



Area Planning Committee (Central and East Durham)

Date Tuesday 6 September 2011
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 19 July 2011 (Pages 1 - 10)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/11/00419/FPA - Former PPA Building, Green Lane, Durham County, Durham (Pages 11 - 30)
Demolition of Existing 2 Storey Building and Construction of New 5 Storey Student Accommodation Scheme
 - b) 4/11/00479/FPA - Former Omnibus Depot and Welfare Club, Front Street, Quarrington Hill, Durham, DH6 4QF (Pages 31 - 44)
Erection of 12 no. Dwellings
 - c) 3/11/00539/FPA - 29 Birkdale Gardens, Belmont, Durham, DH1 2UJ (Pages 45 - 52)
Erection of Two Storey Rear Extension
 - d) 4/11/00601/FPA - 30 Grove Road, Brandon, Durham, DH7 8AR (Pages 53 - 60)
Erection of Single Storey Pitched Roof Extension to Rear of Existing Dwelling
 - e) 4/11/00628/FPA- Plot 4 Bishopgate, Former Rookstone Nursing Home, 48 North End, Durham, DH1 4LW (Pages 61 - 70)
Erection of Dwelling House (Retrospective with Amendment to Lower Main Roof and Fenestration)
 - f) PL/5/2010/0446 - Easington Lea Farm West, Easington Colliery, SR8 3UP (Pages 71 - 80)

Change of Use of Pasture Land (3.95 Ha) to Plant Machine Training Centre, Works to Include use of Existing Buildings, Erection of Scaffolding Formation of Screening Mounds and Landscaping Works

- g) PL/5/2011/0001 - Easington Village Working Mens Club, Seaside Lane, Easington, SR8 3DY (Pages 81 - 90)
Residential Development Comprising 43 No. Dwellings
 - h) PL/5/2011/0162 - Land off St Adens Way, Peterlee (Pages 91 - 100)
Medical Centre & Ancillary Chemist
 - i) PL/5/2011/0215 - Land Rear of 1 Grange Terrace, Shotton Colliery, DH6 2JP (Pages 101 - 108)
Bungalow (Resubmission)
 - j) PL/5/2011/0219 - East House Farm, Cold Hesledon, SR7 8SP (Pages 109 - 116)
Demolition of 5 Existing Farm Buildings and the Erection of a General Purpose Agricultural Storage Building
4. Appeal Update (Pages 117 - 118)
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

26 August 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

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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 19 July 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, S Iveson, R Liddle, J Moran, J Robinson, P Taylor and A Naylor

Apologies:

Apologies for absence were received from Councillor K Thompson

Also Present:

Councillor John Turnbull and Councillor Grenville Holland
A Dobie (Principal Planning Officer - Easington Area Office), C Simmonds (Legal Officer) and J Taylor (Principal Planning Officer - Durham City Area Office)

1 Minutes

The Minutes of the meeting held on 14 June 2011 were confirmed as a correct record by the committee and signed by the Chair subject to Councillors Freeman and Charlton being added to the Members present.

2 Declarations of Interest

Councillor J Blakey declared a prejudicial interest in Application No 4/11/00289/FPA as a Member of Cassop Cum Quarrington Parish Council and Trustee of the Partnership and withdrew from consideration of the item thereof.

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

Note: The order of applications on the agenda was varied to allow those where speakers had registered to address the Committee to be heard first.

3a 4/11/00235/FPA - Plot 4, Bishopgate Nursing Home, 48 North End, Durham DH1 4LW

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

Councillor Holland, Ward Member explained that he objected to the application. Members would have seen on site, the deliberate building of the dwelling beyond the footprint that had been previously approved. There had been a systematic removal of healthy shrubs and trees. The MP for the area had submitted an objection and he fully endorsed her submission. He urged Members to take notice of the objection letter from the MP and the details within it. The objection drew attention to the significant number of conditions that had been deliberately ignored, no approval had been sought for changes to design or additional windows, the dimension of the dwelling had exceeded the approved drawings by between 5 and 25% and the removal of the trees and shrubs had made matters worse.

It was felt that the application should be refused as it breached many conditions of the original planning permission. If it was truly a new application then it contravened a number of planning policies such as E14, E16, H13, E32, Q5, Q6, Q8 and Q9. The key principles that had been breached could not be viable or acceptable and he urged the committee to refuse the application.

Mrs O'Boyle, an objector circulated photographs which showed the outlook prior to the development commencing and various stages of it. She commented that the local plan was in place to ensure that new housing developments did not have an adverse impact on residents and their amenities. Residents had not objected to the original application as they felt it was suitable and the screening had provided some protection of amenity. The extensive trees should have been protected with Tree Preservation Orders.

The Planning Officers report referred to the size and scale of the dwelling. She added that there was a 23% increase in the height and the installation of the hip roof would not mitigate the overbearing impact it would have on residents. The house was over dominant which was the view of over 40 residents.

There was not enough space to provide sufficient screening. The Planning Department had shocked many residents by their recommendations who felt it was unsympathetic to their amenity. The dwelling was obtrusive and visible from the A167. It was not in the Conservation Area but did not mean that it should be allowed. The gable and the height was for unapproved extra living space for the applicant.

Discussions had taken place with Northumbrian Water who had advised that they had not received any scheme for surface drainage. There had been incidences in heavy rainfall where the area had been full of springs and water. It was felt that the application should be refused and the Committee support residents amenity.

Mr Iley explained that he was the agent for the applicant. He had been requested to build on the previous design. Changes to the design had been negotiated with the Planning Officers and the roof pitch was to be replaced to match the adjacent properties and reduce the effect it would have on residents. One of the windows had been removed but all other aspects were identical to the original application. He felt that the roof height was insignificant. The dwelling conformed to policy in terms of scale and size and met the privacy and amenity distances.

The Principal Planning Officer commented that the height was not insignificant in its own right, but Officers had considered this in the context of what had been built. The roof height was an extra 1.8m which had been considered not materially harmful as there were generous distances to the neighbouring properties and would thus not appear overbearing. Some more recent housing estate layouts had a closer inter-relationship than existed here. The hedge removal was regrettable although there was a condition to be attached if approved, regarding boundary treatment and replacement landscaping which would be enforced.

The applicant had built the dwelling without fully discharging the conditions therefore a temporary stop notice had been served. The Council would be ensuring all relevant conditions were discharged correctly. With regard to drainage, the applicant would be required to submit a water drainage scheme in liaison with Northumbrian Water. The scheme had been assessed on its merits and relationship with existing properties. It was considered that there would not be an impact on residential amenity and felt that the design was a significant improvement.

Members commented that the increase in height was significant, it was unacceptable that developers did not adhere to the planning permission and conditions imposed. Although the hip roof was an improvement, the impact would have an adverse effect on the amenity of residents. More checks should also be carried out when planning conditions were being discharged.

Councillor Charlton queried if the height of the roof could be reduced to the original plans. The Principal Planning Officer explained that the increase in height was to accommodate the extra space required in the roof for living accommodation.

Councillor Taylor commented that planning authorities must be seen to be reasonable and queried if they could be deemed to be unreasonable if the application was refused. Mr C Simmonds, Solicitor explained that the planning system was not punitive, the development was required to be acceptable in terms of local plan policy. The original planning permission could be implemented as a fallback if the application was refused.

Councillor Moran commented that the land sloped away and the ridge roof was in line with existing properties. When the conditions relating to boundary treatment were discharged, the overlooking in the neighbouring gardens would be alleviated.

Councillor Bell commented that it was regrettable that the dwelling had been built, however, the Council needed to assess the application on its merits. The dwelling was in line with adjacent properties on the site and the only area that was

overlooked was residents' gardens. The hip of the roof would help alleviate the problems and overbearing impact that residents felt existed.

Councillor Moran queried if there was any evidence of flooding. The Principal Planning Services Officer advised that there was no evidence of flooding on the site visit. Local intelligence suggested that there was localised surface water issues which would be addressed in so far as the development by condition.

Members queried the procedure if the application was refused. The Principal Planning Officer explained that if refused, the applicant could appeal the decision and the Council could not force the developer to revert to the original application pending the outcome. If the appeal was unsuccessful the Council could then take enforcement action.

Councillor Blakey queried if the stop notice would continue. The Solicitor advised that a temporary stop notice was issued which ran for a maximum of 28 days. A full stop notice could only be issued when enforcement action was being pursued. Once an appeal was lodged, enforcement action could not be taken until the outcome was known.

Councillor Bleasdale recommended that the application be refused on the impact of the size and scale of the development to residents and residential amenity.

RESOLVED that the application be refused due to its size and scale and the impact of the development on residential amenity.

3b 4/10/00625/OUT - Lowfield Bungalow, Foundry Row, Coxhoe, Durham DH6 4LE

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

Mr Llewelyn, an objector explained that he was a resident of Basic Cottages and was making representations on behalf of the residents and himself. Concerns related to the access arrangements which were felt to be unsustainable for an additional 9 dwellings. The upgrading of the road was flawed as the property ran from the main road to the entrance of the bungalow only. The increase in the traffic was a major concern especially for residents with children.

He was aware that there had been a previous planning application nearby that had been deferred pending the publication of the Parish Plan and felt that the application should also be deferred.

Davis Planning Partnership had made comments in January 2011 stating "that the new proposed dwellings and associated access would mask the unsightly view of the gardens in Basic Cottages". Residents felt that the remark was insulting to them and all the inhabitants of Coxhoe.

Mrs Davis, the agent referred to the comments from the Parish Council that stated that the land was not within the SHLAA. The land had been identified as a 'green' site in the SHLAA. Officers had assessed the application and recommended it for approval.

The Principal Planning Services Officer advised that highway safety concerns had been assessed by Highway Officers and could withhold the increase in the volume of traffic. The SHLAA tended not to include smaller sites but this site had been included in the SHLAA as land suitable for development.

Councillor Blakey commented that businesses would use the road and queried if it would be suitable for them. The Principal Planning Officer explained that the upgrading of the road would make it safer for existing business and residents.

Members commented that it was a nice area and was unfortunate that Basic Cottages would lose their panoramic outlook but was not a material planning consideration. They sympathised with residents on the adverse comments made about the street.

Councillor Charlton commented that as a precedent had been set for deferment until the Parish Plan was published, she felt that the application should be deferred.

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

3c 4/11/00289/FPA - Land at Former Cape Asbestos Works, Durham Road, Bowburn, Durham DH6 5NG

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

Councillor Blakey explained that she was objecting as a Ward Member. The previous application on the site was conditioned on providing a safe crossing point for residents of the estate upon 25 houses being occupied. There was now approximately 50 houses occupied and residents were finding it difficult to cross the road safely. The developers had not made any attempt to make arrangements for the crossing to be installed. A rat run could also be created through the estate to Henderson Doors site.

Mr A Glenwright, Highways Officer explained that the signalised crossing order had been placed with Durham County Council's construction operation, Service Direct and based on their works programme should be installed in September 2011.

At this point, Councillor Blakey withdrew from the meeting.

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

3d 4/11/00328/FPA - The Masons Arms, Bells Hill Road, West Rainton, Durham DH4 6SQ

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

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

3e 4/11/00352/FPA - Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB

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

Councillor Turnbull, Ward Member explained that Stoneacre had previously been owned by two other car retailers which had arrangements in place for customers and staff to park at the rear of the garage. Stoneacre had taken over the site and expanded its business which resulted in cars parking on the main road and side streets. The lay bys in front of Moorside had been built for the tenants of those houses but they couldn't park their cars because of the overspill from the garage.

The greenbelt land was owned by Durham Villages Regeneration Company and it was disappointing that it would be disappearing. It was felt that car parking for customers and staff at the front with hedging to screen it from the road could be a more suitable solution.

The business had outgrown the area and if extra parking was agreed, he felt that more cars would be for sale and the customer parking would move onto the main street causing even more havoc than at present. There were over 20/30 cars parking daily on the highway. Problems were experienced by parents trying to get their children to school safely, pushchairs and wheelchairs were having to egress onto the main road because they couldn't use the footpath because of parked cars. The school patrol had resigned after 22 years as she felt she couldn't keep the children safe any longer.

Stoneacre had been approached on numerous occasions and been requested to move the cars off the highway. The current situation was unacceptable and he requested details of conditions that would be imposed to ensure staff and customers adhered to allocated parking arrangements.

Councillor Turnbull commented that he had recently been travelling on public transport which had been held up for 15 minutes as it had been unable to turn the corner because a car transporter had blocked the highway whilst unloading at the garage.

