptable.
- 4.3.7 The other properties built on adjacent plots are considered too large, out of scale, obtrusive, and to have likewise an unreasonable effect on existing privacy and amenity
- 4.3.8 Lack of disabled access to the building is raised. Objectors consider their dwellings likely to have been devalued and complain their view has been lost. The development is stated as having detrimentally affected wildlife interests.
- 4.3.9 As noted above the applicant has struggled to provide an accurate set of plans to support the application, and this has caused huge contention and reaction during the course of the application and the various consultation exercises based on those plans, with consultees variously demanding the process be brought to quick conclusion, and be extended, that this had been purposefully manipulated by both the applicant, and the Council through its website to the detriment of neighbours. The validity of the application has been questioned, the accuracy of the Design & Access Statement criticised, requests for the Council to survey and produce

proposed plans received or commission a full independent survey, along with criticism of the wording of the Stop Notice, the timing of the Stop Notice. Objectors have sought to retrospectively object to the previous approval, claiming an objection to it was not taken into account, that the consultation exercise was not handled correctly, that Policy and advice was ignored and that Maladministration and Professional incompetence has been a feature of both that and the current application, with differences between the ground levels shown on different schemes a particular point, albeit some admit to being happy to accept the plans at the time, and not investigating the proposals fully.

- 4.3.10 Objectors have struggled with the submitted scale plans, and the lack of annotated dimension on them, and have complained vociferously on the accuracy and lack of consistency of the various sets of submitted plans.
- 4.3.11 The standard letter sent by 44no. residents is not framed as a specific objection, the three line message raising 'concern' that 'issues have been raised', stating the correspondent is 'keen to preserve the character of the area'.
- 4.3.12 The objection from the MP asks the Council to agree that it is unacceptable for developers to modify approved plans and ignore the conditions of their approval, nor allow them to 'get away with it' through retrospective approval, asking the Committee to 'send a message' to developers. The lack of objection to the original scheme is evidenced as demonstration that all parties were broadly supportive of that development, however the current building is considered to differ significantly from that approval. The MP's main objection to the building is the proposed design of the asymmetrical roof, which is out of character with surrounding buildings, and therefore contrary to Policy Q8. The property has been stretched in height and length, 25% on the main roof (5.25m high increased to 6.5m), 19% above the two storey wing (4.8m to 5.7m) and is 5% longer than approved (13.8m to 14.5m), with the problems exacerbated by the removal of the previous screening lleylandii hedge – a replacement hedge is considered an essential condition. The overall development is considered to have become visually fragmented as plot-build – an eventuality the original report sought to avoid.

4.4 APPLICANTS STATEMENT:

- 4.4.1 The applicant has submitted a Design and Access Statement describing the site and it's environs, and its proximity to transport nodes. The development is described as on traditional lines with brick and tile-hung elevations, scaled to match surrounding residences. Principal rooms are orientated to the rear of the property and windows have been sited to take account of neighbour privacy and amenity standards.

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=11/00235/FPA>

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 5.1 **The main issues for consideration are background to the development, principle of the development, size, scale and design, residential amenity and drainage.**
- 5.2 **Background**
- 5.2.1 This application relates to plot 4 of a plot-build development formerly occupied by the Rookstone and Milford nursing homes, now named 'Bishopgate'. The dwelling

was one of three houses on the rear part of the site approved in detail – the three properties on the roadside, and one in the centre of the land approved in ‘outline’, requiring the further submission of details through formal application before implementation (no reserved matters applications for these plots has of yet been received). The approved dwelling was to be 19.7m long, 7.7m high to its main ridge, with a single storey integral garage to the front, and a small single storey offshot, 2.5m wide on it’s western elevation. Main living room windows would face south, towards existing residential property in The Grove, with only high obscured service windows on the west elevation, facing the rear of dwellings in Fieldhouse Lane.

5.2.2 The dwelling was begun construction before the full discharge of conditions – noting that some of the conditions imposed on the host approval related to the individual plots, some to that overall site. With a private firm engaged to assess the Building Regulations application, Officers were not aware construction had commenced until informed by neighbours, and given the kit-build nature of the development, the mass of the building was already in evidence, and significant variations from the approval were apparent. The removal of an additional storey above the garage, and additional windows facing Fieldhouse Lane was immediately agreed and implemented within days, and discussions over the remaining variations were held on the basis that a planning application to allow the Council as Local Planning Authority, and surrounding residents the opportunity to formally assess the implications of the scheme. There is a difference between the scheme as built and as proposed, in that the main roof – originally proposed as fully hipped, constructed as gabled, and at a steeper pitch, to allow for an extra floor of accommodation – is proposed hipped at its western end, and remaining a gable at the elevation facing the adjacent Bishopgate building plot. The raise in pitch has resulted in a higher ridge-line, with all elements of the building higher than approved by different degrees, and a slight increase in length. The building is 9.5m high – an increase in roof height of 1.8m. Whilst it was originally stated that this was mitigated by the dwelling being erected lower than approved, on survey in later plans, this has proved not to be the case.

5.2.3 The current application needs to be assessed in its own right, on its own merits against the development plan – the City of Durham Local Plan, 2004. Officers advise that this decision must however give a high degree of material weight to the applicant’s ‘fall-back’ position, in other words the fact that the Council has already approved a large dwelling on the site, and this approval could still be implemented.

5.3 Principle of Development

5.3.1 The principle of development on the site, on ‘windfall’ previously developed land is generally accepted, as covered by policy H2 of the Development Plan. The site is suitable for residential accommodation, and the planning approval in 2009 for the wider site considered and accepted this principal and examined the more detailed and subjective policies that address requirements for setting separation distances, assessing scale and character, along with highways and drainage issues. There have been no material changes to either the site or the Policy context since that approval that would lead to an alternate assessment of the issue of principle.

5.3.2 With a planning application in preparation, the developer promised to cease site works, however despite various assurances low-level internal works continued over and above those agreed to make the site safe and secure, leading to an eventual Stop Notice. These on-going works however inflamed neighbours, who reported multiple instances of on-going works many of which were attributable to builders on the other plots – to subsequently exacerbate the situation a series of plans were submitted to the Council, and sent out quickly for consultation with errors on them, in

response to public demands for information, and much of the correspondence received – and it has been extensive – actually relates to dispute over process and procedures.

5.4 Size, Scale and Design of the proposed dwelling

- 5.4.1 The new dwelling is 9.5m high and 21m long. Set 1.37m from the boundary with Fieldhouse Lane, at its closest point, the main two storey side elevation of the building is 2.5m further removed from the boundary separated by the single storey side extension. The building is no wider, or nearer the boundary than originally approved. With the nearest facing dwelling some 27m distant from the boundary, the relationship generously exceeds the guidelines set out in the supporting text for Policy Q8 in the Local Plan, which requires 13m between a two storey gable facing living-room windows, or 21m between facing two storey main habitable rooms, that separation being over 30m.
- 5.4.2 The hipped roof on this elevation was negotiated by Officers for a number of reasons. In the first instance it reduces the physical mass of the building, and takes away the potential for overlooking to the properties and gardens in Fieldhouse Lane, bringing the effect on those properties far closer to the relationship already accepted and approved. With a separation of over 3m between the hipped roof and the boundary, the potential for injury from snow on the roof is considered unlikely. It should be noted that the visual effect of the dwelling is emphasised at present with the scaffolding, exposed frame and insulation having a far greater visual effect than would be the case when the building is finished. The second effect of the hipped roof is to lessen the visual effect of the roof where visible across the roofs of Fieldhouse Lane, when the site is approached from the A167. At present, and again allowing for the part finished appearance, the site is obtrusive from this approach. The hip would overcome problem. Alleged concerns relating to potential harm from roof snow, considered against the +3m distance between the main roof and the boundary is not considered reasonable.
- 5.4.3 Much has been made of the asymmetrical appearance of the building that would result from the roof shape now proposed. In reality, once the whole scheme at Bishopgate is implemented the house will not be visible in the general public domain, the original consent envisaging that the road-fronting properties having a high degree of design commonality, with those to the rear of the site having a greater design freedom – those frontage houses screening those to the rear to a high degree. The application is being assessed on the basis of the submitted plans, however the front of the new dwelling in particular will never be viewed as drawn in bare elevation – the projecting two storey front wing will mask the hip when viewed from North End (the road) and from within the site – the asymmetrical roof will only be visible in full elevation from properties to the rear, in The Grove, where the new dwelling would be viewed through the existing mature trees. It is Officer's opinion that once the whole development is completed, and taking into account the actual viewpoints of the proposed dwelling, the asymmetrical appearance of the house would not be obtrusively apparent, and would help mitigate the effect of the increased height of the dwelling on the occupants of surrounding property. The use of appropriate materials will help assimilate the new dwelling into the mature residential environment, aided in this location eventually by weathering and verdigris from the nearby trees. As the adjacent plots near completion, the scale they set shows the application building to be in reasonable proportion to them. When the frontage of the site is developed they will recede further from the public domain, whilst meeting an identified need for executive housing in Durham City, extending the range of residential stock available in the area. The issues of residential amenity and scale and character requiring assessment against Policies H2, H13 and Q8

have been assessed in detail above, and taking into account the fall-back position of the existent consent and the high degree of weight that must be given to it, and it is considered a sustainable refusal could not be upheld.

5.5 Residential Amenity

5.5.1 The rearranged fenestration on the proposed south elevation is not considered to have materially greater effect on facing properties than that previously approved, but in mitigation of the perceived problems a condition for the provision of hedging on both this, and the western boundary with Fieldhouse Lane, as suggested by the MP, and as required on the previous approval, will be repeated, noting that on previous schemes different residents had suggested both retention and removal of the oversized conifer hedge previously existent on the west boundary.

5.5.2 The effect of the proposals in terms of residential amenity and privacy has been raised in relation to properties in The Grove. Ordnance Survey plans show the two properties affected in The Grove as having gardens extending over 20m from the original main dwellings – noting that large single storey extensions have lessened this dimension. The distance from the new dwelling as built on plot 4 to the rear boundary varies from 7.6m to 10.8m. Therefore, even if the new dwelling is set at a higher level, and could be argued to demand a greater degree of separation, the required separation distances are exceeded. The development is higher density than much of the surrounding area, reflecting the accepted principal of modern development making the most efficient use of land – particularly brownfield land. Policy H13 states ‘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’ – the word significant being critical. Given the separation distances, again it is considered that a sustainable refusal reason could not be constructed on this point. The specific suggestion that the new gable window in the east elevation would have an unreasonable effect on 2 The Grove is not considered a sustainable objection for reasonable refusal.

5.6 Drainage

5.6.1 The standard approach to drainage issues is a consultation with the statutory undertaker – Northumbrian Water, whose requirements for alterations to the sewer related to the overall site, and have been confirmed by the original architect as having been undertaken to that organisation’s requirements as part of the conditions discharged on the wider site. A condition to require the developer of this individual plot to further provide the detail of a specific scheme to show rainwater disposal is proposed attached to any approval. Objectors have provided some historical evidence of flash flooding problems on the roadway to the front of the site only.