Mr Longstaff explained that he was the agent for the applicant who recognised the need for a resolution to the car parking problems. The application sought to provide a suitable solution and would allow for much needed improvements. Car parking would be designated on site for staff and customers to the rear together with MOT and storage. There was also sufficient space for the transporter to unload. Highways Officers had raised no objections although he was aware that the Highways Committee had recently approved no waiting, no loading restrictions in front of the premises. It was felt that the planning application and the highways restrictions that were to be implemented would go a significant way to addressing the highway problems that currently existed.

Mr Glenwright, Highways Officer explained that the Highways Committee held in June 2011 had approved extensive no waiting, no loading restrictions in front of Stoneacre. There would be a no waiting limit in front of the garage although there would be some parking allowed on the main road. Parking on the main road acted as traffic calming, lowered vehicle speeds and restricted speeding. The highways measures would be implemented in September 2011 and be monitored and reviewed. Should further restrictions be required then further reports would be considered by the Highway Committee.

The Principal Planning Officer reported that since the report was written, five new letters of objection had been received although there were no new grounds other than the ones reported. There were 70 car parking spaces at present that were uncontrolled and the application was submitted to alleviate concerns of local residents and crucially control how the spaces were apportioned. This would ensure a set amount of spaces for customers and staff.

Councillor Taylor explained that he was the local Member and was disappointed with the Planning Officers report as he thought the application would address the highway problems that were being experienced. He believed that the reason for the application was to increase sales and not to address highway safety. The highway restrictions that had been agreed by the Highways Committee had been as a result of consultation with local Members, the Parish Council and residents groups.

He had received numerous complaints and reports from residents since he became a Councillor in 2003 regarding the garage. Stoneacre was welcomed into the community and he wished it to thrive and provide jobs for the area. The garage had never initiated any ideas to resolve the highway problem and he had suggested at one stage car sharing for employees. It was felt that the garage had no community responsibility.

Councillor Taylor explained that he had seen wheelchair users forced to use the carriageway as there were cars parked on the dropped kerbs and mothers unable to pass safely with pushchairs. He had counted 25 cars in relation to the garage on the site visit that morning. On numerous occasions he had asked the garage to move cars but they just paid lip service and took no action.

The school patrol crossing had resigned her post as she felt she was unable to keep the children safe. He felt that the proposals would exacerbate the problems,

he had never known any business to extend the sales area if they didn't want to extend sales. The car park at the rear was insufficient at present and the increased sales and traffic would make matters worse.

Local residents had to live with the disturbance caused by the number of cars parked. It took approximately 6 weeks to get the garage to turn the lights off in the showroom during the night and felt that there needed to be a much improved relationship with the garage.

Councillor Robinson queried if the customers could park at the front and staff at the rear be placed into a planning condition. The Principal Planning Officer explained that condition 3 reserved agreement of layout at a later date and there was a potential for a compromise in placement of the spaces should Members approve the application.

Councillor Taylor commented that the Parish Council's suggestion of a customer car park to the front with suitable screening would be acceptable but must be strictly adhered to with a planning condition.

The Chair queried if the suggestion would be acceptable to the company. Mr Longstaff explained that he would be happy to negotiate or defer to have discussions with local Members and the applicant.

Councillor Blakey suggested that the application be deferred pending further negotiations with the applicant, local Members and Planning Officers on a mutually acceptable scheme.

RESOLVED that the application be deferred.

3f PL/5/2010/0497 - Village Farm, The Village, Murton SR7 9RP

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

Mr Murray, the agent explained that the site was in a sustainable location and provided a high quality development adjacent to the village green. The developers were looking to remove the grasscrete track currently used for farm access which would improve the village green.

He referred to the s106 agreement and commented that although he was aware it was a private issue he requested that it be waived in order to deliver a high quality development in the current economic climate. The financial contribution required for the development to go ahead was ten times more than the s106 agreement amount. The developer felt that they were already contributing a substantial amount to the community.

Councillor Bell commented that the Council was frequently asked to waive S106 agreements to make a development viable and queried if it was possible. The Solicitor advised that it was Council policy for developments to provide either onsite

play facilities or a contribution towards play facilities in the locality. If the land had been owned by a private landowner then there would have been no question of waiving the s106 agreement. It was a private commercial matter and a precedent could be set if the Council wavered the agreement.

RESOLVED that the application be approved subject to the s106 agreement and the conditions outlined in the report.

4 Appeal Update

Appeals Received

The Principal Planning Officer (Durham and Easington Area Office) gave details of the following appeals which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant retrospective erection of a raised platform with handrail at Eagle Hall, Sunderland Road, Hawthorn
- (ii) Appeal 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

Decisions Received

- (i) Appeal against the Council for 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 at Site of Hastings House Farm, Littletown.

Appeal allowed and conditional approval granted.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00419/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing 2 storey building and construction of new 5 storey student accommodation scheme
NAME OF APPLICANT:	New Connislow Ltd
ADDRESS:	Former PPA Building Green Lane Durham County Durham
ELECTORAL DIVISION:	Elvet
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 301 8739 henry.jones@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application site relates to the former Durham Prescription Pricing Agency (PPA) building located on Green Lane, Durham. The site lies within the Durham City Centre Conservation Area and is within close proximity to the settlement boundary of the City where “fingers” of Green Belt land penetrate close to the City’s core. The main shopping and commercial centre of Durham City is within easy walking distance. Equally Green Lane is within close proximity to residential areas notably Whinney Hill located to its south, an area with a high student population.
- 1.1.2. Green Lane contains a mixture of uses and to the east of the site lay offices, to the west a recent development of residential apartments. To the south of the site lies purpose build student accommodation. On the opposite side of Green Lane, to the north is Durham Cricket Club and beyond this the River Wear and this forms a large open aspect of green space to the north of the application site.
- 1.1.3. The application site itself comprises of the two storey PPA building and its associated hardsurface curtilage. The building is understood to have been erected in 1971 and is not considered to exhibit any particular architectural merit.

1.2. PROPOSAL

- 1.2.1. This application seeks to the demolition of the existing building and its replacement with a 5 storey building containing 132 studio flats for student occupation. The ground floor contains reception, management suite and communal facilities in the form of common room space and laundry room. The submitted design and access statement states that the studios will be marketed for post graduate and foreign students.

- 1.2.2. The proposed studios have three forms with a mixture of 18m², 23m² and 26m² spaces within the proposed building. Each flat would contain ¾ sized bed, en-suite, kitchenette and eating space.
- 1.2.3. The building itself is 5 storeys high with a maximum height of 14 metres. The fifth storey is recessed from the front building line. The proposed building incorporates flat roofs to both the fourth and fifth storeys. The proposed building is to be constructed with a mixed materials palette of brick and metal paneling with “feature colour” elements and aluminum framed windows.
- 1.2.4. The proposed building has been designed in a horse shoe shape manner with a courtyard space towards the centre of the site providing 4 no. parking spaces and some landscaping. Access is taken from the north-west corner of the site direct to Green Lane with further disabled parking space to the frontage of the building. Towards the rear of the site a cycle store is proposed.
- 1.2.5. The application is being presented to Committee due to being a major development.

2.0 PLANNING HISTORY

- 2.1. In 2005 planning permission was granted for the change of use of the offices (Class B1) to health centre (Class D1) and offices with associated external alterations and erection of single storey rear extension.
- 2.2. In August 2011 conditional conservation area consent was granted for the demolition of the existing PPA building though demolition cannot occur unless planning permission is granted for a redevelopment scheme.

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 5: Planning for the Historic Environment** this guidance replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
- 3.1.4. **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.

3.1.5. **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.

3.1.6. 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.

3.1.7. **Planning Policy Statement 23: Planning and Pollution Control** sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.

3.1.8. **Planning Policy Statement 25: Development and Flood Risk** explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

3.1.9. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.

3.1.10. The PPG says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues, and that developers should fund flood defences, where they are required because of the development.

3.1.11. It introduces a risk-based search sequence giving priority to sites at lower risk and establishes a minimum standard of defence for new development that takes account of the likely impact of climate change.

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 4: The Sequential Approach to Development** establishes that priority should be given to previously developed land within sustainable locations.
- 3.2.5. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.6. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.7. **Policy 14: Supporting Further and Higher Education** states that the role of universities and colleges in the regional economy should be supported including with regards to infrastructure and campuses.
- 3.2.8. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.2.9. **Policy 32: Historic Environment** requires planning proposals to conserve and enhance the historic environment.
- 3.2.10. **Policy 33: Biodiversity and Geodiversity** requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
- 3.2.11. **Policy 35: Flood Risk** promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
- 3.2.12. **Policy 38: Sustainable Construction** seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.
- 3.3. **LOCAL PLAN POLICY**
- 3.3.1. **Policy E3: World Heritage Site – Protection** seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
- 3.3.2. **Policy E6: Durham City Centre Conservation Area** states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
- 3.3.3. **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.

- 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 E22: Conservation Areas** seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
- 3.3.6. **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.
- 3.3.7. **Policy H16: Residential institutions and Student Halls of Residence** provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
- 3.3.8. **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.
- 3.3.9. **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.
- 3.3.10. **Policy T20: Cycle facilities** seeks to encourage appropriately located, secure parking provision for cyclists
- 3.3.11. **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.
- 3.3.12. **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.
- 3.3.13. **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.
- 3.3.14. **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.

- 3.3.15. **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 Environment Agency state that the site falls within their standing advice area and have no specific comments to make on the applications.
- 4.1.2. The Highway Authority consider that the site benefits from good public transport, pedestrian and cycle links. It is considered that the development has been designed for use for students without cars with parking limited to disabled spaces and short term loading/unloading facilities. The layout of the vehicular access is considered acceptable, the vehicular access crossing should be to County Council standards. No objections are raised to the development.
- 4.1.3. The Coal Authority state that the site lies within its standing advice area and there is no requirement to specifically consider coal mining issues within the application, however, a standing advice informative should be added to any decision.
- 4.1.4. Natural England have assessed the development against their standing advice and conclude that planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
- 4.1.5. Northumbrian Water have raised no objections.

4.2. INTERNAL CONSULTEE RESPONSES:

- 4.2.1. The Landscape Section have been consulted on the application and consider that an arboricultural implications assessment and tree constraints plan should be submitted to support the application to ensure that the protection of mature trees on site is considered during all phases of the demolition and re-development.
- 4.2.2. The Senior Low Carbon Officer has submitted comments with regards to the development and states that they are encouraged by the targeted BREEAM excellent rating. Some concerns are raised however over the suitability of air source heat pumps. The 10% requirement for energy from renewable sources can be dealt with via a condition.
- 4.2.3. Planning Policy raise no objections to the principle of the development. It is considered that the scheme has some potential to alleviate pressure on the local housing market where this is currently rented out for student accommodation.
- 4.2.4. Ecology have submitted comments and consider the proposed mitigation measures are acceptable and should be conditioned on any approval. However, the submitted plans do not show the location of alternative roost provision mentioned in the bat report and they should do so. No works should commence until a license from Natural England has been acquired.

4.3. PUBLIC RESPONSES:

4.3.1. Nine letters of objection have been received with regards to the application including a letter from the local MP.

4.3.2. The objections raised are as follows;

- The design massing and scale of the proposed development is inappropriate
- That the development would introduce a dense urban atmosphere to Green Lane which is essentially open and semi rural in aspect
- The development is not appropriate for the collegiate nature of Durham University
- Insufficient parking provision and highways concerns over suitability of Green Lane as the access route
- The development would obscure and damage the view of the World Heritage Site
- The proposal constitutes overdevelopment of the site
- The applicant's description of the application is queried
- The development would have a detrimental impact upon the occupiers of adjacent flats through the noise, disturbance and associated comings and goings as well as a loss of privacy and overbearing impact
- The density of the development is out of character with the local area
- The demand for the 132 bedsits proposed is queried and that if the scheme proves unsuccessful the development would cater for the private rented market and not specifically students
- The owner of the adjacent River Court development states that the River Court development had to accord with a series of guidelines involving stepping the development to ensure that both the visual impact and the impact on nearby occupiers was acceptable. This proposal must adhere to those same guidelines which the River Court development was required to.
- Consideration must be given to the impact of light pollution from the development
- Inadequate outdoor amenity space is provided for the proposed occupiers
- It is considered that there are more suitable sites available – University campus and the Whinney Hill school site are suggested
- The development is in competition with University Halls of Residence and will deprive the colleges of revenue
- The development is not considered to ease pressure on housing areas with large numbers of students instead the opposite may occur and exacerbate existing problems, support for such a view can be found within the statements of the National HMO Lobby.
- The submissions are considered to contain discrepancies and contradictory information including with regards to which student groups the accommodation would be aimed at.
- The development will prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver
- The concentration of HMOs and student households has eroded housing supply and led to a loss of community, caused noise and disturbance and a feeling of isolation in the permanent residents. This development would contribute to these problems
- Approval of the application would represent the County Council condoning a form segregation of residents.

- Complaints are raised with regards to the applicant's pre-submission public consultation event and that the publicity of the event was inadequate.
- Complaints raised with regards to the advice that Local Planning Authority officers have been providing at pre-application stage and the informal manner in which communications have occurred between officers and the agent.

4.4. APPLICANTS STATEMENT:

- 4.4.1. The application has been accompanied by a design and access statement in support of the proposal. The submitted statement considers that there is demand for purpose built student accommodation in Durham with research finding a shortfall of some 2,000 beds. This proposal seeks to create a "collegiate" style development. The number of studios proposed is linked to the viability of the site and land values within Durham City.
- 4.4.2. The applicant states that the 5 storey building has been kept to a minimum height and the fifth storey would be recessed from the Green Lane frontage to ease impact. The design is contemporary but efforts have been made to assimilate into Durham's traditional architecture with vertically proportioned windows and use of traditional materials. The development proposes a landscaping scheme with strongly defined frontage and heavy planting. The proposal has been developed with sustainability and energy efficiency in mind and aims to achieve an "excellent" BREEAM rating.
- 4.4.3. The applicant states that students will be discouraged from using cars. Access and parking proposals have been discussed with the Highway Authority. The site has good access to pedestrian and cycle routes.

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_detailview.aspx?caseno=LMIJPVBN5B000

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 character and appearance of the area, impact upon the World Heritage Site, impact upon the amenity of nearby occupiers, impacts upon protected species demographics and highway safety.
- 5.2. Principle of the Development
- 5.3. This application proposes the erection of purpose built student accommodation with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land close to Durham City Centre. The proposal therefore seeks development which accords with the sequential approach to development as sought by Policy 4 of the RSS and demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of PPS1.
- 5.4. Some public objection to the proposal relates to the principle of purpose built student accommodation being proposed in this location although other public responses consider the location suitable in principle.

- 5.5. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
- 5.6. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
- 5.7. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application.
- 5.8. Taking into account the location and nature of the site, previously developed land within a central location in Durham City with good access to services and transport links, officers raise no objection to the principle of the land use. The issues surrounding a purpose built development for students and impact on the community and numbers of students in the area are discussed within the “residential amenity” section at 5.29.
- 5.9. Impact upon Visual Amenity and the Character and Appearance of the Area
- 5.10. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of the Durham City Centre Conservation Area and more widely the impact on the setting of the World Heritage site.
- 5.11. Much of the content of the public objection to the development lay with the visual impact of the proposal with objections raised to it’s proposed design, scale and massing, that the proposal is overdevelopment of the site, the flat roofed nature of the building, that the development would introduce a “dense urban atmosphere to Green Lane” and light pollution.
- 5.12. The application site is located within a sensitive location being situated within the Durham City Centre Conservation Area. The site is visible from many public vantage points. Aside from Green Lane itself, the site is clearly visible from many locations in a northerly direction. The site is within close proximity to popular recreational sites including the cricket ground to the north and beyond the riverbanks of the Wear which are popular with walkers, cyclists and for informal recreation. Unimpeded views are available from the riverbanks. Located adjacent to the river is a bandstand with a fine view towards the City.
- 5.13. The site’s location close to the river means that it is located within a valley on low lying land and more distant views are available on the slopes to the north of the river including from St Hilds Lane.
- 5.14. The site is therefore located within a prominent location clearly visible from many public vantage points.
- 5.15. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of a conservation area. Policies E6 and E22 of the Local

Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within this Policy.

- 5.16. Similarly Policy 32 of the RSS requires developments to conserve and enhance the historic environment whilst national guidance within PPS5 also seeks to protect elements of the historic environment of value and states under Policy HE9 that there is a presumption in favour of the conservation of designated heritage assets and a conservation area is a designated heritage asset.
- 5.17. Policy E3 of the Local Plan seeks to protect the World Heritage Site of Durham Cathedral and Castle and its setting. Local Plan Policy H16 and Policy 8 of the RSS also applicable to the site, require development proposals to be appropriate to the character and appearance of their surroundings.
- 5.18. The application has been accompanied by a design and access statement in support of the proposal. This document explains that land values and viability have strongly governed the number of studio units proposed which in turn has an impact on the scale of building sought and the design principles. The design and access statement states that the fifth storey has been recessed from the front building line to ease the impact of the scale on Green Lane. Design detailing is stated as being contemporary though traditional building materials and architectural details are proposed in an effort to fit in with the variety of traditional architectural features prevalent in Durham
- 5.19. Following detailed assessment officers do object to the proposed appearance of the building and its impact in the locality.
- 5.20. Green Lane itself contains a mixture of uses and vernacular and there is not a uniformity of architectural styles within the street. Existing buildings are, however, relatively modest in scale. With the exception of River Court adjacent to the application site all buildings on the Green Lane frontage are two storey in height. River Court itself incorporates a differing number of floors on different elements as it steps and cascades down from a maximum of 4 storeys. The existing PPA building which the development would replace is two storeys and has width of 19.5 metres. The proposed development would be 5 storeys in height and proposes a frontage of 26.6 metres in width. The proposed development would result in a building of significantly greater size and scale than is presently located on Green Lane.
- 5.21. It is acknowledged that some efforts have been made to reduce the impact of this scale with the fifth storey being recessed behind the front building line and a mixture of materials, colours and deeply recessed windows are proposed to help breakup the frontage and massing of the building. Landscaping is proposed to front and sides to further add intervening elements between the building, street and vantage points to the north.
- 5.22. However, officers do not consider these mitigating measures are sufficient. The proposal seeks to replace an existing two storey and narrower building on the same front building line with a substantially wider and higher development. Essentially the development proposes a four storey block of greater width on the same building line as the existing PPA building with a further fifth storey block atop of this only slightly recessed. The impact of the scale and massing of the proposed development would be far greater than existing buildings on the street. Existing buildings on Green Lane have various characteristics reducing impact be it being significantly lower in height such as the domestic properties 1-4 Green Lane, on occasion set significantly back into the site such as at the adjacent Wycliffe House office building or in the case of

River Court, the highest building on the street at present, have a significantly recessed fourth storey and this building is far narrower than that proposed within this application. During the application process granting planning permission for the River Court development significant changes from the initial proposal were made and revisions to fragment the building into smaller blocks for both the benefit of visual and residential amenity were necessary before approval could be gained, a point made within an objection from the landowner.

- 5.23. Policy E6 of the Local Plan relates to development within the Durham City Centre Conservation Area. This policy states that proposals for large buildings should be fragmented into blocks of visually smaller elements in a way which is sympathetic to the historic city centre. The justification to this policy outlines that the City Centre is generally characterised by its intimate scale aside from the Cathedral and Castle. Officers consider that the proposal fails to propose a building which is suitably fragmented.
- 5.24. The proposed building would be monolithic in appearance and unsympathetic to its setting. There is an absence of variations in depth to the frontage of the proposed building. The modestly recessed fifth floor and features such as deeply revealed windows which are proposed are not enough to provide the necessary differentiation and reduction in massing to ensure that the building is appropriately scaled and successfully assimilates into the locality.
- 5.25. Some public objection to the development raises concerns over the obscuring of and damage to views of the World Heritage Site. Policy E3 of the Local Plan relates to the World Heritage Site. Officers do not consider that the proposed building would obscure a key local or long distance view of the World Heritage Site despite the aforementioned objections to the scale of the building. When travelling in a westerly direction along Green Lane to the east of the application site there is a view of the Cathedral Tower above the existing PPA building and River Court which due to the increased scale of the building would be in part obscured. However, this view is a glimpsed view of only a section of the World Heritage Site and is not considered to be a view of such merit or in need of safeguard that objection should be raised to the development on this specific point.
- 5.26. The justification to Policy E3 also emphasizes the importance of the setting of the Castle and Cathedral and this includes the surrounding green and wooded hills. Such a wooded hillside provides a backdrop to Green Lane itself. Policy E3 also discusses the importance of ensuring that the height and use of materials in new development is appropriate as this may have an impact on the skyline and thereby the World Heritage Site. On this occasion, despite the objections officers have to the visual appearance of the building, it is not considered that harm to the World Heritage Site would occur. The proposed building and the World Heritage Site are within the same views from the north east though there is significant distances between the two sites. The presence of the high student halls Parsons Field House to the rear means that the proposed building would not obscure or intrude upon the wooded hillside to the immediate rear and as a result officers do not consider that it could be demonstrated that there is specific harm to the setting of the World Heritage Site as such.
- 5.27. Some public objection is raised on the grounds of light pollution. Given the scale of the building and the number of windows proposed there would be a degree of light spillage and at night the building would have elements lit up at a greater height and to a greater extent than adjacent buildings. Durham City is in part characterised by being a relatively dark City at night and Durham has a lightness and darkness strategy in place which seeks to maintain this generally dark character yet

illuminating and emphasizing key sites such as the Castle and Cathedral. The height and sheer scale of the building could affect this dark character of Durham to a degree and cause an element of harm but likely commensurate with a residential area so it is not in itself considered to be of such harm as to warrant refusal of the application on this matter alone.

5.28. Despite this, the aforementioned objections to the scale, massing and design of the building are significant. The monolithic design would create an incongruous feature in the street scene, unsympathetic to the adjacent properties and harmful to the character and appearance of the Conservation Area.

5.29. Impact upon Residential Amenity

5.30. The proposal would result in the erection of 132 studio units for let to the student market. Public responses to the development contain differing views as to the acceptability of the site for student accommodation. Some respondents consider that the site is suitable in principle for students and may ease pressure on the existing housing stock. However, strong views are exhibited to the contrary of this from The Whinney Hill Community Group supported by evidence and quotations from the National HMO Lobby. The neighbouring residential area of Whinney Hill and others areas within the Elvet electoral division do contain a high number of student residents. The adjacent owners of the River Court development also object to the use of the site for such a scale of student development and consider alternative sites such as the former school site at Whinney Hill more appropriate.

5.31. Whinney Hill Community Group state that they are fundamentally opposed to the imposition of further student numbers in the area. Existing problems of a loss of a sense of community, erosion of housing supply, noise and disturbance and a feeling of isolation in the permanent residents are identified. Whinney Hill Community Group consider that the development would not ease pressure on the existing housing market and instead consider that purpose built student developments in areas of existing concentrations can exacerbate problems and generate new problems. Purpose built developments can contribute to imbalances in the community and act as a deterrent to the immigration of long-term residents such as families.

5.32. Creating mixed and balanced communities is a national aim of sustainable development as outlined within PPS1 and PPS3. This means providing sufficient good quality housing of the right types and mix, in the right places, which will be attractive to and meet the identified needs of different groups in society.

5.33. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development.

5.34. Officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development. The Development Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division.

5.35. Green Lane itself is essentially an edge of city centre mixed use area containing some residential properties, offices, recreational facilities and student halls are located to the immediate rear of the site. It is not considered to be an area of an overwhelming residential character. Though located close to Whinney Hill and other residential areas with high numbers of students it is also somewhat detached from

them. Comings and goings will predominantly occur via Green Lane itself which is not a wholly residential street.