5.7 Other Issues

5.7.1 Disabled access to the property has been raised as an issue. The new dwelling will be required to meet access standards both in terms of door widths and ramped access through the Building Regulations.

5.7.2 Officers concur with the sentiment of the objection from the MP which asks the Council to agree that it is unacceptable for developers to modify approved plans and ignore the conditions of their approval. However the enforcement regime in planning is not designed to be punitive or to make examples of developers who have deviated from approvals. The developer agreed to remove significant elements of unauthorised works and to submit a planning application to allow the scheme, with

amendments to be formally considered by the Council and surrounding residents. When internal works continued, the Council served a Stop Notice, and the developer has subsequently respected this, during its course and after it has lapsed. Officers consider their approach to enforcement consistent with advice set out in PPG18, as reasonable and proportionate. The figures upon which the MP has based comparison between the approved and proposed schemes are not recognised.

- 5.7.3 Issues relating to highways and protected species have not been affected by this specific proposal, and the concerns raised relating to trees relate to the wider site – and have been dealt with through separate formal application under the TPO regulations. The Policy implications of T1, T10 and E14 are considered acceptable, and consistent with the previous approval. A condition to prescribe working hours is suggested to clarify times at which building operations may proceed on site, in the interests of residential amenity. Further conditions are proposed to remove ‘permitted development rights’, to prevent further development of the site, however small scale, without further Council control, given the contention of the proposals to date.

6.0 CONCLUSION

- 6.1 The application has been considered in its effect on the privacy and amenity of the existing surrounding residents and found compliant with the required separation distances, taking into account the site levels apparent on site. The more subjective area of scale and character has been assessed both in relation to the specific scheme proposed, and with acknowledgement of the fallback position resulting from the existing approval.
- 6.2 Issues of drainage, public safety, disabled access and parking have all be discussed and found acceptable or capable of being addressed by condition.
- 6.3 The views of an extensive campaign of public opposition to the proposal, both in terms of specific concerns relevant to the scheme, and a desire to set a precedent have been summarized, and given due weight in reaching a conclusion. It is however Officer’s opinion that the proposed house in its modified form will be acceptable, the application is recommended accordingly.

7.0 RECOMMENDATION

- 7.1 **That the application be APPROVED subject to the following conditions;**
- 7.1.1 The development hereby approved shall be carried out in strict accordance with the following approved plans: Site Layout Plan 2c, Ground Floor Plan 3, First Floor Plan 4, Attic Plan 5, Elevations 6, Elevations 7, As-built Survey 01 – all date stamped 12 May 2011.
- 7.1.2 Notwithstanding any details of materials submitted with the application, before any further operational development work is undertaken on plot 4 Bishopgate a specification of the external walling, rainwater goods and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.
- 7.1.3 The glass to be used in the first floor west boundary elevation shall be obscurely glazed to Pilkinton minimum privacy level 3, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the obscure glass shall remain in

place.

- 7.1.4 Notwithstanding the provisions of Part 1, Classes A, D, E, and Part 2, Class A the Town and Country Planning (General Permitted Development) Order 2008 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, extensions, sheds, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling.
- 7.1.5 Notwithstanding any details submitted with the application within one month of further operational development work being undertaken on Plot 4 Bishopgate, details of all the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment must include provision of fencing and hedging on the western boundary of the site with Fieldhouse Lane, with details of its specification, maintenance, timetable and replacement if any element of it should fail within five years of it being planted/erected. The boundary treatments shall be implemented and maintained in full accordance with the approved details.
- 7.1.6 Notwithstanding the details shown on the approved plans, prior to any further operational development work being undertaken on plot 4 Bishopgate precise details of all new fenestration, glazing, reveals, heads and cills shall be submitted to, and approved in writing by the Local Planning Authority, with the scheme subsequently implemented in full accord with said approval.
- 7.1.7 No building operations shall be carried out on plot 4 Bishopgate before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays, not at any time on Sundays, Bank Holidays and Public Holidays.
- 7.1.8 Before any further operational development work is undertaken on plot 4 Bishopgate a scheme for the provision of surface water drainage works must be submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and any timetable agreed.

8.0 REASONS FOR THE DECISION

- 8.1 The proposals have been considered against Policies H2, H13, Q8, T1, T10, E14, of the Council as Local Planning Authority, and are found acceptable in principal, with time limit issues able to be addressed by imposition of an appropriate condition.
- 8.2 This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.
- 8.3 In particular the development was considered acceptable having regard to consideration of issues of Residential amenity, scale and character, and the development of Brownfield land.
- 8.4 Objections received were fully considered and balanced but did not lead to a decision weighted towards a refusal, the report assessing those objections pertinent to the specific proposals, giving appropriate weight to criticism of previously approved schemes, and separating wider issues relating to process and performance.

9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans, and amended plans.

Design and Access Statement

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

City of Durham Local Plan 2004


Planning Policy Statements / Guidance, PPS1 & PPS3

Public Consultation Responses

Response from MP

For reference purposes only. No further copies may be made.



 Planning Services	4/11/00235/FPA	
	Plot 4 Bishopgate, Former Rookstone Nursing Home, 48 North End, Durham DH1 4LW	
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	Date	07 July 2011

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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION No:	4/11/00289/FPA
FULL APPLICATION DESCRIPTION:	Substitution of house types on 13 no plots and amendments to layout including removal of 2 no units and formation of access road
NAME OF APPLICANT:	Dunelm Homes
ADDRESS:	Land at Former Cape Asbestos Works Durham Road Bowburn Durham DH6 5NG
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application relates to one section of the larger former Cape Asbestos Works Site located off Durham Road in Bowburn. The former Cape Asbestos Works site is designated within the Local Plan for industrial uses, however planning permission was gained in outline for a mixed use of residential and employment development following an appeal in 2007. The wider Cape Asbestos Works site of which this application forms part of, is currently in the process of redevelopment.
- 1.1.2. The site lies within the settlement boundary of Bowburn and lies at the northern end of the village and just to the north of existing industrial uses at the Bowburn North Industrial Estate. The site is accessed via Durham Road, the main thoroughfare through Bowburn. Aside from the Cape Asbestos Works redevelopment site, the residential core of Bowburn is located to the opposite side of Durham Road to the west. The site is located within close proximity to junction 61 of the A1(M) which is located at the southern tip of Bowburn.

1.2. PROPOSAL

- 1.2.1. This full planning application effectively seeks amendments to previously approved schemes on the former Cape Asbestos Works site seeking to reduce the number of dwellinghouses in this particular part of the wider site from 15 no. to 13 no. together with changes to house types and the provision a new access road to the south.
- 1.2.2. This proposal would result in a revised layout comprising of 3 no. highly sustainable 4 bed Climat Hus house types, 4 no. other 4 bed detached dwellings, 6 no. 2 and 3

bed terraced properties and associated garaging and parking spaces. The total number of Climat Hus house types would be reduced from the last approved 7 no. No affordable housing is proposed within this particular section of the wider Cape Asbestos Works site though elsewhere affordable homes have already been built on the site with more proposed in the future.

- 1.2.3. Also proposed is a new access road adjacent to plot 40 in the south of the site which would provide a possible link to future development on the Bowburn North Industrial Estate.
- 1.2.4. This proposal is being reported to Committee due to the nature of the development being a major residential development of over 10 no. dwellinghouses.

2.0 PLANNING HISTORY

- 2.1. In 2002 planning permission was refused for a residential development in outline on the former Cape Asbestos Works site. In 2007, at appeal, planning permission was granted in outline for a mixed development of residential and employment uses.
- 2.2. Since the grant of planning permission in outline, reserved matters applications have been approved in 2009 granting permission for 121 no. dwellinghouses (Dunelm Homes) and in 2010 a development of 62 no. dwellinghouses was approved (Taylor Wimpey). A further reserved matters application for the erection of 10 no. dwellings was approved in 2010 (Dunelm Homes).
- 2.3. Planning permission has also been granted for the substitution of house types in 2010, variation of condition 6 of the 2007 outline approval to allow for phased highway infrastructure improvements and variation of condition 10 of the 2007 outline approval to allow the construction of 150 dwellings prior to completion of highways and drainage infrastructure works for the employment site.

3.0 PLANNING POLICY

3.1. NATIONAL POLICY

- 3.1.1. **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 3.1.2. **Planning Policy Statement 3: Housing** underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 3.1.3. **Planning Policy Statement 9: Biodiversity and Geological Conservation** sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
- 3.1.4. **Planning Policy Guidance Note 13: Transport** seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

- 3.1.5. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
- 3.1.6. **Planning Policy Statement 23: Planning and Pollution Control** this statement and the advice in the accompanying Annexes (Annex 1: Pollution Control, Air and Water Quality and Annex 2: Development on Land Affected by Contamination) should be taken into account by Regional Planning Bodies (RPBs) and Local Planning Authorities (LPAs) in preparing Regional Spatial Strategies (RSSs) and Local Development Documents (LDDs) - referred to in this Statement as "development plans".

3.2. REGIONAL POLICY

- 3.2.1. **The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)** July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
- 3.2.2. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. **Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS.** Policies of particular relevance to these applications include the following:
- 3.2.3. **Policy 2: Sustainable Development** planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
- 3.2.4. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.5. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.6. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.2.7. **Policy 38: Sustainable Construction** to ensure layouts and design of new development minimise energy consumption and encourage energy efficiency techniques as well as renewable energy provision.

3.3. LOCAL PLAN POLICY

- 3.3.1. **Policy H3: New Housing Development within the Villages** allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
- 3.3.2. **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.
- 3.3.3. **Policy EMP5: Prestige Industrial Sites – General** states that on designated prestige industrial sites business uses and general industry uses will be permitted provided that there is no detrimental effect on the environment, the amenity of neighbouring occupiers and the development of neighbouring areas. High standards of design and landscape will also be required.
- 3.3.4. **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.
- 3.3.5. **Policy R2: Provision of Open Space – New Residential Development** states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
- 3.3.6. **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.
- 3.3.7. **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.
- 3.3.8. **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.
- 3.3.9. **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.
- 3.3.10. **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.

3.3.11. **Policy U14: Energy Conservation – General** states that the energy efficient materials and construction techniques will be encouraged.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1. STATUTORY RESPONSES:

4.1.1. The Highway Authority have commented on the application and the development already has an approved road layout and access from the A177, this proposal involves a substitution of house types and no objections are raised to this. No objections are raised to the proposed formation of access road to the south which may be used at a later date, however, it is expected that any major residential development would be served by the existing estate road but the second access would provide some flexibility. It is unlikely that the proposed access to south would be adopted in its entirety until such a time as further development proceeds.

4.1.2. Cassop Cum Quarrington Parish Council submitted initial comments raising no objections to the development. However, a second letter of representation was received following consideration of the proposed formation of access and objections are raised to this. There are concerns raised that the formation of an additional access would pave the way for future housing development which the Parish are opposed to.

4.1.3. Officers held conversations with Northumbrian Water to gain their input. Officers queried the stage at which the improvements to the Bowburn Sewerage Treatment Works are at and Northumbrian Water officers stated that the improvements were underway and that no objections are raised to this development.