- 5.36. This particular development proposes the redevelopment of an office building with newbuild and does not directly erode existing housing supply through its loss or replacement. The site is on the doorstep of the City Centre and its everyday transient population of workers, students, tourists and permanent residents coming and going from the area. Officers do not consider that this development would cause clear harm to any community or its population simply through the presence of its prospective occupiers.
- 5.37. In terms of noise and disturbance in the immediate vicinity the presence of a reception area and management suite on ground floor will provide some supervision and surveillance to the occupants reducing concern.
- 5.38. It is acknowledged that the proportions of student households, concentration of students and the impacts of this within parts of the Durham is of significant concern to some members of the public, community groups and communities as a whole. Through the ongoing preparation of the Local Development Framework the issues surrounding the student concentrations in Durham are being considered and researched further. Through this process further clarity and direction on the issues surrounding student concentrations will emerge. However, at this time this application must be determined in accordance with the provisions of the current Development Plan and material planning considerations. With this in mind and the discussions in the preceding paragraphs no objection to the influx of further students into the area through the development is raised by officers.
- 5.39. However, officers do have objections to the scheme on the grounds of specific relationships between the proposed property and adjacent neighbouring occupiers. Policy H16 of the Local Plan requires that new developments to not detract from the amenities of residents.
- 5.40. The adjacent River Court property contains a flanking elevation with habitable room windows and balcony spaces whilst the fourth floor is a single “penthouse” flat with rooftop terrace, amenity area and hot tub. To the rear of the site lies a four storey student halls of residence.
- 5.41. The proposed development has, to a degree, sought to take into account the adjacent properties and created recessed elements away from shared boundaries in areas and formed a horse shoe type shape to the development, in part with the purpose of reducing impact.
- 5.42. However, it is not considered that these mitigating factors have removed harm to adjacent occupiers. The side elevation of River Court, towards the rear, flanks the existing PPA building at a separation distance of around 13m and this nearest element of the existing building on site has an eaves height of approximately 6.9m with the ridge height around 21m away at around 9.8m in height.
- 5.43. In comparison the proposed five storey scheme has a maximum height of some 14m which at the nearest point to flanking habitable room windows and balconies in the River Court flats is just 8.4 metres. Such a change in circumstances would be significantly detrimental to the amenity of the occupiers within the adjacent River Court forming an overbearing impact with significant loss of outlook and light.
- 5.44. To provide some context for this relationship, although this application proposes a sui generis use the development would be residentially occupied. Policy Q8 of the Local

Plan which relates to new residential development and considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided. This development proposes a build in sections far closer to River Court than 13 metres and at a height approximately twice that of a standard two storey dwelling.

- 5.45. Policy Q8 of the Local Plan also states that between facing windows 21 metres separation distance should be provided in order to ensure adequate levels of privacy. Within the proposed development windows to bedrooms within the west facing elevation of the development would face windows to habitable rooms and balcony spaces within River Court at distances as close as 8.4 metres. Such a distance is wholly inadequate to maintain privacy for the occupiers of River Court.
- 5.46. In addition flanking windows on the third floor of the proposed building are at such a height that the outdoor amenity area containing roof terrace and hot tub within the adjacent River Court penthouse will be overlooked at a distance of around 11m. This again would constitute a significant invasion of privacy.
- 5.47. Further concerns are raised with regards to the relationship with the student halls Parsons Field House to the rear of the site. The rear elevation of Parsons Field House flanking the site contains many windows including to habitable accommodation. At the closest point the proposed development would be 16.6 metres away at five stories and would again include windows to bedrooms. There is some intervention created by trees on the boundary between the properties but this would not remove harm through a loss of privacy, outlook and formation of an overbearing impact. Loss of light should not be major factor however, as the application site lies to the north of the affected students halls.
- 5.48. Some public objection to the proposal considers that inadequate amenity space is provided for the prospective occupiers of the development and Policy H16 does consider state that satisfactory standards of amenity and open space for the residents should be provided. Only small areas of open space would remain on the site for amenity purposes with the most useable space being those areas to the front and rear. The provision of outdoor space is certainly not substantial. However, taking into consideration the edge of city centre location of the site coupled with the ease of access to recreational land such as the riverbanks to the north officers do not raise significant objection to the proposal on this point.
- 5.49. However, due to the objections raised to the impact upon the occupiers within River Court and Parsons Field House officers do consider that the development would cause significant harm to the amenities of neighbouring residents contrary to Policies H16 and Q8 of the Local Plan.

5.50. Highways Issues

- 5.51. Further public objection to the proposal relates to issues of highway safety and parking provision with the proposed 5 no. parking spaces considered inadequate given the occupancy levels proposed and vehicular movements and access arrangements on Green Lane detrimentally affected by the scale of the development. Public objections also query the ability of either the developer or the University to effectively manage car ownership and parking related to the development.
- 5.52. The Highway Authority have been consulted on the application and consider that the site benefits from good public transport, pedestrian and cycle links. It is considered that the development has been designed for use for students without cars with

parking limited to disabled spaces and short term loading/unloading facilities. The layout of the vehicular access is considered acceptable.

- 5.53. The Highway Authority do not raise objection to the level of parking provision proposed. Parking on Green Lane is controlled by pay and display and residents parking permits will not be available to the residents in order to ensure that the on street facilities remain available. No objections are raised to the development by the Highway Authority with regards to the movements on Green Lane or the junction with Old Elvet/Whinney Hill.
- 5.54. It must be noted that Policy T10 of the Local Plan seeks to limit parking provision in new development so as to promote sustainable transport choices.
- 5.55. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan.
- 5.56. Impact upon Protected Species
- 5.57. The host building contains a bat roost. Bats are a protected species and the presence of protected species such as bats is a material planning consideration in accordance with Circular 06/05 to PPS9. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
- 5.58. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows;
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained
- 5.59. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
- 5.60. The applications submitted are accompanied by a wildlife survey and both the ecology section and Natural England have been consulted. Natural England have assessed the development against their standing advice and conclude that planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
- 5.61. The Council's ecologist considers the proposed mitigation measures are acceptable and should be conditioned on any approval. However, it is considered that the proposed alternative roost provision should be identified on plan to be agreed by the Local Planning Authority. Officers consider that a suitably worded condition can be formulated to cover this requirement together with the mitigation measures outlined in the submitted survey on any approval.

- 5.62. Officers consider that despite a bat roost being found within the building that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable. It is considered that a license would be granted by Natural England.
- 5.63. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy E16 of the Local Plan and Policy 33 of the RSS.
- 5.64. Impact Upon Trees
- 5.65. The site contains a number of mature trees on its periphery. The application submitted state that these trees would be retained and protected as part of the development. However, a full arboricultural implications report or tree constraints plan has not been submitted and has been requested by the Council's landscape section. Officers have in turn requested these details from the applicant's agent but thus far the information has not been received. Officers do consider, however, that a condition could be attached to any consent requiring the submission of a scheme detailing the protection measures for the trees during the works.
- 5.66. In addition an ecological survey submitted with the application found that a hedge on site contains two forms of the invasive plant species cotoneaster under the Wildlife and Countryside Act 1981 (as amended 2010) and this states that it is an offense to deliberately encourage the growth or to plant these species. The ecological report recommends the removal of this species in accordance with a method statement which could be ensured by way of condition on any approval.
- 5.67. Other Issues
- 5.68. Some public objection to the development question the need and demand of the development. Linked to this perceived demand concern it is also raised that the development may not appeal to students and could be rented out to the non-student private rented market. With Policy H16 of the Local Plan establishing that new student halls of residence are acceptable within settlement boundaries in principle it would be difficult to sustain an objection on any perceived lack of need. In addition weight should also be attributed to the National Planning Policy Framework, published in draft in July of this year. This establishes a presumption in favour of sustainable development and officers do not raise objection to the sustainability of the proposal. Officers therefore raise no strong objection to any perceived need or demand of the proposal.
- 5.69. With regards to the concern over the occupancy, the proposed development is considered a sui generis use and the application description details that the development is purpose built for students. Any deviation from this use to another form of development would therefore require planning permission and would be assessed on its own merits.
- 5.70. Further public objection considers that the proposal is not suitable given the collegiate nature of Durham University and a further objection was received stating that the development is in competition with the University. Again, with a Local Plan policy (H16) accepting such developments in principle it is not considered that a planning objection could be sustained on such points. With regards to competition, it has long been accepted within planning that considerations of commercial competition are not planning matters and paragraph 29 of "The Planning System: General Principles" reinforces this.

- 5.71. The Whinney Hill Community Group consider that the proposal would prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver. The development put before the Council is that which must be assessed on its own merits. The land is not specifically designated within the Local Plan for any particular use such as housing, office or industrial development and it is not considered possible to object to the proposal on the grounds that a different development may come along which is potentially more of an economic driver. In addition there would certainly be some economic benefits from the redevelopment of the present site for the accommodation proposed.
- 5.72. The application has not been accompanied by a section 106 agreement ensuring the provision of affordable housing or a contribution towards children's play equipment. The proposal constitutes a sui generis use and the requirements for playspace and affordable housing relate only to development proposing dwellinghouses (C3 use class). As a result the relevant Local Plan thresholds and requirements pursuant to this are not considered applicable to the development.
- 5.73. The application has been accompanied by a geo-environmental assessment and this concludes that the overall risk of land contamination is low-medium whilst the potential for ground gas is also considered low to moderate. No objections have been received with regards to the findings of the report within the consultation response from environmental health. The further investigations recommended within the submitted geo-environmental assessment could be conditioned on any approval.
- 5.74. Environmental health do consider that there is the potential for noise disturbance during works and it is recommended that a condition restricting working hours is attached to any permission. The working methods and use of plant and machinery should be in accordance with BS5228 Noise and Vibration Control on Construction and Open Sites. It is also recommended that a condition be attached requiring the submission of a dust assessment and controlling methods. All waste material must be disposed of in the correct and proper manner and the burning of any materials on site shall be prohibited.
- 5.75. Officers consider that conditions could be attached to any approval limiting the hours at which works can occur as well as requiring the submission of and agreement to a scheme on working methods and practices and dust suppression during the works.
- 5.76. The Council's senior low carbon officer is encouraged by the applicant's efforts to achieve an excellent BREEAM rating. However, some concerns are raised to the practicalities of the use of air source heat pumps. A condition is requested to be attached to any approval requiring a 10% total energy reduction. Such a condition could be attached.
- 5.77. The Environment Agency have been consulted on the application and have provided a link to their standing advice notes. There was no requirement for a flood risk assessment to be submitted. This standing advice considers that on sites of this size located in flood risk zone one the main risk of flooding will come from surface water runoff and good practice principles and guidance are provided within the standing advice document. No objections are raised with regards to matters of flood risk in accordance with PPS25 and Policy 35 of the RSS.
- 5.78. No objections have been raised within consultation responses from Northumbrian Water and the Coal Authority.

6.0 CONCLUSION

- 6.1. This proposal seeks to erect a purpose built accommodation block for student occupancy containing some 132 studios. Some public objection to scheme considers that the principle of such an influx of students into the area, an area which has a high concentration of students is unacceptable in principle citing harm to the community and residential amenity amongst the objections. Officers however, consider that in principle the proposal seeks a sustainable form of development in an edge of city centre location somewhat detached from an established residential area and in principle accords with the development plan.
- 6.2. No harm to highway safety is considered to occur and matters of ecology, impact on upon trees, land contamination and flood risk have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.
- 6.3. However, the proposed building is considered to be inappropriately designed, introducing an incongruous feature with a scale and massing harmful to the appearance of the streetscene and harmful to the character and appearance of the Conservation Area.
- 6.4. Linked to this, the size and scale of the building and its proximity to adjacent buildings would result in significant harm to the residential amenity of the occupiers of neighbouring properties.
- 6.5. As a result refusal of the application is recommended.

7.0 RECOMMENDATION

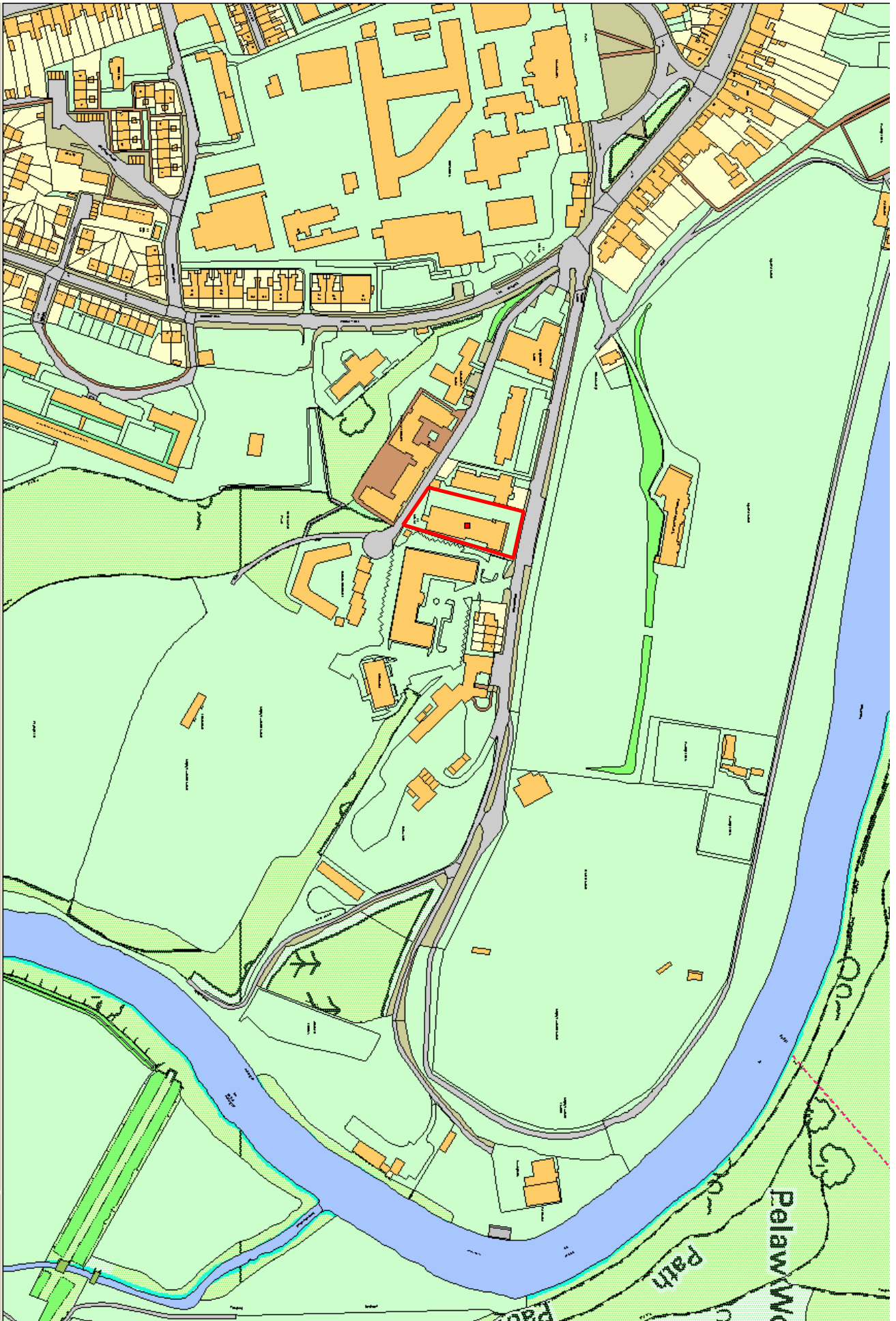
That the application be REFUSED for the following reasons:

1. The Local Planning Authority considers that the proposed building by reason of its design with particular reference to its size, scale, appearance and massing would create a monolithic and incongruous feature harmful to the visual amenity of the area and the character and appearance of the Durham City Centre Conservation Area. As a result, the development is considered to be contrary to the provisions of Policies E6, E22 and H16 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that by reason of the proposed building's size, location and position of windows to habitable accommodation, the development would cause significant harm to the residential amenity of the occupiers of the adjacent River Court and Parsons Field House halls of residence through the introduction of an overbearing, intrusive mass causing a loss of outlook and through reduced facing distances causing a significant loss of privacy. As a result the proposed development is considered contrary to Policies H16 and Q8 of the City of Durham Local Plan 2004.

8.0 BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting reports
Submitted Design and Access Statement

City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statements 1, 3, 5, 9, 23 and 25 and Planning Policy Guidance Note 13
Responses from The Highway Authority, Northumbrian Water, Environment Agency, Coal
Authority and Natural England
Internal consultee responses
Public responses
Planning Circulars 11/95
Draft National Planning Policy Framework



COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00479/FPA
FULL APPLICATION DESCRIPTION:	Erection of 12 no. dwellinghouses
NAME OF APPLICANT:	Bett Homes
ADDRESS:	Former Omnibus Depot And Welfare Club, Front Street, Quarrington Hill, Durham, DH6 4QF
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 301 8739 henry.jones@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application relates to the site of the former omnibus depot and welfare club which have previously been demolished. The site now comprises some areas of rubble and hardstandings which have been in part reclaimed by the landscape with long grass covering much of the site. A sales and information temporary office building is located within the site adjacent to the Front Street. The site is enclosed by 2metre high fencing on much of the perimeter with lower railings located adjacent to the property Newfield. The site slopes quite steeply to the south-east.
- 1.1.2. The application site lies within the settlement boundary of Quarrington Hill, a village located to the south east of Durham City. The site is located in a prominent location at a crossroads on the Front Street. Land to the north-east of the site is reclaimed countryside. A public house, The Half Moon is located nearby on the opposite side of the Front Street and a bus stop is located immediately adjacent to the south east corner of the site.

1.2. PROPOSAL

- 1.2.1. This application is the latest in a series of applications for residential development at the site the last being in 2010. This scheme proposes the erection of 12 no. dwellinghouses comprising of a mix of two house types "The Lindsey" and "The Wren". The Lindsey is the larger of the two houses being a three bed property, the Wren being a two bed. Both properties are two storey dwellings with maximum heights of 8.4 metres.

- 1.2.2. The properties are arranged in attached rows of up to four properties, none are detached. The proposed dwellings are arranged to face onto the Front Street or Church Street with the exception of two dwellings which face across the site itself.
- 1.2.3. Access is proposed from the south eastern corner of the site off Church Street with properties being served by parking spaces off this internal road which is proposed to be constructed to an adoptable standard. Some properties will have parking spaces formed directly off Front Street itself.
- 1.2.4. The application is being presented to Committee due to being a major residential development.

2.0 PLANNING HISTORY

- 2.1. Planning permission was first granted for the redevelopment of the site in outline in 2001. This permission was renewed in 2004. A further outline permission was granted for 14 no. dwellings in 2006.
- 2.2. In 2008 planning permission in full this time was granted for 14 no. dwellings. Then in 2010 planning permission was granted for 6 no. detached dwellings.

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 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.

- 3.1.4. 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.
- 3.1.5. **Planning Policy Guidance Note 17: Sport and Recreation** describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

- 3.1.6. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation.
- 3.1.7. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest.
- 3.1.8. It discusses the role of all levels of plan, planning agreements, and the use of local authority land and compulsory purchase powers. It discusses provision in urban areas, the urban fringe, the Green Belts, and the countryside and particular sports including football stadia, water sports and golf.
- 3.1.9. **Planning Policy Statement 23: Planning and Pollution Control** sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.

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 4: The Sequential Approach to Development** establishes that priority should be given to previously developed land within sustainable locations.
- 3.2.5. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.6. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.7. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

- 3.2.8. **Policy 35: Flood Risk** promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
- 3.2.9. **Policy 38: Sustainable Construction** seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.
- 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 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.
- 3.3.5. **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 Q15: Art in Design** states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will

be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area

- 3.3.10. **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.
- 3.3.11. **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.
- 3.3.12. **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 proposed access is considered suitable for the development. The layout of the access road is suitable for highway adoption. The proposed parking provision is relatively low however, it is considered adequate for the types of dwellings and likely car ownership levels. Provision is made for cycle storage within each plot and no objections to the scheme are raised.

4.2. INTERNAL CONSULTEE RESPONSES:

- 4.2.1. The Senior Low Carbon Officer has been consulted on the application and considers that the application be subject to the standard condition seeking a 10% total energy reduction.
- 4.2.2. Environmental Health have submitted comments with regards to working hours and practices as the development is considered to have the potential to cause noise and dust nuisances and conditions are recommended for attachment to this end.

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 which considers that the application site is located within an established residential area with good transport connections and access to amenities. The proposed dwellings are considered to be sympathetic to the buildings in the area and traditional materials will be used in their construction and the layout has sought to take into account the site specifics and topography. In conclusion the applicant considers that the

development of these dwellings in this location accords with the national and local planning policy guidance.

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_detailview.aspx?caseno=LN7063BN5B000

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 site comprises of the former omnibus depot and welfare club which have previously been demolished. The site has started to be taken over by long grass but the remnants of hard surfaces can still be seen on the land. The site contains means of enclosure both within and on the periphery of the site and a sales and information cabin is located on one part of the site. The site is considered to constitute previously developed land. The application site is also located within the settlement boundary of Quarrington Hill. Quarrington Hill does not contain a local centre but does contain amenities within easy walking distance of the application site including a newsagents, post office, public house and a primary school at neighbouring Cassop is located less than half a mile away.
- 5.4. Policy H3 of the Local Plan accepts the principle of residential development on previously developed land within settlements such as Quarrington Hill. National and regional guidance contained within PPS3 and the RSS also have a preference for the development of previously developed land located within sustainable locations.
- 5.5. The principle of the development is therefore considered to wholly accord with local, regional and national planning policy guidance with the site suitable for residential development. It must also be noted that there is a history of recent approvals for residential developments and this includes an extant permission from last year.
- 5.6. Impact upon Visual Amenity
- 5.7. The application proposes a development of 12 no. dwellings comprising of 2 no. house types. The house types are both relatively modest dwellings of modern design. The dwellings incorporate pitched roofs including to front canopies, utilise heads and sills to windows and have some half dormer detailing. The dwellings are considered to be suitably designed and scaled.
- 5.8. The local area contains a mix of properties and the local area does not have a particularly distinct vernacular. Traditional terraced pebble dashed and rendered properties are located on the opposite side of the Front Street. To the south west lies the large detached property Newfield and adjacent to this a modern bungalow. To the south of the site lies a Local Authority housing estate and also nearby on the opposite side of the road is the partly boarded up Old Chapel last used as a garage.

- 5.9. The existing site has been vacant for a considerable period of time and its present condition and high boundary enclosures is something of an eyesore in the village. The proposed introduction of modern residential properties is considered to benefit this particular part of Quarrington Hill.
- 5.10. The submitted site layout proposes a landscaping scheme with the planting of native species to the periphery of the site to further improve aesthetics and provide some maturity to the site.
- 5.11. Officers raise no objection to the visual impact of the development which would suitably integrate into the existing area in accordance with the most relevant Policies H13, Q3, Q5 and Q8 of the Local Plan.
- 5.12. Impact upon Residential Amenity
- 5.13. The proposed development must ensure that the residential amenity of both existing neighbouring occupiers and the proposed occupants of the new development are adequately preserved in accordance with the most relevant Local Plan Policies H13 and Q8 of the Local Plan.
- 5.14. Land to the north east of the application site is open countryside and to the south east much of the site is flanked by an area of open space containing informal footpaths. Beyond this area of open space are residential properties on Neil Crescent. The nearest element of a dwelling within the proposed development would be the gable end of a Lindsey house type and this would be situated some 17 metres from No. 4 Neil Crescent, such a distance even taking into consideration a change in levels would preserve the amenity of the occupiers of Neil Crescent.
- 5.15. The residential properties to face onto the Front Street are set back from the road in part to cater for the proposed parking spaces directly off the Front Street. This helps to ensure that separation distances to properties on the opposite side of the road are acceptable and largely commensurate with the established building lines in this part of the village.
- 5.16. The large property Newfield is the nearest residential property to the proposed development with its side elevation and rear curtilage flanking proposed dwellings. Within the side elevation of Newfield one window is located at first floor flanking the proposed dwellings, this window is understood to be to a bathroom rather than a main habitable room reducing concerns over amenity. The two semi detached properties located identified as plots 11 and 12 have rear elevations which to a degree face over the rear curtilage of Newfield. However, the area of the curtilage that the properties face is largely taken up by a garage rather than a genuine garden area reducing concern.
- 5.17. Considering the size of site and number of dwellings proposed the development is relatively high density. Adequate space between properties is considered to be maintained and although garden spaces are not large they are considered adequate for the dwellings proposed which are modest. However, it is recommended that permitted development rights are removed for some extensions and alterations to the property so that the Local Authority can retain control over future extensions and ensure that relationships remain acceptable.
- 5.18. It must also be noted that as recently as 2008 planning permission has been granted for a total of 14 no. dwellings on the site, a development which exhibited very similar relationships between properties both within and outside of the site and was considered acceptable against the same Local Plan Policies.