4.2. INTERNAL CONSULTEE RESPONSES:

4.2.1. None

4.3. PUBLIC RESPONSES:

4.3.1. None

4.4. APPLICANTS STATEMENT:

4.4.1. The application has been accompanied by a design and access statement within which it is considered that these revisions still accord with the masterplan for the redevelopment of the former Cape Asbestos Works site. There are considered to be no planning policy objections to the proposal which is a substitution of house types of a previously approved development.

4.4.2. The proposal is considered to maintain a form of design in keeping with the rest of the site whilst the amenity of existing occupiers and those of the future development would be maintained.

4.4.3. The primary access from the A177 is retained but a future possible link to the commercial premises (Henderson door site) is also proposed.

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LJL4ILBN02000

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

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 5.1. The main planning considerations relating to this application are the principle of development, the impact upon the visual amenity of the area, impact upon the amenity of adjacent and nearby occupiers, highway safety, contaminated land issues, provision of open space, sustainability and energy conservation and the drainage infrastructure.
- 5.2. Principle of the Development
- 5.3. The land to which the application relates is the former Cape Asbestos Works and is designated within the Local Plan (adopted 2004) as industrial land. However, following an appeal of a refused outline planning application in 2007 planning permission was granted for a mixed use development including residential development. Since this time several reserved matters and full planning applications have been approved and the site has already been partially developed as a residential estate.
- 5.4. In addition this application, although a full planning application, effectively seeks a revised layout and substitution of house types on a part of the site which has previously been granted planning permission. This application and associated site forms just a part of larger residential development and as a result the principle of this application is considered acceptable.
- 5.5. Impact upon Visual Amenity
- 5.6. This development would result in a reduction of 2 no. dwellinghouses in this particular section of the wider site. The proposal would retain some Climat Hus house types - contemporary designed and highly sustainable dwellings. These dwellings have been previously approved at the Cape site. Similarly the revised layout retains the Guildford, Ely, York and Ripon house types which have also been previously approved.
- 5.7. New house types are proposed in the form of the relatively large detached Shrewsbury and Chichester. These properties are architecturally similar to other house types approved previously at the site namely the Salisbury, Hornbeam and Guildford. It is considered that the revised layout and substitution of house types would very much integrate into the existing site and surrounding approved plots.
- 5.8. In the wider context, this particular application site is some distance from the main thoroughfare through Bowburn, Durham Road which runs parallel to the site and will in the main only be viewed once within the wider residential estate being developed at the Cape site.
- 5.9. A materials schedule has been supplied providing details of the external finishes of the dwellings proposed which are to match those which have been approved and constructed on the site previously. This is considered to be appropriate.

- 5.10. A revised and detailed landscaping scheme has not been submitted. A condition can be attached to any approval requiring the submission of further details with regards to both hard and soft landscaping.
- 5.11. The impact of the revised layout and substitution of house types is considered acceptable with no harm caused to the visual amenity of the area in accordance with Policies Q8, Q5 and H13 of the City of Durham Local Plan.
- 5.12. Impact upon Residential Amenity
- 5.13. The revised layout and substitution of house types raises no concerns with regards to residential amenity. This particular application site is located a significant distance from established residential areas within Bowburn. The key issue therefore is ensuring that the relationships between the dwellings within the Cape site itself are acceptable. Separation distances between dwellings are comparable with the previously agreed layouts.
- 5.14. Plots 63 through to 69 would benefit from particularly good separation distances to other dwellings to their front and rear. Plots 59 through to 61 have a separation distance of 12m to the gable elevation of plot 58 and similarly 12m exists from the gable of plot 42 to the bungalow at plot 43. This is marginally less than the 13m recommended within Policy Q8, however, it is identical to the previously agreed schemes in this part of the Cape site.
- 5.15. The properties are orientated and designed with the location of windows and rooms arranged so as to avoid problems of overlooking or loss of privacy from windows located at too close proximity. Building lines are arranged so as to avoid some dwellings being sited significantly behind or in front of others at close proximity which can result in a loss of light or outlook.
- 5.16. The development is therefore considered to retain adequate privacy and amenity for existing and proposed occupiers in accordance with Policies Q8 and H13 of the Local Plan.
- 5.17. Highways Issues
- 5.18. The development subject to this application would be served by an existing access taken from the A177 Durham Road previously approved for the Cape site. The Highway Authority have been consulted on the application and no objections are raised to the development with regards to the impacts of the substitution of house types, revised layout or the related garaging and parking arrangements.
- 5.19. The application proposes a new access road to the south towards the existing Hendersons door site at Bowburn North Industrial Estate. This has been included within the application to provide a possible route through to a future development. The Highway Authority have raised no objection to the formation of this new access however, it is expected that any major residential development would be served by the existing estate road but the second access would provide some flexibility. The Highway Authority have also stated that it is unlikely that the proposed access to south would be adopted in its entirety until such a time as further development proceeds.
- 5.20. As a result officers raise no objections to the development on the grounds of highway safety with the proposal considered to accord with Policy T1 of the Local Plan.
- 5.21. Land Contamination

- 5.22. The application site forms part of a former asbestos works with related contamination issues. As part of the original planning permission for the entirety of the site in 2007 a condition was placed on the approval requiring investigation into and mitigation measures to avoid risk to the public. Such investigative and remediation works were undertaken and this condition has previously been discharged as part of the original consent.
- 5.23. As a result officers consider that the issue of the land contamination at the site has been resolved with no further measures or conditions required with regards to this proposal.
- 5.24. Open/Recreational Space
- 5.25. The application seeks planning permission for 13 no. dwellinghouses. Policy R2 of the Local Plan requires open space provision on residential developments of 10 or more dwellings. In this instance, however, this application essentially seeks revisions only to the layout and house types of a previously approved development. Within this particular application site public open space is not being proposed. However, adjacent to the application site and as part and parcel of the wider residential development such open space is being provided as approved within previous applications.
- 5.26. With revisions to house types and layout only and an actual reduction in the number of proposed dwellings from 15 to 13 in this part of the site no additional open space provision or contributions are considered necessary.
- 5.27. Drainage
- 5.28. Within the previously approved applications at the Cape site it has been necessary for conditions to be attached to approvals to resolve the means of disposal of sewerage from the development due to the Bowburn Sewage Works being at capacity.
- 5.29. However, improvements and expansion to the capacity at the Bowburn Sewage Works are currently being undertaken. Discussions have been held with officers at Northumbrian Water and as a result of these ongoing improvements Northumbrian Water have raised no objections to the development.
- 5.30. Sustainability and Energy Conservation
- 5.31. Policy 38 of the RSS seeks to ensure that on major residential developments that at least 10% of their energy supply comes from decentralised and renewable or low carbon sources. Similarly the Council has its own guidance note which seeks the same target and Policy U14 of the Local Plan seeks to encourage energy conservation in new development.
- 5.32. Within the previously approved layouts, this development achieved and exceeded these requirements with all dwellings designed to achieve at least a 10% carbon reduction with some designed to achieve 25% reduction and 44% reduction. It is fully expected that a similar minimisation in carbon emissions can be achieved through this development. No details, however, have been submitted demonstrating this and as a result a condition can be attached to any approval requiring the submission of details.
- 5.33. Other Issues

- 5.34. Within the wider Cape Asbestos Works site previous planning applications have required the provision of affordable housing and indeed many units have already been constructed. None of the dwellinghouses to which this application seeks substitution were previously identified as affordable and likewise none are identified within this proposal with all affordable homes being provided elsewhere on the wider site. In addition this application seeks planning permission for the erection of a total of 13 no. dwellings. PPS3 advises that affordable housing should be provided on sites 15 or more dwellings and Local Plan Policy H12 stipulates that affordable housing is required on sites of 25 or more dwellings. This particular development reaches neither of the thresholds.
- 5.35. Cassop cum Quarrington Parish Council have raised significant concerns within comments issued in relation to the application. The concern relates to the potential for future residential development at the adjoining site as a result of the proposed formation of an access road.
- 5.36. Ultimately officers consider that at this stage only the development being proposed can be considered which takes the form of a revised layout, substitution of house types and a previously approved parking court adjacent to plot 38 becoming a 5.5m wide road. This application is not proposing any residential development on the Henderson door site to the south and officers do not consider that any objections can be raised on this application with regards to this.
- 5.37. If a future development proposal seeks residential development on this adjacent site, at that stage the Local Planning Authority must form a view as to its acceptability. At this stage and within this application merely a possible access road is being proposed which in visual, highway safety and impact terms is not significantly different from a previously approved court. As a result officers do not consider that strong objection can be raised to the proposed access to the south of the site.

6.0 CONCLUSION

- 6.1. This proposal effectively seeks a revised layout to a previously approved development with the substitution of house types and removal of 2 no. dwellings and formation of an access road. The site forms part of a much larger residential development originally gaining planning permission in 2007.
- 6.2. In the context of the whole redevelopment scheme being undertaken at the Cape site, the revisions proposed within this development are modest. The development will remain acceptable in terms of visual impact, impact upon existing and prospective occupiers and highway safety.
- 6.3. The proposed additional access in the southern end of the site in its own right poses no harm and any future development which said access may serve would require full assessment if and when submitted.
- 6.4. In conclusion the development is considered to accord with relevant Development Plan policies with no objections raised on any other material planning grounds.

7.0 RECOMMENDATION

That the application be APPROVED subject to the following conditions;

7.1. 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.

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

Layout vers 11 Rev A received 20th June 2011
303-ED-01 Rev B received 13th April 2011
303-ED-02 received 13th April 2011
Climat Hus Type J floorplans received 13th April 2011
Climat Hus Type J elevations received 13th April 2011
Plot 67-10 ground floor plan received 13th April 2011
Plot 67-20 first floor plan received 13th April 2011
Plot 67-50 front elevation received 13th April 2011
Plot 67-51 rear elevation received 13th April 2011
Plot 67-52 side elevation 1 received 13th April 2011
Plot 67-53 side elevation 2 received 13th April 2011
303-GD-11 received 13th April 2011
SW-PL-01 received 13th April 2011
SW-PL-00 received 13th April 2011
CR-ArtS-00 received 13th April 2011
GU-Std-00 received 13th April 2011
EL-S-10 Rev A received 23rd June 2011
EL-S-20 Rev A received 23rd June 2011
EL-S-50 received 23rd June 2011
EL-S-52 Rev A received 23rd June 2011
EL-S-51 received 23rd June 2011
RI-S-10 received 23rd June 2011
RI-S-20 received 23rd June 2011
RI-S-50 received 23rd June 2011
RI-S-51 Rev A received 23rd June 2011
RI-S-52 received 23rd June 2011
YO-S-20 Rev A received 29th June 2011
YO-S-10 Rev A received 29th June 2011
YO-S-50 received 29th June 2011
YO-S-52 Rev A received 29th June 2011
YO-S-53 received 29th June 2011
YO-S-60 received 29th June 2011
YO-S-51 received 29th June 2011
YO-S-54 received 29th June 2011
YO-S-55 received 29th June 2011
303-GD-23 received 13th April 2011
303-GD-24 received 13th April 2011
Materials Specification and attachments received 20th June 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, T1, Q3, Q5, Q8, U8A and U14 of the City of Durham Local Plan 2004.

7.3. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan based details of the following: Details of hard and

soft landscaping including planting species, sizes, layout, densities, numbers. Seeded or turf areas, the establishment and maintenance regime. Any trees, hedges and shrubs planted shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area having regards to Policies Q8 and Q5 of the City of Durham Local Plan 2004.

- 7.4. All planting, seeding and turfing 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. 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 having regards to Policies Q8 and Q5 of the City of Durham Local Plan 2004.

- 7.5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity of the area having regards to Policies Q8 and Q3 of the City of Durham Local Plan 2004.

- 7.6. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Policy U14 of the City of Durham Local Plan 2004.

8.0 REASON FOR THE DECISION

- 8.1. The development is considered to accord with the aims of Policies 2, 7, 8, 24 and 38 of the RSS and Policies H3, H13, T1, Q8, Q3, Q5, U8A, U11 and U14 of the City of Durham Local Plan 2004
- 8.2. In particular the impact of the development upon visual amenity, residential amenity and highway safety was considered acceptable.
- 8.3. Objections have been raised with regards to the proposed additional access road serving future, unwanted residential development. However, under this application only the impact of the proposed access road can be taken into account, the acceptability of any future residential development that said access would serve would need to be considered when such a proposal was submitted for consideration.

9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans

Submitted Design and Access Statement

City of Durham Local Plan 2004

Regional Spatial Strategy

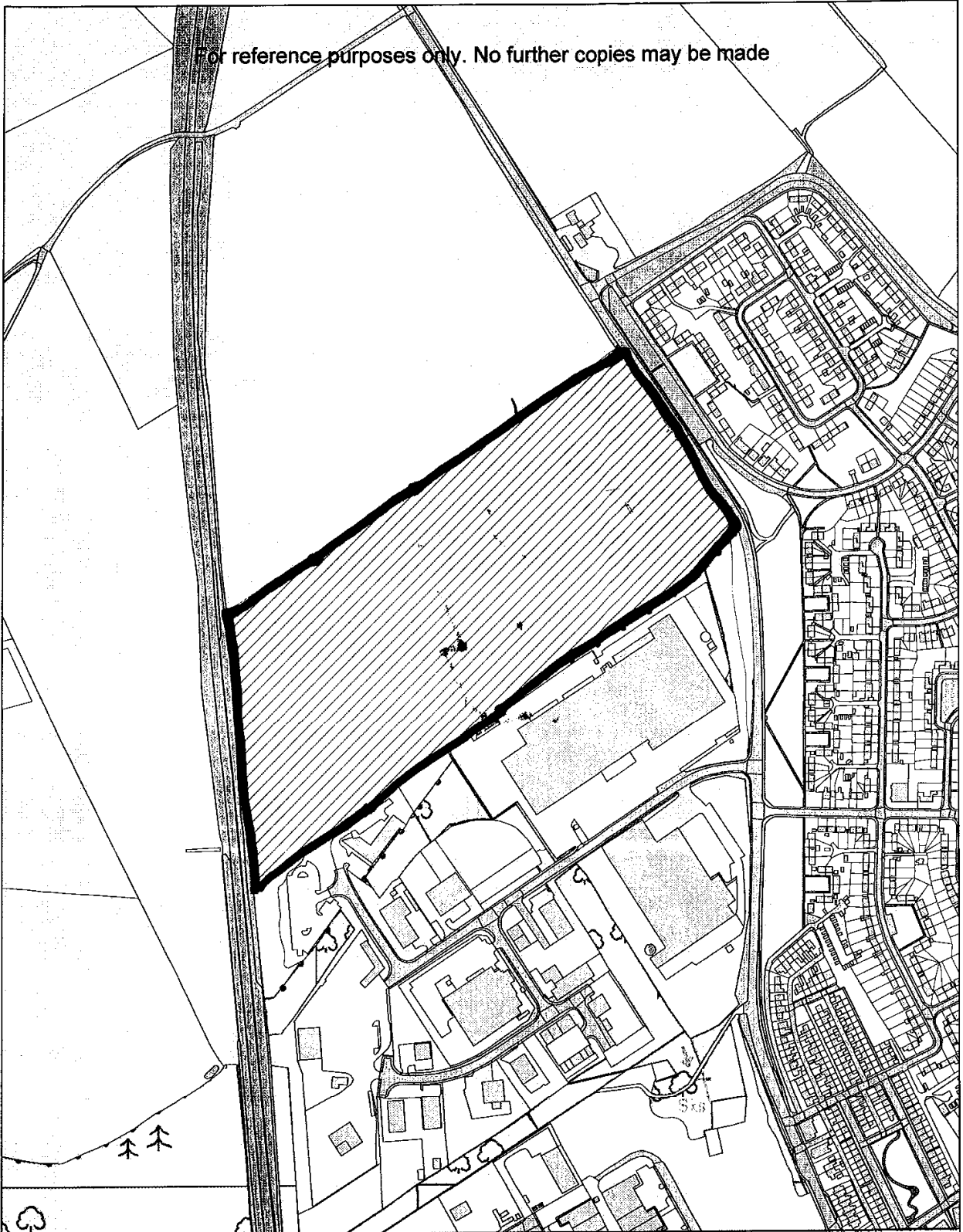
Planning Policy Statements 1, 3, 9 and 23 and Planning Policy Guidance Note 13

Responses from County Highway Authority and Northumbrian Water

Responses from Parish Council

Planning Circular 11/95

For reference purposes only. No further copies may be made



Planning Services

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4/11/00289/FPA

Land at Former Cape Asbestos Works, Durham
Road, Bowburn, Durham DH6 5NG

Comments

Date 07 July 2011

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COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION No:	4/11/00328/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey building housing 2 no. ground floor flats for holiday let accommodation and 2 no. first floor flats with associated parking and landscaping
NAME OF APPLICANT:	Mrs P Atkinson
ADDRESS:	The Masons Arms Bells Hill Road West Rainton Durham DH4 6SQ
ELECTORAL DIVISION:	
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application relates to land to the north east of the Masons Arms Public House. The land was formally a parking area and parcel of grassed land containing a line of immature trees. A two storey building is currently in the process of being erected on the site following the grant of planning permission in 2010 for a property housing a ground floor health clinic and two first floor flats.
- 1.1.2. The application site lies within the settlement boundary of West Rainton, a village located to the north east of Durham City. The immediate area around the application site is predominantly residential in nature but also contains commercial premises in the vicinity including the Masons Arms itself and a doctors' surgery.

1.2. PROPOSAL

- 1.2.1. This application is a resubmission of a previously approved application from 2010 seeking the erection of a two storey building with associated parking and landscaping.
- 1.2.2. Under the 2010 approval the ground floor of the premises would be utilised as a health clinic with the first floor providing two residential flats. Following this grant of planning permission and further agreement of the conditions pertaining to it and a non-material minor amendment to provide modified entrance, the development has commenced and the building is almost complete.

- 1.2.3. However, the applicant now seeks to vary the use of the premises, specifically the ground floor which this application seeks to accommodate 2 no. holiday lets.
- 1.2.4. This aside, the appearance of the building and the associated parking and landscape proposals remain as per the approved applications.
- 1.2.5. The application is being presented to Committee due to an objection being raised from the Parish Council.

2.0 PLANNING HISTORY

- 2.1. In 1982 planning permission was granted for a single storey extension to side, rear and front of The Masons Arms. In 2010 planning permission was granted for enclosed timber decking to the rear of The Masons Arms. Later that year planning permission was granted for the erection of detached building comprising health clinic to ground floor with 2 no. self contained apartments to first floor level together with associated parking and landscaping to which this current pending application relates.
- 2.2. Further approvals followed the grant of planning permission for the building in 2010 for a non-material minor amendment to adjust entrance arrangements and to discharge the conditions on the original planning permission.

3.0 PLANNING POLICY

3.1. NATIONAL POLICY

- 3.1.1. **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
- 3.1.2. **Planning Policy Statement 3: Housing** underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 3.1.3. **Planning Policy Statement 9: Biodiversity and Geological Conservation** sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
- 3.1.4. **Planning Policy Guidance Note 13: Transport** seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

- 3.1.5. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

3.2. REGIONAL POLICY

- 3.2.1. **The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)** July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
- 3.2.2. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS..Policies of particular relevance to these applications include the following:
- 3.2.3. **Policy 2: Sustainable Development** planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
- 3.2.4. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.5. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.6. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.2.7. **Policy 33: Biodiversity and Geodiversity** Strategies, plans and programmes, and planning proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
- 3.3. **LOCAL PLAN POLICY**
- 3.3.1. **Policy H3: New Housing Development within the Villages** allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
- 3.3.2. **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.
- 3.3.3. **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.
- 3.3.4. **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.

- 3.3.5. **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.
- 3.3.6. **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.
- 3.3.7. **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.
- 3.3.8. **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.
- 3.3.9. **Policy V6 Visitor Accommodation within Settlement Boundaries** states that new and extensions to existing visitor accommodation will be granted permission provided the development is appropriate to the scale and character of the area.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1. STATUTORY RESPONSES:

- 4.1.1. The Highway Authority have commented on the application and consider that the layout of the vehicular access and car park is suitable for the proposed use. Part of the car park for the public house would be occupied by the proposed apartments however, the larger part of the car park would remain in use and this is considered sufficient for the pub. The new footpath crossing will have to be constructed to Durham County Council specification under the terms of S.184(3) of the Highways Act 1980.
- 4.1.2. West Rainton and Leamside Parish Council have objected to the proposal as the original proposal for health clinic provided a welcomed business opportunity and would help to provide a range of services. This application is not in the spirit of that which originally gained planning permission. It is also considered that the development may lead to a further change of use in the future to residential use which is not in keeping with the village. The proposal creates an unnecessary and detrimental precedent for development within the village.

4.2. INTERNAL CONSULTEE RESPONSES:

4.2.1. None

4.3. PUBLIC RESPONSES:

- 4.3.1. One letter of representation has been received from a local resident raising objection to the size and design of the building being erected. It is stated that at the time of the original grant of planning permission the size and impact of the building was not fully appreciated and no objection was therefore raised. However, now the building is being constructed the local resident finds it difficult to understand how a building of such size which takes up land understood to be village green was allowed.

4.4. APPLICANTS STATEMENT:

- 4.4.1. The application has been accompanied by a design and access statement which considers that the development respects the surroundings and is also designed so as to meet modern space standards and disabled access arrangements. Parking is provided on site including a disabled space, cycle racks are also to be provided.

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

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx

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

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 5.1. The main planning considerations relating to this application are the principle of development, the impact upon the visual amenity of the area, impact upon the amenity of adjacent and nearby occupiers and highway safety.

5.2. Principle of the Development

- 5.3. This application is a revised and resubmitted proposal for a development which previously sought a ground floor health clinic and first floor flats. This proposal now seeks residential development only with that at ground floor to be holiday let accommodation.