- 5.19. As a result the development is considered to accord with relevant Policies H13 and Q8 of the Local Plan with no harm caused to the amenity of existing or proposed residents.
- 5.20. Highways Issues
- 5.21. The Highway Authority have been consulted on the application and the proposed vehicular access considered acceptable and internal road layout suitable for adoption. The parking provision is considered to be quite low but adequate taking into consideration the types of dwellings and likely levels of car ownership. Officers concur with these views.
- 5.22. Policy T10 of the Local Plan seeks to limit parking provision within new development so as to promote sustainable transport choices and reduce the land take of development. The submitted plans propose cycle storage for each dwelling and in addition the site is located immediately adjacent to a bus stop.
- 5.23. Officers raise no objection on highways grounds in accordance with Policies T1 and T10 of the Local Plan.
- 5.24. Other Issues
- 5.25. This application, together with previous submissions has been accompanied by environmental investigation reports to investigate the potential for land contamination on the site given its former use as an omnibus depot. Environmental Health have been consulted with regards to this, though no comments have been received with regards to land contamination. The submitted reports and previous comments from Environmental Health on earlier applications have considered the site to be of only low risk to human health. It is considered appropriate, however, to attach a condition requiring the submission of remediation measures.
- 5.26. Environmental Health have submitted comments with regards to working hours and practices as the development is considered to have the potential to cause noise and dust nuisances. Conditions are recommended for attachment with regards to working hours to help prevent any nuisance to residents although no conditions are recommended with regards to dust assessments or waste disposal. Given the scale of the development, lack of demolition required and history of approvals without said conditions it is not considered necessary on this occasion.
- 5.27. Policy R2 of the Local Plan seeks to ensure that new or contributions to improve existing amenity space and playspace are made where residential developments of 10 or more dwellings are proposed. In this instance given the size of the site it would be impractical to provide any such space on site. Discussions have therefore been held with the applicant and a financial contribution is to be provided via a section 106 agreement. This is consistent with the approach taken on the 2008 approval for 14 no. dwellings.
- 5.28. In addition Policy Q15 of the Local Plan seeks the provision of artistic elements in design and public art features. The Council supports the principle of “percent for art” encouraging developers to allow a pre-agreed proportion of the capital cost of development to commission art works. The applicants have also confirmed that within a section 106 agreement a contribution would be made for public art.
- 5.29. The Councils senior low carbon officer has requested that a condition is attached to any permission requiring a 10% total energy reduction. Such a condition is

recommended for attachment. A similar condition has been attached to the previous approval for 14 no. dwellings in 2008.

- 5.30. With the scheme proposing 12 no. dwellings only, the proposal is below the recommended national and local threshold for providing affordable homes.

6.0 CONCLUSION

- 6.1. This proposal is the latest in a number of recent planning applications for residential development on the site and the site has long been identified as being suitable for residential development given its sustainable location and effective reuse of previously developed land.
- 6.2. The local area has a mix of buildings and properties and has no distinct architectural character as such. The proposed modern dwellings are considered to integrate into the local area and the proposal would result, once again in a planning permission seeking to make use of vacant and somewhat unsightly parcel of land.
- 6.3. Impacts upon local residents are not considered to be harmful and no letters of objection have been received as a result of the public consultation exercise.
- 6.4. No harm to highway safety is considered to occur. Financial contributions towards public art and amenity space are proposed through a section 106 agreement.
- 6.5. Overall the proposal is considered to accord with the Development Plan and no objections are raised with regards to other material planning considerations.

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 or improvement of amenity space/play space equipment and a
- commuted sum towards public art works.

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

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

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

QH/SL/01, LIN_PL_1, LIN_OPP_PL_1, WRE_PL_1 and WRE_OPP_PL_1 all received 18th August 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, T1, T10, R2, Q3, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.

3. 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 the visual amenity of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

6. No development shall commence until a scheme for catering for foul and surface water discharge has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that adequate arrangements for the disposal of foul and surface water discharges are made in accordance with Policy U8A of the City of Durham Local Plan 2004.

7. Prior to the commencement of 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 efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation and retained so in perpetuity.

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

8. a) Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use through the removal, containment or otherwise rendering harmless any contamination must be prepared and approved in writing by the Local Planning Authority.

b) For each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To ensure that risks from land contamination are minimised in accordance with Policy U11 of the City of Durham Local Plan 2004 and Planning Policy Statement 23.

9. All planting, seeding or turfing proposed within the submitted landscaping plan as indicated on plan QH/SL/01 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 and to comply with Policies Q5 and Q8 of the City of Durham Local Plan 2004.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the window to bathroom in house type "The Wren" shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be non-opening unless those parts of the window that can open are more than 1.7m above finished floor level and shall remain so.

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

11. 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 Classes 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.

12. No development works shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 12 noon on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

8.0 REASON FOR THE DECISION

- 8.1. The development is considered to represent the efficient use of a previously developed plot of land within a settlement boundary with no detrimental impact upon

the character or appearance of the area, the amenities of residents or highway safety in accordance with the aims of Policies 2, 4, 7, 8, 24 and 38 of the RSS and Policies H3, H13, T1, T10, R2, Q3, Q5, Q8, Q15, U8A, U11 and U14 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.

9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans

Submitted Design and Access Statement

City of Durham Local Plan 2004

Regional Spatial Strategy

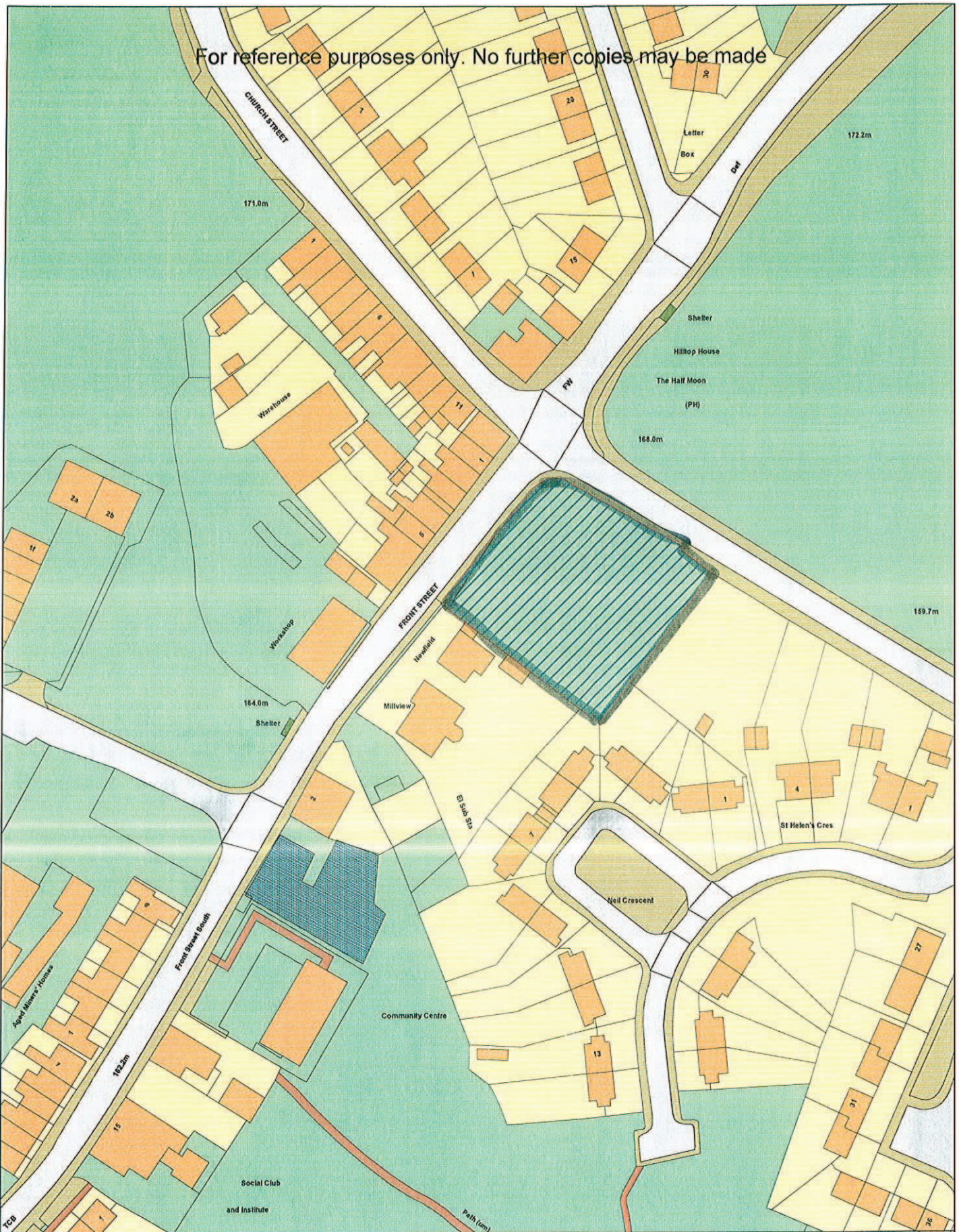
Planning Policy Statements 1, 3 and 23 and Planning Policy Guidance Notes 13 and 17

Response from County Highway Authority

Internal consultee response

Planning Circulars 11/95 and 05/05

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4/11/00479/FPA

Former Omnibus Depot And Welfare Club, Front Street

Comments

Date

25 August 2011

Scale

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/11/00539/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey rear extension
NAME OF APPLICANT	Mr Jones
ADDRESS:	29 Birkdale Gardens Belmont Durham DH1 2UJ
ELECTORAL DIVISION:	Durham
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 host property constitutes a semi-detached dwelling house sited on an ample plot within a cul de sac at Birkdale Gardens. The dwelling house is brick built with white UPVC fenestration and is of a modern design. To the north of the application site is number 28 Birkdale Gardens, to the east there is currently no development, to the south is number 30 Birkdale Gardens and to the west is the host dwelling and the estate road.

1.1.2 This application is reported to committee as the applicant is a Durham County Council employee within the RED group.

1.2. PROPOSAL

1.2.1 The application seeks planning permission for the erection of a two storey rear extension. The proposed extension would have a width of 4.175 metres and a depth of 5.95 metres; it would have a height to the eaves of 4.9 metres and a height to the ridge of 6.4 metres. It would be set down 0.6 metres from the ridge of the host dwelling.

2.0 PLANNING HISTORY

2.1. 4/02/00093 Erection of two storey pitched roof extension to side and single storey extension to rear of existing dwelling Approved 7/3/2002.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY

3.1.1 **Planning Policy Statement 1: (PPS1) Delivering Sustainable Development** sets out the Governments overarching planning policies on the delivery of sustainable development through the Planning System.

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 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.

3.2.3 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 Q9 Alterations and Extensions** Extensions to existing dwellings will generally be acceptable provided such extensions are sympathetically designed, do not detract from the character of the area and have no adverse affect on the amenity of neighbours.

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 CONSULTATION AND PUBLICITY RESPONSES

4.2 STATUTORY RESPONSES:

4.2.1 None requested

4.3 INTERNAL CONSULTEE RESPONSES:

4.3.1 None requested

4.4 PUBLIC RESPONSES:

4.4.1 The application has been advertised by neighbour consultation letters. No observations have been submitted.

4.5 APPLICANTS STATEMENT:

4.5.1 No additional comments to make in addition to the information contained within the application.

5 PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 The key issues for consideration are:

The visual appearance of the proposal
Impact on the living conditions of neighbouring properties

5.2 The visual appearance of the proposal

5.2.1 The host property is a semi-detached dwelling house sited on a sizable plot with a large enclosed rear garden. It is considered that due to the size of the plot, the site could adequately absorb the proposed extension while still retaining an adequate level of private amenity space. The extension although large has been sympathetically designed to appear subordinate to the host dwelling in terms of scale and massing. The proposed extension would not be readily visible within the streetscene therefore it is considered that the proposal would not bring about any significant intrusions into the visual amenity of the street scene. Matching materials would be a condition of the planning permission. It is considered that the proposed extension would be in keeping with the character of the existing dwelling and the surrounding area in terms of mass, scale, design and materials.

5.2.2 The proposed extension would not have a detrimental effect upon the appearance of the host property and would not have an adverse impact on the visual amenity of the surrounding area. The proposal conforms to policy Q9 of the City of Durham Local Plan 2004.

5.3 Impact on the living conditions of neighbouring properties

5.3.1 In respect of impact upon neighbouring properties the proposed two-storey rear extension would represent a large addition to the dwelling, however it is considered that the large building plot could accommodate the proposal without appearing overbearing or creating adverse living conditions for the occupiers of neighbouring properties. The proposed extension would be located 4 metres from the boundary of number 30 Birkdale Gardens. Two first floor windows of the extension would face onto number 30 Birkdale Gardens; it is considered that these windows would not be significantly detrimental to the privacy of number 30 Birkdale Gardens, as the windows would be for an en-suite and a hallway. The proposed extension would be located 4.4 metres from the boundary of number 28 Birkdale Gardens and would be partly screened by the host property's existing detached garage. There would be no windows in the side elevation of the extension facing onto number 28 Birkdale Gardens. There is currently no development to the rear of the application site.

5.3.2 Due to the size of the plot and the orientation of the site it is considered that there would be no significant loss of privacy or amenity to neighbouring properties, nor would there be any significant overbearing or overshadowing to neighbouring properties. It is therefore considered that the proposed development accords with policy Q9 of the City of Durham Local Plan 2004.