- 5.4. Policy H3 of the Local Plan which relates to residential development within villages such as West Rainton does have a presumption in favour of previously developed land and development of greenfield sites is acceptable only in certain exceptional circumstances. PPS3 also has a preference for the development of previously developed land over greenfield land with a national annual target of 60% of new housing to be provided on previously developed land.

- 5.5. The building subject to the application and previous permission is almost complete and the site must now be considered previously developed land. Previously, part of the site was greenfield but through a combination of some of the site already being previously developed, the section of greenfield land not being considered of significant merit, the site being within a sustainable location and through the Local Plan Policy relating to new health clinics (Policy C2) not necessitating land is previously developed for their development, the principle of the development was accepted.

- 5.6. The Parish Council have objected to this application. No objections were raised to the previously approved application as the health clinic use was considered to provide a welcomed business opportunity and would help to provide a range of services in the village. This proposal is not considered to be in the spirit of the original and the development may lead to a further change of use in the future to residential use which is not in keeping with the village. The Parish Council consider that the proposal creates an unnecessary and detrimental precedent for development within the village.
- 5.7. Officers appreciate the view that the formerly proposed health clinic would provide a greater variety of development and service provision within the village. However, substantial objection to this development can only be raised if the development can be demonstrated to be contrary to Development Plan Policies or any other harm can be demonstrated on material planning grounds.
- 5.8. Despite the health clinic no longer forming part of the proposal, the application still represents residential development within a settlement boundary located on land which has been previously developed and sited in a location central to the village with easy access to a range of services, facilities and bus routes. As a result residential development at the site is considered to remain appropriate in principle.
- 5.9. Policy V6 of the Local Plan relates to new visitor accommodation within settlement boundaries and provided that there is no harm to the character of the area and that the development does not conflict with other policies in the Local Plan such developments will be accepted. The development, in part seeking to provide holiday let accommodation is considered to accord with the principles of this policy.
- 5.10. On balance officers do consider that development is acceptable in principle. The objection from the Parish that this development no longer provides that same level of beneficial community facility to the area that the original grant of the planning permission for a health clinic did is understandable. However, the development still results in the development of residential and holiday let accommodation located within a sustainable location, well related to existing facilities and services. As a result officers consider the principle of the development to be acceptable.
- 5.11. Impact upon Visual Amenity
- 5.12. The scale and design of the building subject to this application and currently being constructed on site has already been approved under the previous planning permission for the health clinic and 2 no. residential flats. Minor alterations to the entrance were agreed by way of a non-material minor amendment and the external materials to be used agreed via a discharge of condition application.
- 5.13. At the time officers consider that the building was appropriate in scale and character to the location and suitably integrated into the area.
- 5.14. One letter of objection has been received from a local resident considering that the design is inappropriate, that the building is excessively scaled, is out of place with its surroundings and uses up village green land.
- 5.15. The building subject to the application is a relatively large building, however, officers maintain that the design and impact is appropriate in the area. The building contains architectural features such as bays and half dormers to both add architectural interest and to help break up the massing of the building.

- 5.16. The architect has sought to pick up details from neighbouring traditional buildings using features such as water tabling and the use of stone heads and sills.
- 5.17. The building is set back from the street frontage which helps to ease the impact of the size of the building. Once the building is complete and the landscaping scheme integrated this will add greater maturity to the site.
- 5.18. The parcel of previously undeveloped land which the building sits upon was not designated as village green. In any event, a separate statutory regime exists for resolution of such issues. Accordingly, the alleged village green status of the land is not something which can be afforded weight in the assessment of the planning application. This parcel of land was a small grassed area containing immature trees adjacent to the public house and car park. In accordance with Policy E5A of the Local Plan the land is not considered to possess any significant environmental, functional or visual merit and therefore the development of this small section of a much larger area of open space is considered acceptable.
- 5.19. Overall officers consider that the design and visual impact of the development is acceptable and accords with the most relevant Local Plan Policies H13, Q5, Q8 and V6.
- 5.20. Impact upon Residential Amenity
- 5.21. The building subject to the application benefits from having open space located to one side and a commercial premises located to the other in the form of the public house itself.
- 5.22. Residential properties are located to the north on the opposite side of the road and to the south beyond an open space. In accordance with Policy Q8 of the Local Plan distances of at least 21m will remain from windows within the proposed building and those in neighbouring properties easing privacy concerns. In addition distances of 20m would remain from any point of the proposed building to neighbouring residential property easing concerns with regards to any loss of light, outlook or creation of an overbearing feature. No objections have been received raising concerns with regards to matters of residential amenity.
- 5.23. As a result the development is considered to accord with relevant Policies H13 and Q8 of the Local Plan.
- 5.24. Highways Issues
- 5.25. The Highway Authority have been consulted on the application and the proposed vehicular access and car park layout considered to be satisfactory.
- 5.26. The development does result in some use of parking available for the public house, however, it is considered that ample parking dedicated for the public house would remain and no objections are raised.
- 5.27. Officers concur with these views and the development is considered to cause no harm to highway safety in accordance with Policy T1 of the Local Plan.
- 5.28. Other Issues
- 5.29. Although the proposed development seeks the provision of 2 no. residential flats and 2 no. holiday lets as the application site is considered appropriate for residential

development officers do not deem it necessary to place a condition on any approval restricting occupancy of one or more persons to a specific number of weeks in the year. Such a condition is often necessary within a rural location where regular residential occupancy may be considered unacceptable in principle. In this instance, however, due to the sustainable location within which the accommodation is located adding such a condition would be considered to be unnecessary.

- 5.30. The previously approved application for the health clinic and flats was accompanied by a protected species report. This report found that the likelihood of harm of the development upon protected species was low and the Council's ecologist raised no objections. A condition was attached to that approval stating that the development should be undertaken in accordance with suggested mitigation measures. Within this application, as the development is largely complete the applicant has not resubmitted this report.
- 5.31. In this instance officers raise no objection to this given the findings of the report which considered the risk to protected species was low. The mitigation measures largely related to advice on at what periods to undertake works to trees and recommendations with regards to the landscaping scheme. With the trees removed from site now and with an appropriate landscaping scheme submitted with this application it is not considered necessary to attach any conditions with regards to protected species within this application or raise any objection to the applicant choosing not to resubmit the protected species report from the original planning application.

6.0 CONCLUSION

- 6.1. The two storey building subject to this application and associated car parking and landscaping has previously been approved under an approved application from 2010.
- 6.2. This resubmitted proposal no longer seeks planning permission for a ground floor health clinic and now proposes holiday lets. This has attracted objection from the Parish Council considering that this is no longer in the spirit of the original consent. However, officers consider that with the application site being located within a sustainable location well related to the existing built up areas of the village and services, the alternative use of the building proposed causes no demonstrable harm.
- 6.3. The impacts of the building upon visual amenity, residential amenity and highway safety are, as in 2010, considered to be acceptable.
- 6.4. The revised proposal is considered to accord with relevant Development Plan Policies and no objections are raised on other material planning grounds.

7.0 RECOMMENDATION

That the application be APPROVED subject to the following conditions;

- 7.1. The development hereby approved shall be carried out in strict accordance with the following approved plans.
8125/01
8125/05
8125/02

8125/03

8125/04 all received 4th May 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, E5A, E16, Q3, Q5, Q8, V6, T1 and U8a of the City of Durham Local Plan 2004.

- 7.2. All planting, seeding or turfing comprised within the submitted landscaping scheme on plan 8125/05 shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity having regards to Policies Q5 and Q8 of the City of Durham Local Plan 2004.

- 7.3. The development hereby approved shall not be brought into use until the footway crossing has been constructed to Durham County Council standards pursuant to S184 of the Highways Act 1980.

Reason; in the interests of highway safety under saved Policy T1 of the City of Durham Local Plan 2004.

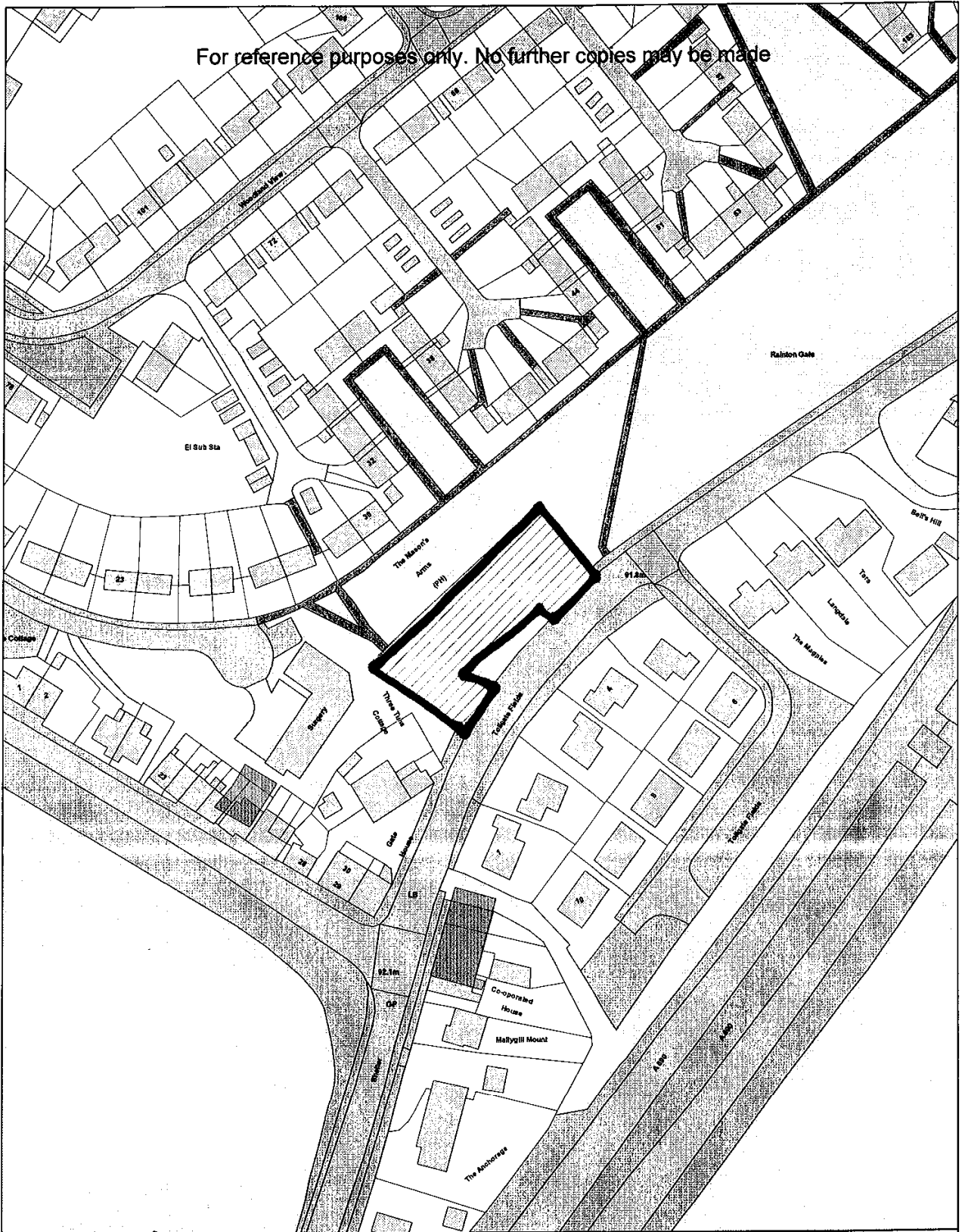
8.0 REASON FOR THE DECISION

- 8.1. The development is considered to accord with the aims of Policies 2, 7, 8, 24 and 33 of the RSS and Policies H3, H13, E5A, E16, Q3, Q5, Q8, T1, V6 and U8A of the City of Durham Local Plan 2004
- 8.2. In particular the principle of the development at the site and impact of the development upon visual amenity was considered acceptable.
- 8.3. Objections have been raised to the development due to the health clinic, formerly approved, no longer being sought and that the scale and design of the building is inappropriate. It is considered that the proposed residential and holiday let use remains appropriate in principle at the site with no conflict with the policies of the Development Plan and no demonstrable harm occurring with regards to other material planning considerations. The two storey building is identical to that previously approved and is considered to remain of a scale and design appropriate to the area.