6 CONCLUSION

- 6.1 The proposed development is considered to be acceptable with no harm caused to the character or appearance of the host property, the surrounding area or the amenities of neighbouring occupiers in accordance with Policy Q9 of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

- 6.2 In particular the development was considered to cause no harm to the character or appearance of the area or upon the residential amenity of neighbouring occupiers

7 RECOMMENDATION

That the application be APPROVED subject to the following conditions:

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

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

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

Description	Date Received
Site Location Plan	4/7/2011
Proposed Extension	4/7/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policy Q9 of the City of Durham Local Plan 2004.

3. The external surfaces of the proposal hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extension will form part.

Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q9 of the City of Durham Local Plan 2004.

8 REASON FOR THE DECISION

- 8.1 The proposed development is considered to be acceptable with no harm caused to the character or appearance of the area or the amenities of neighbouring occupiers in accordance with Policy Q9 of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

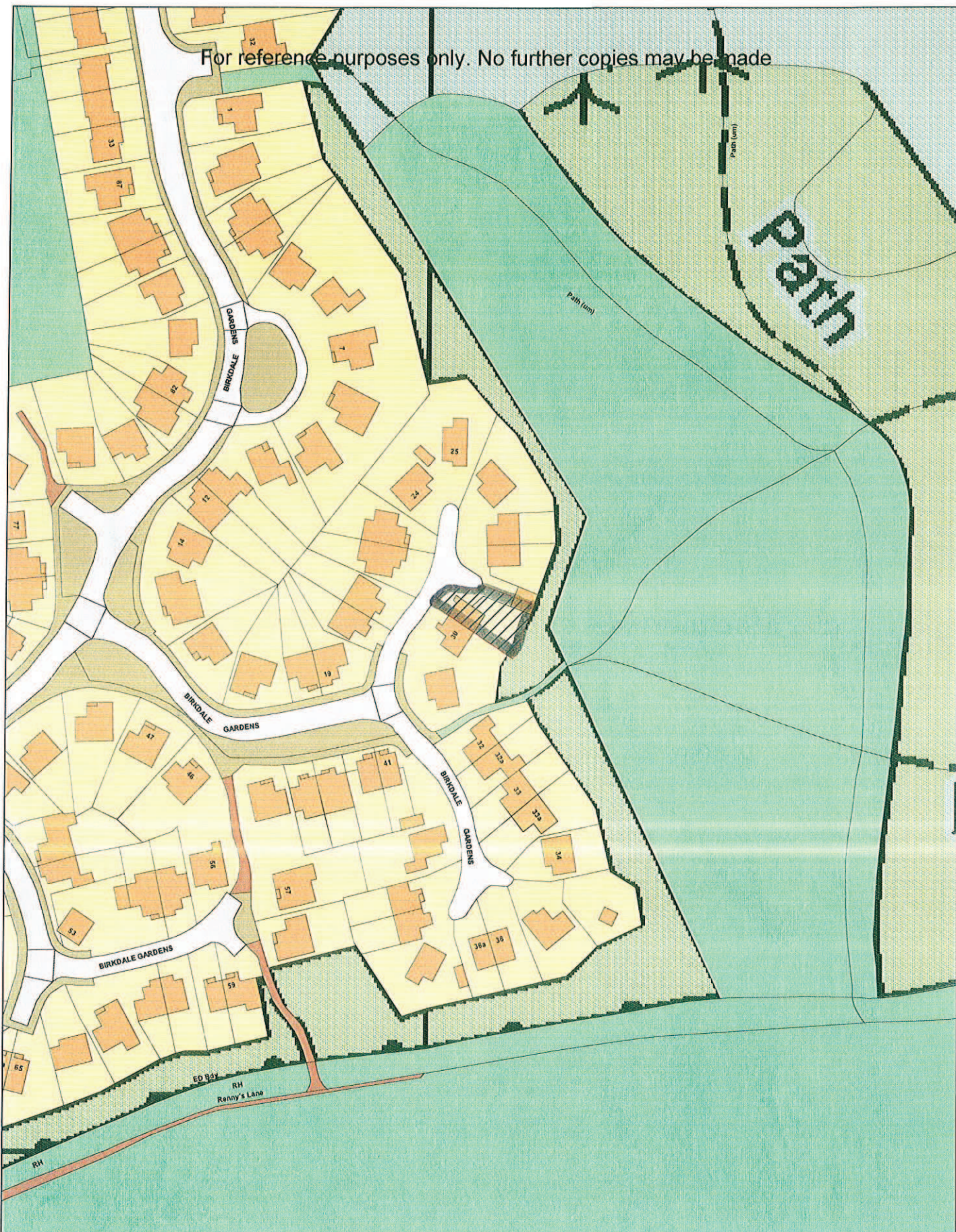
- 8.2 In particular the development was considered to cause no harm to the character or appearance of the area or upon the residential amenity of neighbouring occupiers.

9 BACKGROUND PAPERS

Submitted Application Forms and Plans
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statement 1
Response from County Highway Authority
Internal consultee response
Planning Circulars 11/95 and 05/05

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4/11/00539/FPA

29 Birkdale Gardens, Belmont

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Comments

Date

25 August 2011

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00601/FPA
FULL APPLICATION DESCRIPTION:	Erection of single storey pitched roof extension to rear of existing dwelling
NAME OF APPLICANT:	Mr & Mrs Dwyer
ADDRESS:	30 Grove Road, Brandon, Durham, DH7 8AR
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Stephen Potter Planning Assistant 0191 3018770 Stephen.potter@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application site lies within the settlement boundary of Brandon, to the west of Durham City in a predominantly residential area.

1.2. PROPOSAL

- 1.2.1. The application seeks planning permission for the erection of a single storey pitched roof extension to the rear of the existing dwelling as a sun room measuring 3.5m by 5m.
- 1.2.2. The application is being presented to Committee due to the client being a member of staff within RED.

2.0 PLANNING HISTORY

- 2.1. None

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.

3.2. 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 this applications include the following:
- 3.2.3. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.

3.3. LOCAL PLAN POLICY

- 3.3.1. **Policy Q9: Alterations and Extensions to Residential Property** states that planning permission will not be granted for alterations or extensions which are not sympathetic to the character or appearance of the area. It also states that development should not detrimentally impact on the residential amenity of surrounding occupiers.
- 3.3.2. **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.

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 Highways Authority has raised no objection.

4.2. INTERNAL CONSULTEE RESPONSES:

- 4.2.1. None received.

4.3. PUBLIC RESPONSES:

- 4.3.1. The application has been advertised by five neighbour notification letters, no objections have been received.

4.3.2. Applicants Statement

- 4.3.3. The proposed extension is considered to be sympathetic to the buildings in the area and traditional materials will be used in their construction to match the existing property.

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_detailview.aspx?caseno=LN7063BN5B000

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 application seeks planning permission for the erection of a single storey pitched roof extension to the rear of the existing dwelling.
- 5.4. The principle of the development is considered to wholly accord with local, regional and national planning policy guidance with the site suitable for residential extensions within the settlement boundary of Brandon.
- 5.5. Impact upon Visual Amenity
- 5.6. The submitted proposal is an extension to the rear of the existing dwelling and will therefore have minimal impact on the wider amenity of the area. In terms of the view from neighbouring properties the brick built design with hip roof is commensurate with the area and host property.
- 5.7. Impact upon Residential Amenity
- 5.8. The proposed development must ensure that the residential amenity of both existing occupiers and the proposed occupants of the new development are adequately preserved in accordance with Policy Q9 of the Local Plan.
- 5.9. No letters of objection have been received in response the Councils consultation exercise. The proposed extension is not considered to cause any harm to the residential amenity of neighbouring occupiers as the wall to the other half of the semi detached property is entirely of brick, negating any overlooking concerns.
- 5.10. Highways Issues
- 5.11. As the development is to the rear garden, no highway impacts are relevant to this application.

6.0 CONCLUSION

- 6.1. The local area has a mix of buildings and properties commensurate with their age in appearance, with a variety of extensions. The development is commensurate with the character and appearance of the neighbouring properties.
- 6.2. No harmful impact on residential amenity will result from the development and no letters of objection have been received as a result of the public consultation exercise.
- 6.3. No harm to highway safety will occur.
- 6.4. Overall the proposal is considered to accord with the Development Plan and Policy 8 of the RSS and Policy Q9 of the City of Durham Local Plan.

7.0 RECOMMENDATION

Recommendation that the application is:

Approved subject to the following conditions:

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

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

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

Proposed Single Storey Extension received 22nd July 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies Q9 and T1 of the City of Durham Local Plan 2004.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy Q9 of the City of Durham Local Plan 2004.

8.0 REASON FOR THE DECISION

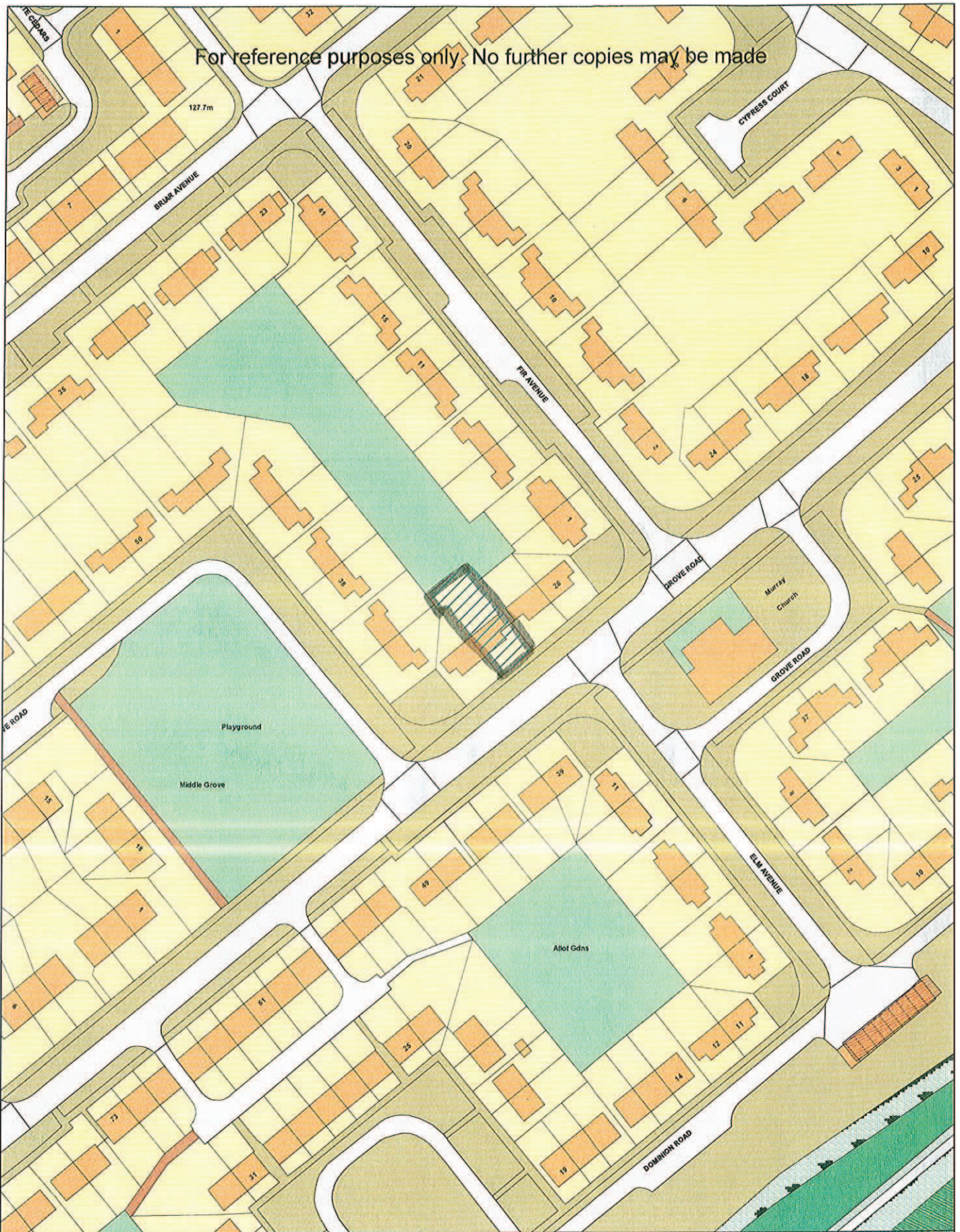
- 8.1. The development is considered to represent the efficient use of a previously developed plot of land within a settlement boundary for a domestic extension with no detrimental impact upon the character or appearance of the area, the amenities of surrounding residents or highway safety in accordance with the aims of Policy 8 of the RSS and Policies Q9 and T1 of the City of Durham Local Plan 2004.
- 8.2. No objections or representations were received to the application.

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 Statement 1
Response from County Highway Authority
Internal consultee response
Planning Circulars 11/95 and 05/05

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4/11/0601/FPA

30 Grove Road, Brandon

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Comments

Date

25 August 2011

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00628/FPA
FULL APPLICATION DESCRIPTION:	Erection of dwelling house (retrospective with amendment to lower main roof and fenestration)
NAME OF APPLICANT:	Oaktree Homes Durham Ltd
ADDRESS:	Plot 4 Bishopgate, Former Rookstone Nursing Home, 48 North End, Durham, DH1 4LW
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	James Taylor Principal Planner 0191 301 8723 James.taylor@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application site comprises one of seven plots consented in 2009 for residential dwellings on a former Nursing Home in the North End area of Durham City. This application concerns plot 4 which is to the back of the host development site in the south west corner bordering to its side and rear properties of Fieldhouse Lane and The Grove.

1.2. PROPOSAL

- 1.2.1. The application proposes one five bedroom 7.7m high dwelling in a modern Georgian style, with a dual hipped profile to the main roof and a 'T' section to the front decreasing in height to a gable end above a double garage. To the west is a single storey three metre projecting off shoot with a pitched roof terminating at its ridge a metre below the main eaves line. Access is from the 2009 layout to a private driveway.

2.0 PLANNING HISTORY

- 2.1. Demolition of 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) (Resubmission) – Approved 2009
- 2.2. Discharge of planning conditions 3, 4 and 5 pursuant to 4/09/00752/OUT – Approved February 2011

- 2.3. Erection of detached dwelling house (retrospective with proposed amendments to main roof shape and fenestration) – Refused July 2011

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: (PPS3) Housing** sets out the Governments objectives in relation to housing, including ensuring that there is a mix and range of housing available for different members of the community.
- 3.1.3. **Planning Policy Statement 9: (PPS9) Biodiversity and Geo-diversity** sets out planning policies on protection of biodiversity and geological conservation through the planning system.
- 3.1.4. **Planning Policy Statement 23: (PPS23)** Sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.
- 3.1.5. **Planning Policy Statement 25: (PPS25)** Requires consideration be given to the run off and discharge of foul and surface water from a development site.

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 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. 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 this application 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 30: Improving Inclusivity and Affordability** sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.
- 3.2.8. **Policy 35: Flood Risk** promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.

3.3. LOCAL PLAN POLICY

- 3.3.1. **Policy H2 (New Housing Development 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 E14 (Trees and Hedgerows)** seeks to retain important areas of woodland, trees and copses or designate preservation orders where necessary.
- 3.3.4. **Policy E15 (Tree and Hedgerow Planting)** seeks replanting of trees and hedgerows in urban areas, major developed sites and main transport corridors.
- 3.3.5. **Policy T1 (Traffic Generation – General)** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
- 3.3.6. **Policy T10 (Parking – General Provision)** requires a balance to be struck between safe off street parking and the discouragement of an over reliance upon the use of the private car.
- 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 U5 (Pollution Prevention)** seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
- 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 (Contaminated Land)** seeks to prevent contamination from development and ensure appropriate remediation controls.

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. Highway Authority: No objections raised.

4.1.2. Northumbrian Water: No comments offered.

4.2. INTERNAL CONSULTEE RESPONSES:

4.2.1. No objection raised by contaminated land officer.

4.3. PUBLIC RESPONSES:

4.3.1. The application has been advertised by way of two site notices and 69 neighbour consultation letters. In response four letters of objection have been received on the following grounds:

- That the application should only be built in accordance with the approved plans;
- that the former screening hedge along Fieldhouse Lane has been removed and should be replaced;
- that the length of the dwelling at an extra 1.3m is overly dominant;
- that the layout of the footprint of the dwelling on site is further towards 'The Grove' than approved in 2009;
- that the massing of the elevation facing Fieldhouse Lane will be oppressive;
- overlooking from the rear windows towards Fieldhouse Lane removing privacy;
- an increase in risk of flooding through ground compaction and drainage design;
- that the third side kitchen window should be omitted and replaced by roof lights.

4.4. APPLICANTS STATEMENT:

4.4.1. The application seeks to remedy the concerns of local residents moving on from the July refusal. Specifically the reduction in the roof height which it is felt greatly improves outlook and the massing of the proposal.

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_detailview.aspx?caseno=LN7063BN5B000

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. Principle of Development

5.2. The principal of residential development on the former nursing home was established by the 2009 consent which included detailed matters for plots 4, 3 and 2. However the dwelling as built on site is not entirely representative of this consent being 1.3m longer to the rear and 1.8 metres higher at the ridge of the principal roof. In July this increased scale was considered unacceptable by members. This application seeks to lower the roof to 7.7m as approved in 2009 but keeping the additional 1.3m length increase to the rear.

5.3. So in effect the main considerations for this application are whether the proposed amended roof is acceptable and whether the additional length causes any harm to amenity.

5.4. Visual & Residential Amenity

5.5. The siting of the dwelling on the plot is very much dictated by the 2009 consent as is the 'T' shape to the building layout. The as built elevations accord with this consent with the exception of the second floor accommodation & gable window, 8.5m ridge height minor changes to openings and the extended 1.3m rear elevation. The majority of these changes were subject to the July refusal.

5.6. However this application seeks to address the concerns of Members and local residents post July with an amended roof design in the Georgian style of the 2009 consent. Essentially a twin hipped design with a narrow horizontal ridge connecting the two hips to a height of 7.7m matching the original consent. The reduction in height of 1.8m to that previously approved omitting any second floor accommodation is considered by Officers to significantly reduce the perceived massing of the development. One of the key concerns was the impact the south west elevation had on the occupiers of properties backing on to the site along Fieldhouse Lane. The roof-scape was felt to be overly dominant bearing down on these properties through its additional height and scale.

5.7. The reversion to a scale of roof to match the original consent removes the perceived harm to these properties and will render the property much more recessive in context and therefore Officers fully support this amendment.

5.8. Whilst not crucial but beneficial a small amendment is proposed to the pitched roof above the single storey off-shoot which projects towards Fieldhouse Lane. The original (09) consent showed the ridge of this off-shoot terminating at eaves level of the main house this is now lowered by a metre, further alleviating the massing towards Fieldhouse Lane.

5.9. It is proposed to retain the additional 1.3m in length to the rear of the main house which projects into the rear garden and faces one and two The Grove albeit separated by the garden area. The impact on 'The Grove' properties has to be viewed in the context of the separation distances, even with a reduced garden depth of approximately 8m there would conservatively be 28m to the closest property, no.1. Whilst well in excess of the 21m specified in Policy Q8 of the Local Plan it doesn't take account of the mature boundary trees to be retained which also assist in alleviating any perceived harm.

5.10. It is acknowledged that 'The Grove' properties are at a lower ground level and whilst no policy interpretation exists on what to do in this instance, informally a view could be sought to increase the separation distance in this instance. As the minimum

separation of 28m is well in excess of the Policy requirement of 21m it is considered that this difference more than makes up for any change in levels.

- 5.11. The advantages in the reduced massing from the revised roof apparent to Fieldhouse Lane equally apply to The Grove, therefore it is not considered this proposal will be dominant in appearance or intrusive to their outlook.
- 5.12. One concern raised from a Fieldhouse Lane resident is that the additional 1.3m in length to the rear introduces more presence and massing to the building than originally approved and will therefore be harmful to their amenity when viewing the whole side elevation. Taken in context the side elevation originally (09) measured 20m in length and is now proposed at 21.3m in length. To avoid any confusion this equates to a relatively minor 6.5% increase over the length of the property. Consideration also has to be given to the fact that the elevation is not one height all the way along and neither is it in a straight-line parallel with the boundary. The elevation steps down from 7.7m to 7m and then 4.5m along its length and steps away once from Fieldhouse Lane.
- 5.13. This all serves to break up the massing and relieve the perception of scale it is therefore not perceivable to attribute harm to a relatively minor increase compared to the approval, Officers therefore support the retention of the increase in length.
- 5.14. There are minor alterations to the position of the rear window openings, one less bathroom window on the first floor and the internal layout has been altered on the ground floor to centralise the patio doors at twice the size on the rear elevation. The two remaining first floor windows serve bedrooms as previously and the ground floor serving a lounge/diner. It is not considered these alterations have any additional impact on amenity over and above what was previously approved despite the increased length to the elevation as this actually sharpens the angle of view to Fieldhouse Lane.
- 5.15. One of the objections refers to the side kitchen window being replaced with roof lights in the aforementioned side off-shoot. Whilst it is possible to move this window, Officers do not consider it wholly reasonable; mindful of the proposed boundary screening and ample separation distance to the nearest occupier, its presence will not harm the amenity of any neighbouring properties.
- 5.16. **Layout – Positioning**
- 5.17. In comparing the 2009 consent and this application it does appear that whilst the building is longer by 1.3m the footprint has also shifted by 1m towards 'The Grove' properties. So in effect if looking from Fieldhouse Lane the whole floor plate has moved a metre to the right, with the back then projecting a further 1.3m. The shift to the right doesn't introduce anymore mass just repositions it, although has little real impact on no's 23 and 23a in terms of their outlook now and as would have been if erected as per the 2009 approval.
- 5.18. Mindful of the 28m+ distance to 'The Grove' and boundary screening it is not considered this shift in position of the floor plate even combined with the additional 1.3m is harmful to the amenity of any of the surrounding occupiers.
- 5.19. **Landscaping**
- 5.20. Whilst the majority of the landscaping is reserved under condition concern has been raised about the conifer hedge which was removed along the boundary with Fieldhouse Lane in order to facilitate construction. Taking this into account the

applicant has provided a landscaping solution for a replacement hedge along this boundary to a landscaper's specification that will assist screening, soften the boundary and preserve amenity. Officers support the replacement hedge as proposed. On 17th August a meeting was held with the local MP, developer, case officer and five residents to talk through the proposal, much discussion was had on the type of boundary screening to Fieldhouse Lane.

- 5.21. It was apparent that a fence was preferred albeit a combination of fencing and hedging, with the short term benefit of a fence and the longer-term softening of vegetation. The exact height/type of fence and species of hedge will likely be the subject of much discussion to adequately satisfy all preferences. Therefore a condition is proposed to reserve agreement on this detail post decision. The removal of permitted development for enclosures will ensure no further fencing can replace that agreed causing harm to amenity.
- 5.22. In regard to ecology this principle issue was addressed under the 2009 approval and this revised proposal for plot 4 is not considered to harm species protected by law as the site is a new build development, part complete on a cleared site. The bat working methods for demolition as outlined by Barrett Environmental in 2009 would not apply at this stage of build.
- 5.23. **Surface Water**
- 5.24. Concerns over localised surface water flooding are addressed through imposition of a condition to agree a scheme of surface water disposal with Northumbrian Water.
- 5.25. **Highways**
- 5.26. No new highway implications are raised over the (09) previous consent and no objection made by the Highway Authority.

6.0 CONCLUSION

- 6.1. To conclude this revised application has been given thorough examination of the concerns of surrounding occupiers and the changes to genuinely address issues that arose at the July committee. The reduced roof, omission of second floor accommodation and lowering of the off shoot ridgeline all significantly alleviate the scale and massing of the development. The retention of the 1.3m length in context of the approved side elevation and ample distances to surrounding occupiers means that perceptible harm by virtue of scale over what has consent is not detrimental to the residential amenity of surrounding occupiers. The application is recommended for approval.

7.0 RECOMMENDATION

That the application be APPROVED subject to the following conditions:

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

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

2. Notwithstanding any details of materials submitted with the application samples of the external walling, hardstandings and roofing materials should be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved materials prior to occupation.

Reason: In the interests of the appearance of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

3. Prior to the completion of the development details of means of enclosure (excluding the boundaries with The Grove & Fieldhouse Lane) shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be erected in accordance with the approved details prior to the occupation of the dwelling house.

Reason: In the interests of the visual amenity of the area in accordance with policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the information submitted and prior to works completing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and implemented in accordance with the approved scheme thereafter.

Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan 2004.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the completion of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In the interests of the visual amenity of the area in accordance with Policy Q8 of the Durham City Local Plan 2004.

6. Notwithstanding the details submitted a scheme of boundary treatment along the boundaries with Fieldhouse Lane and The Grove (to include fencing and/or hedging) shall be submitted to, and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme prior to completion of the development and retained thereafter.

Reason: In the interest of the visual appearance of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

7. The shared