9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statements 1, 3, 9 and Planning Policy Guidance Note 13
Responses from County Highway Authority

For reference purposes only. No further copies may be made



Planning Services

4/11/00328/FPA

The Masons Arms, Bells Hill Road, West
Rainton, Durham DH4 6SQ

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Comments

Date

07 July 2011

Scale

1:1250

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	4/11/00352/FPA
FULL APPLICATION DESCRIPTION:	Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding (resubmission) (Amended plans received 28/6/2011)
NAME OF APPLICANT	Stoneacre, Mr S Forweather
ADDRESS:	Stoneacre garage Sawmills Lane Brandon Durham DH7 8AB
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Sinead Turnbull Planning Officer tel: 0191 301 8745 e-mail: sinead.turnbull@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

1.1.1 The application site constitutes an area of grassed open space which fronts onto Sawmills Lane. At either side and to the rear of the open space is a car garage, where cars are both retailed and repaired. The application site also includes the land to the rear of the area of open space which is currently utilised by the garage. The inclusion of this land to the rear would allow the site to be constructively reconfigured.

1.1.2 There are a number of semi-mature trees within the site. Residential properties are sited opposite application site. Opposite the garage there are a number of parking bays which form part of the highway and are therefore available for use by anyone. The existing business has no formal parking for either staff or customers, as a result of this; a situation has arisen whereby both staff and customers are parking on the side of the road adjacent to the garage.

1.2. PROPOSAL

1.2.1 Planning permission is sought for the change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding. The open space would be combined with land to the rear which is currently utilised by the garage for storage/service/ MOT parking. Cars for sale would be brought to the front of the site while staff and customer parking along with parking bays for storage/service/MOT would be located to the rear of the site. The application also includes an area for loading and unloading of vehicles.

1.2.2. The breakdown of the proposed car parking on the application site would be as follows:

Table 1

	Type of parking bay	Number of spaces
	Staff	10
	Customer	11
	Storage/Service/MOT	38
	Car sales	48
Total		107

The above parking would be formally set out by the painting of parking bays onto the tarmac surfacing and the spaces would only be used for their designated purpose, this could be controlled by condition.

The parking as existing on the application site allows for the following number of spaces:

Table 2

	Type of parking bay	Number of spaces
	Staff	0
	Customer	0
	Storage/Sales/Service/MOT	70
Total		70

1.2.3. This application is being reported to planning committee at the request of the divisional Councillor for Brandon.

2.0 PLANNING HISTORY

- 2.1. 4/11/00565 Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding Withdrawn 1/3/2011.
- 2.2. 4/07/00894 Erection and display of internally illuminated totem sign Invalid Return.
- 2.3. 4/01/00933 Erection and display of internally illuminated pylon sign Approved 1/2/2002.

- 2.4. 4/99/00535 Erection and display of illuminated pylon sign and internally illuminated panel sign Approved 7/2/1999.
- 2.5. 4/97/00546 Erection and display of 1 no. externally illuminated fascia sign 1 no. free standing internally illuminated pylon sign 1 no. menu sign and 1 no. non illuminated directional sign Approved 28/11/1997.

3.0 PLANNING POLICY

3.1. NATIONAL POLICY

- 3.1.1. **Planning Policy Statement 1: (PPS1)** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the Planning System.
- 3.1.2. **Planning Policy Statement 4 (PPS4):** Planning for Sustainable Economic Growth sets out the Government's objectives for achieving sustainable economic growth. Local authorities are required to assess the existing and future supply of land available for economic development, ensuring that existing site allocations for economic development are reassessed. Site allocations should not be carried forward where there is no reasonable prospect of their take up. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered.
- 3.1.3. **Planning Policy Guidance 13 (PPG13):** Transport sets out the Government's objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. Local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.

3.2. REGIONAL POLICY

- 3.2.1 **The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)** July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
- 3.2.2 **Policy 4: The Sequential Approach to Development:** Sets out the prioritisation for site selection and directs development to the most sustainable locations.
- 3.2.3 **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.4 However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils.

3.3 LOCAL PLAN POLICY

- 3.3.1 **Policy E5A Open Spaces within Settlement Boundaries** Seeks to protect valuable open spaces which contribute to the character and amenity of the area.
- 3.3.2 **Policy E14: Protection of Existing Trees and Hedgerows** Seeks to protect trees and hedgerows which contribute to the character and quality of the area.
- 3.3.3 **Policy T1: Traffic Generation – General** Considers traffic generation of new development and resists development which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.
- 3.3.4 **Policy Q2: General Principles – Designing for Accessibility** Sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
- 3.3.5 **Policy Q3: External Parking Areas** Sets out the appropriate design criteria for external parking areas to minimise visual intrusion and environmental impact on the area.
- 3.3.6 **H13 Residential Areas – Impact Upon Character and Amenity** Seeks to protect the character, appearance and amenity of residential areas.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=6618>

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.2 STATUTORY RESPONSES:

- 4.2.1 **Durham County Council Highways** – This application addresses the overall parking on the site and provides space sufficient for a car transporter to load and offload and turn around. A plan has been submitted which allocates space for display vehicles, visitors, car sales and storage of vehicles awaiting service or MOT tests. The spaces have been reduced slightly to allow the transporter vehicle to turn around. I will require that these spaces are clearly marked and reserved for the various uses and that the applicant adheres to this plan. Subject to the above, I have no objection to this application.

Durham County Council Highways intends to introduce waiting restrictions onto Sawmills Lane and if this application is granted Durham County Council Highways may also consider a loading restriction on Sawmills Lane

Brandon and Byshottles Parish Council: Customer car parking should be at the front of the site otherwise there is concerns that customers may still park on the road. There is a small discrepancy in the plan key.

4.3 INTERNAL CONSULTEE RESPONSES:

- 4.3.1 **Durham County Council Environmental Health:** Has advised that any lighting should face in on the site.
- 4.3.2 **Durham County Council Planning policy:** No objections

4.4 PUBLIC RESPONSES:

- 4.4.1 The application has been advertised by a site notice and neighbour consultation letters. Fourteen objections have been received. At the time of writing this report the neighbour consultation period had not ended, however any additional comments received shall be reported at the planning committee. Below is a summary of the objections received.
- 4.4.2 For several years now we have had problems with staff, customers and delivery vehicles parked at the side of the road.
- 4.4.3 Danger to pedestrian and motorist's safety.
- 4.4.4 Scrapped and damaged cars on grass verges making the area unsightly and causing damage.
- 4.4.5 The change of use should only be for staff and customer parking, not to increase the sales area.
- 4.4.6 No details of lighting columns, may cause light pollution.
- 4.4.7 Plans show 9 staff parking spaces not 10.
- 4.4.8 Space has not been created for the off loading of vehicles.
- 4.4.9 The development will be unsightly.
- 4.4.10 The application does not go far enough to alleviate the problems caused by the garages staff and customers.
- 4.4.11 The business has reached full capacity and should move onto an industrial estate.
- 4.4.12 This is the only bit of green left on Sawmills Lane, it should remain.
- 4.4.13 The proposal would not create enough parking for staff and customers.
- 4.4.14 Problems with youths setting fire to cars and bins outside of the bodyshop.
- 4.4.15 Noise disturbance
- 4.4.16 Pollution
- 4.4.17 Stoneacre have taken over the lay-bys on Sawmills Lane.
- 4.4.18 They should move used cars they already have on the site to provide staff and customer parking.
- 4.4.19 Obtrusive in the street scene.

4.5 **APPLICANTS STATEMENT:**

- 4.5.1 This resubmission seeks to address the issues raised previously by providing a more comprehensive solution to the operation of the application site which addresses the fundamental concerns of local residents in relation to car parking on Sawmills Lane. The fundamental concern of local residents with the current proposals appears to

relate to the planning application being for creation of a new sales area increasing the number of vehicles for sale on the site. This is not the case and does not recognise that the existing vehicles for sale at the rear of the site will be relocated on the new sales area. This will in turn free up the rear of the site for staff and customer car parking.

- 4.5.2 A layout plan has been submitted with the application to show how the site will operate should planning consent be granted. The benefits of the proposals are clear. The incorporation of the existing area of open space into the Stoneacre site will allow for much needed improvements to how the existing site currently operates. In addition to providing a new sales area at the front of the site, it will allow for designated on-site car parking areas to be provided for staff and customers alleviating the potential for any car parking conflicts on Sawmills Lane.
- 4.5.3 The layout plan includes provision for 10 staff car parking spaces and 11 customer car parking spaces. Concerns have been raised by residents in relation to the level of provision. It should be noted that a significant number of staff (sales representatives etc) use vehicles which are already displayed for sale on the site to travel to and from work. These cars will be parked in the sales or storage area and will not take up the separate staff car parking provision.
- 4.5.4 The proposed customer car parking is intended for use by those visiting the site to look at purchasing a new vehicle. Customers using the service and MOT facilities will park in the area adjacent to the workshop. This car parking is shown on the layout plan as storage/service/MOT parking.
- 4.5.5 The provision of the staff and customer car parking and associated signage can be adequately controlled by condition in accordance with Circular 11/95.
- 4.5.6 It is considered that the layout plan prepared for the site demonstrates that the incorporation of the existing open space into the site will improve the overall operation of the site and relieve any existing car parking problems on Sawmills Lane. Concerns have been raised in relation to the proposed lighting columns.
- 4.5.7 Two lighting columns are shown on the layout plan at the centre of the site. These columns are intended to be indicative and it is envisaged that the final details of the lighting can be adequately controlled by a suitably worded condition if deemed necessary in accordance with Circular 11/95.

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://www.durham.gov.uk/planning>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 The key issues for consideration are:

- The need for the development
- Principle of the development
- Impact on the visual amenity of the area
- Impact on the living conditions of neighbouring properties
- Concerns raised by objections

5.2 The Need for the Development

5.2.1 In order to fully assess this proposal, the context in which this application has arisen must be set out.

- 5.2.2 There is an existing situation on Sawmills Lane where staff and customers relating to the Stoneacre Garage have been parking along the side of the road, causing an obstruction in the highway and reducing safety of pedestrians and motorists using Sawmills Lane. It is therefore considered that the proposed development has arisen out of a need to address the parking issue.
- 5.2.3 The solution to this problem as proposed by the garage is to incorporate an existing area of open space into the site to provide additional space for the parking of vehicles and for loading and unloading.
- 5.2.4 Durham County Council have also made progress to address the parking issues on Sawmills Lane by proposing to paint double yellow lines on Sawmills Lane. This was approved by the highways committee 28/6/2011.
- 5.2.5 The site was visited on the following days by officers of the local planning authority and the number of cars parked at the side of the road was recorded

Date and approximate time of the site visit	Number of cars parked to the side of the road
26/5/2011 3pm	11
27/6/2011 2pm	7
27/6/2011 4pm	8
28/6/2011 11am	16

The site history combined with the table above verifies the existence of the problem off on street parking on Sawmills Lane. The history of the site indicates that parking problems on Sawmills Lane are caused by staff and customers of Stoneacre garage not having adequate parking provision on the site.

- 5.2.6 The local planning authority has no powers to force the relocation of the garage, therefore it is considered that the issue is best approached by working with the business to achieve the best improvements to the site which can realistically be achieved.
- 5.2.7 Policy H13 of the City of Durham Local Plan states that 'Where established non-residential uses exist adjacent to housing areas, appropriate measures will be taken where possible to overcome the annoyance or disturbance which they cause.' It is considered that the proposed development combined with the painting of double yellow lines on Sawmills Lane shall go a considerable way towards alleviating the problem.
- 5.2.8 The garage has stated that they do not intend to increase car sales; the works are to improve the site and address the parking problems on Sawmills Lane. The site location plan submitted with the application indicates that the vehicles for sale located to the rear of the site shall be brought to the front of the site onto the existing open space area. This will then render land to the rear available for staff and customer parking.
- 5.2.9 The proposed development is considered to be in accordance with policies Q2 and T1 of the City of Durham Local Plan 2004, PPS1, PPS4 and PPG13.

5.3 Principle of the Development

- 5.3.1 The garage is an existing well established business and as stated previously the local planning authority has no powers to force the relocation of the business.
- 5.3.3 The application site is located within the limits to development for Brandon as identified by the City of Durham Local Plan 2004. The site is located in a primarily residential area and is not allocated for any specific use.
- 5.3.4 The general principles of sustainable development support proposals which direct new development to those areas best able to support it in terms of accessibility. National planning policy contained within PPS4 seeks to secure sustainable economic development. The proposed development is considered to contribute to the local economy and be sited in a sustainable location. PPS4 lends its support to sustainable economic growth and states that such proposals should be looked upon favourably.
- 5.3.5 The development is considered to be acceptable in principle in accordance with PPS1, PPS4 and RSS Policy 4.

5.4 Impact on the Visual Amenity of the Area

- 5.4.1 The area of land constitutes an area of open space between garage buildings with car storage to the rear. There are a number of trees within the site along the boundaries. The site does offer some amenity value to the area; however this must be balanced with the need to address the problem of on street parking in the area. It is considered that the visual amenity of the area would be greatly improved by removing cars which now park on the side of the road to parking bays at the back of the site. It is considered that the area of open space and its associated landscaping is not of such high amenity value that this application should be refused to sustain its retention.
- 5.4.2 A number of trees will be felled as a result of the development, these trees are not protected nor in a conservation area. They do offer some amenity value to the area however on balance the amenity value of creating additional parking on the site would be of such a benefit to the area that it is considered to outweigh the amenity value of these trees.
- 5.4.3 Further details are required in relation to the lighting columns and for the formal setting out of the car park, however the general principle of these elements of the scheme are considered to be acceptable and the details shall be secured by suitable planning conditions.
- 5.4.4 A number of objections have been raised regarding the appearance of the site. It is acknowledged that a garage car park is not an ideal outlook for neighbouring residential properties; however it is considered that the proposed works shall be an improvement overall to the site and will offer additional benefits to residents beyond the visual amenity of the proposal.
- 5.4.5 The development is considered to be in accordance with policies E5A, E14 and Q3 of the City of Durham Local Plan 2004, PPS1 and RSS Policy 8.

5.5 Impact on the living conditions of neighbouring properties

- 5.5.1 Concerns which have been raised by the occupiers of neighbouring properties include the impact of the development on highway safety, the appearance of the development and potential increased pollution and noise disturbance.

- 5.5.2 The primary concern which has been raised by residents relates to highway safety. There is a current situation whereby cars park at the side of the road adjacent to Stoneacre garage causing an obstruction in the highway and negative impacts on the amenity of occupiers and users of Sawmills Lane.
- 5.5.3 It is considered that the appearance of the development has been considered in relation to the impact on the visual amenity of the area.
- 5.5.4 This application has put forward a proposal which would go a considerable way to alleviating the problem of on road parking on Sawmills Lane. It is therefore considered that the proposed development would be in accordance with policies T1, Q2 and H13 of the City of Durham Local Plan 2004.
- 5.5.5 Residents have made reference to the possibility of increased pollution and noise disturbance. This proposal does not seek to expand the business but provide space for off road parking for staff and customers. It is therefore considered that pollution and noise disturbance should not significantly increase as a result of the development in accordance with policy H13 of the City of Durham Local Plan 2004 and PPS1.

6.0 CONCLUSION

- 6.1 The situation currently is that there is no defined parking on the site for staff or customers. This is a situation that needs to be addressed with some urgency. The garage is an established business, which has reached the capacity of the site. The local planning authority have no powers to move the business off the site, therefore we must approach the problem by working with the business to achieve the best improvements to the site we can realistically gain.
- 6.2 This application proposes to resolve parking issues on Sawmills Lane by increasing staff and customer parking from 0 spaces to 21 spaces by changing the use of an area of open space to the front of the site to allow for the parking of vehicles. The Highways engineer has responded positively to the proposal deeming this number of spaces to be adequate provided it is a condition of any planning permission that they are clearly marked and utilised only for the purposes identified.
- 6.3 A number of the sales staff utilise sale vehicles for commuting to and from work, therefore this also reduces the number of staff parking spaces required.
- 6.4 The area of open space is not of such high amenity value to warrant the refusal of this application on the basis of its visual amenity. A balanced view must be taken to assess the benefits of the change of use over the loss of the open space.
- 6.5 It is considered that the proposal would go a considerable way to alleviating car parking problems in the area.

7.0 RECOMMENDATION

That the application be APPROVED subject to the following conditions:

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

Plan Ref No.	Description	Date Received
	Site Location Plan	18/5/2011
1078-11-002	Proposed site plan	30/6/2011
SMC17-D-004	Proposed plans	21/4/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policy Q2 of the City of Durham Local Plan.

3. **Condition:** Notwithstanding the submitted plans, a parking layout at a scale of 1:50 shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The parking layout shall provide 10 staff car parking spaces, 11 customer car parking spaces, 38 storage/service/MOT car parking spaces and 48 car sales parking spaces. The parking layout shall also include details of the means of demarcation of the parking spaces and details of any associated demarcation signage. The submitted scheme shall then be fully implemented in accordance with the approved plans prior to the first occupation of the development hereby permitted and shall thereafter be maintained as such for the life of the development for the parking of the relevant vehicles and for no other purpose.

Reason: To ensure that a satisfactory parking layout is achieved and in the interest of highway safety in accordance with policy T1 of the City of Durham Local Plan 2004.

4. **Condition:** Prior to the commencement of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority, which shall include indications of all existing trees and hedgerows on the and, and details of any to be retained, together with measures for their protection in the course of development and the works shall be carried out in accordance with such approved details before the development hereby approved is first occupied.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

5. **Condition:** All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

6. **Condition:** Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the local planning authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policies H13 and Q3 of the City of Durham Plan 2004.

8.0 REASON FOR THE DECISION

- 8.1 This decision has been taken having regard to the national planning policy contained within PPS1, PPS4 and PPG13, policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 and policies E5A, E14, T1, Q2, Q3 and H13 of the City of Durham Local Plan 2004.
- 8.2 The scheme would involve development within the settlement limits of Brandon, which is considered to be a sustainable settlement in accordance with policy Q2 of the City of Durham Local Plan, PPS1, PPS4 and PPG13.
- 8.3 The proposal would have a positive effect on highway safety at Sawmills Lane by significantly the numbers of vehicles parked on the highway in accordance with policy T1 of the City of Durham Local Plan 2004.
- 8.4 The proposal would not result in an unacceptable loss of an area of open space in accordance with policies E5A and H13 of the City of Durham Local Plan 2004.
- 8.5 The proposed development is considered to be acceptable with no significant harm caused to the character or appearance of the area or the amenities of neighbouring occupiers in accordance with Policies E5A, E14, T1, Q2, Q3 and H13 of the City of Durham Local Plan 2004 and PPS4.

9.0 BACKGROUND PAPERS

Application files, consultation responses, The City of Durham Local Plan 2004, Regional Spatial Strategy (RSS), PPS1, PPS4 and PPG13

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0497
FULL APPLICATION DESCRIPTION	ERECTION OF 14 NO. DWELLINGS AND ASSOCIATED ROAD IMPROVEMENT WORKS
NAME OF APPLICANT	HARWORTH ESTATES
SITE ADDRESS	VILLAGE FARM, THE VILLAGE, MURTON SR7 9RP
ELECTORAL DIVISION	MURTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 This site is located within the settlement boundary of Murton and comprises a former village farmstead and field. There are several agricultural buildings on the site along with the original farmhouse, which would be retained. To the north and east of the site there are residential properties, to the west of the site there is a nursing home and other residential dwellings and to the south is the village green and war memorial which is a listed building. There are a number of facilities within the proximity of the site including a post office, newsagents, bus stops and a school. The site area is 0.6 hectares.

Proposal:

- 2 This application proposes a residential development of 14 dwellings along with associated road improvement works. Whilst this is an outline application, detailed information in relation to layout and access have been submitted with the application and their approval is sought through this application. Appearance, landscaping and scale will all need to be dealt with through a further reserved matters application. Access to the site would be off Gregson Terrace to the south of the site, it is proposed to upgrade this road to adoptable standards as part of the scheme. The dwellings would all have off street parking and private gardens and the layout would include an area of public open space to the north west of the site which would give pedestrian access to shops and bus stops on Wellfield Road. The density of the proposed housing would be 23 dwellings per hectare.

3 The application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

None relevant.

PLANNING POLICY

4 NATIONAL POLICY:

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

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

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out the Government's planning policies on the conservation of the historic environment.

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

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

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

5 REGIONAL PLANNING POLICY:

Regional Spatial Strategy for the North East

Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work, how to travel, how to dispose of waste, and how to use energy and other natural resources efficiently.

Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.

Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

Policy 39 - Seeks to generate at least 10 percent of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20 percent of regional consumption by 2020.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

6 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

Policy 24 - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.

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

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

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

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

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

7 STATUTORY RESPONSES:

Parish Council – no objections

Northumbrian Water – no objections subject to drainage conditions

8 INTERNAL CONSULTEE RESPONSES:

Sustainability Officer – No objections

Environmental Health – Contaminated land studies required

Tree Officer – No objections subject to tree protection

Design Officer – Existing farm buildings should be assessed for retention, some concerns regarding layout

Planning Policy – No objections. The site is available, achievable and deliverable.

Ecology Officer – No objections subject to mitigation in ecology report being adhered to.

Archeaology Officer – No objections subject to conditions requiring monitoring work.

9 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notice and letters to surrounding residents. Two letters of objection have been received from members of the public. The main issues raised in these responses are that the public open space would create a place for anti-social behaviour, the upgrading of the road would cause parking problems and an increase in traffic and that the development would have an adverse impact on the setting of the listed war memorial.

10 APPLICANTS STATEMENT:

The application site is situated in a sustainable location, on previously developed land within the settlement of Murton and is within close proximity to public transport links, schools and local shops.

The proposed high quality housing allocates generous plot sizes for each dwelling and offers a variety of house types. The character of the proposed dwellings complements their immediate surroundings, as it consists of predominantly family type dwellings.

An area of public open space has been incorporated into the housing scheme. The open space will provide an amenity area for existing local residents and residents of the new dwellings. This open space will be landscaped and overlooked by existing and proposed dwellings and this would act as a deterrent to those wishing to congregate and create nuisance or disturbance.

Access into the site will be from Gregson Terrace, to the south, which will be upgraded to adoptable standards as part of the proposal. The upgrading of this road will clearly improve access for both existing residents at Gregson Terrace and residents of the proposed new dwellings. The proposed upgrading of the road would include the removal of a very small part of Murton Village Green to the south of the site. The applicant is currently in discussion with the Parish Council regarding this matter. The Parish Council support this application.

The grasscrete track across the village green was created for larger vehicles to gain access to Village Farm. As a result, the grass has not properly established along the track and therefore, appears as a major visual intrusion into the village green. The grasscrete track will be removed as part of the proposal, thereby, improving the overall appearance of the village green.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111394>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

As this application seeks outline planning permission with access and layout being the only matters for which permission is sought, the main planning considerations are the principle of the development in terms of accordance with planning policy, the layout of the development and impact on surrounding occupiers and the street scene, highways issues, other site specific issues and public responses.

11 Principle of the development and planning policy

The proposed development is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within PPS1: Delivering Sustainable Development and PPS3: Housing. Government policy requires a sequential approach to the identification of housing sites, which prioritises land in sustainable urban areas. In this instance this application relates to a site within a predominantly residential area, which is situated within the settlement boundary of Murton. The proposals are therefore considered to accord with the general principles of national planning policy.

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

The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.

Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although the application site is part brownfield and part greenfield, policy officers consider the site to be in a sustainable location within the settlement boundary. It is therefore considered that the proposal satisfies these criteria and is considered to be in accordance with policy 67 of the Local Plan.

12 Layout, impact on surrounding occupiers and the street scene

The layout of the development is constrained by the shape of the site which is surrounded on all sides by other developments. The site is long and thin and therefore the layout of the proposed dwellings is guided by the need for adequate access, parking, amenity space and privacy distances. Although the design officer raises some concerns regarding the layout, it is considered that given the constraints of the site, the applicant has made best possible use of the site and that the layout is acceptable. It is noted that in all instances the privacy distances as set out in the Local Plan are met and that the size of private gardens is adequate. No existing dwellings outside of the development site would be adversely affected by the development in terms of loss of privacy, overshadowing or overbearing impact. In terms of impact on the street scene, it is considered that the proposal would enhance the street scene and surrounding area by creating a new frontage along the main road and the development would involve the creation of additional public open space. It is also considered that the retention of the farmhouse would enhance the development and make the building more prominent. The design officer has confirmed that the proposal would have no significant adverse impact on the setting of the listed war memorial. As such, it is considered that the proposals are acceptable in terms of layout, the impact on the street scene and surrounding occupiers in accordance with saved local plan policy 35.

13 Highways Issues

The highways officer has advised that the means of access and level of car parking provision are acceptable. There were no objections in terms of an increase in traffic or parking congestion. It has been pointed out that the upgrading of Gregson Terrace to adoptable standards would need to be carried out in agreement with the Council's highways officers. In summary, the proposals are considered acceptable in terms of access and parking and therefore are in accordance with saved policies 36 and 37 of the local plan.

14 Site specific issues

As mentioned earlier in the report, the design officer had requested the retention and conversion of the existing agricultural buildings. However, the applicant has produced structural engineers reports which conclude that these buildings are not in a suitable condition for retention, and the design officer has accepted these conclusions.

The archaeology officers requested that substantial archaeology works were carried out during the application process. The applicants have carried out this work to the satisfaction of the archaeology officers. However, it has been requested that should the application be approved, conditions should be imposed which would ensure that the site is monitored during construction and that any important finds are recorded.

In terms of childrens play space, saved policy 66 of the 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". Although the

proposals involve the creation of open space to the north west corner of the site, this does not include any play equipment. As such, the applicant would need to enter into a Section 106 legal agreement to secure a financial contribution for the provision or improvement of off-site play areas.

Policy 39 of the Regional Spatial Strategy seeks to generate at least 10 percent of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20 percent of regional consumption by 2020. As such, a condition should be imposed to ensure 10 percent of the energy production on site comes from a renewable source.

15 Public responses

The main concerns raised by the two public responses are that the public open space would create a place for anti-social behaviour, the upgrading of the road would cause parking problems and an increase in traffic and that the development would have an adverse impact on the setting of the listed war memorial.

With regard to these issues, the highways officer has raised no objections in relation to parking problems or an increase in traffic, the design officer has no objections in relation to the setting of the listed building. The concern regarding anti-social behaviour is speculative; it is considered that the proposed open space would be naturally surveyed by overlooking properties and from Wellfield Road. On this basis, it is not considered that the concerns raised by residents should lead to refusal of planning permission.

CONCLUSION

16 In conclusion, it is considered that the proposal is in accordance with the relevant national, regional and local planning policies. The location of the proposed development is considered sustainable as it has good access to facilities such as shops, a post office, a school and bus stops. There would not be any adverse impact on the street scene including the listed war memorial or surrounding occupiers, all privacy distances both within the site and to surrounding properties are adequate. The layout of the proposal is considered acceptable given the constrained shape of the site, adequate amenity space has been provided and the highways officers have considered parking and access to be acceptable.

RECOMMENDATION

17 That the application be **APPROVED** subject to the applicant entering into a Section 106 legal agreement and subject to the following conditions;

Conditions:

1. Approval of the details of appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be obtained in writing from the Local planning authority before any development is commenced.

2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - a) the expiration of five years from the date of this permission, or
 - b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References, Location Plan - LO/104957/01, Indicitive Site Layout - 099-UKC-010-SK05
4. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how C02 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.
5. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment. Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
 - d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
 - e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority
6. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

7. No development shall take place unless in accordance with the mitigation detailed within Section E of the protected species report 'A wildlife survey of Village Farm Murton' carried out by E3 Ecology Ltd, received on 19th October 2010.
8. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the approved arboricultural study 'Village Farm Murton', carried out by We Care Tree Care, received on 19th October 2010 as to be retained, are protected by the erection of fencing in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.
9. No development shall take place until a programme of archaeological work has been submitted to, and approved in writing, by the local planning authority. The programme shall include details of the following:
 - 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 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 development shall then be carried out in full accordance with the approved details.
10. Prior to the development being first occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission
11. 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.

12. 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.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV24 - Development Affecting Listed Buildings and their Settings
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU66 - Provision of outdoor play space in new housing development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPG16 - Archaeology and planning
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
PLANNING POLICY STATEMENT/GUIDANCE	PPS5 - Planning for the Historic Environment
PLANNING POLICY STATEMENT/GUIDANCE	PPS9 - Biodiversity and Geological Conservation
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 24 - (Delivering Sustainable Communities)
REGIONAL SPATIAL STRATEGY	Policy 3 - (Climate Change)
REGIONAL SPATIAL STRATEGY	Policy 39 - (Renewable Energy Generation)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)

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

BACKGROUND PAPERS

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



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Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****1. APPEALS RECEIVED:****Appeal by Mr P Duffy****Site at Eagle Hall, Sunderland Road, Hawthorn, SR7 8RU****Planning Reference PL/5/2010/0547**

An appeal has been lodged against the Council's refusal for the retrospective erection of a raised platform with handrail at the above site.

The application was refused as it was considered that by virtue of its design and location it adversely impacted upon the amenities enjoyed by the occupants of the neighbouring property and the garden area in terms of visual intrusion.

The appeal is to be dealt with via written representations and members will be informed of the decision in due course.

Recommendation:

That the report be noted.

2. DECISIONS RECEIVED:**Appeal by Mr J Oliver****Site at Hastings House Farm, Littletown, Co. Durham, DH6 1QB****Planning Reference- PL/5/2010/0442**

An appeal was lodged against the Council for the non-determination of an application for the change of use from office, administration and canteen building to be used in addition for agricultural worker's accommodation.

The Planning Inspector concluded that subject to conditions the scheme could be tailored to reflect the requirements intended at the site and would have a negligible effect on the rural scene. In addition it was concluded that there was sufficient necessary work at this isolation unit generating a functional need for an agricultural worker(s) to sleep at the appeal building when occasion demands.

The appeal was therefore allowed and conditional approval was granted for the change of use.

Recommendation:

That the report be noted.

**Appeal by Mr and Mrs J Smith
Site at land rear of Waycot, Wingate Road, Trimdon Station, TS29 6AR
Planning Reference- PL/5/2010/0311**

Appeals were lodged against the Council's refusal of planning permission and an Enforcement notice for the part retrospective change of use to caravan site for occupation by gypsy-traveller family with associated development including hard standing, access road, septic tank, small utility building and landscaping.

The Inspectorate agreed with the Council's decisions and dismissed the Appeal and upheld the Enforcement Notice.

The Inspectorate agreed that the junction of the access road leading to the application site with the C22, Wingate Road, is sub-standard in terms of its alignment and the available sight lines, and that coupled with the increase in traffic movements at this junction would be detrimental to highway safety.

The Inspector amended the Enforcement notice and its compliance period. Mr and Mrs J Smith now have up to 12 months to vacate the site with an additional one-month period to remove the area of hard standing.

Recommendation:

That the report be noted.

APPEAL UPDATE (Durham Area Office)

1. APPEALS RECEIVED:

**Appeals by Mr and Mrs R Fletcher
Site at 66 Claypath, Durham, DH1 1QT**

Appeals have been lodged by Mr and Mrs R Fletcher against the Council's refusal to grant planning permission for the demolition of existing yard wall and detached garage in association with erection of two storey extension to existing dwelling, with first floor link and erection of new two storey dwelling to side of 66 Claypath, Durham.

The appeals are to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted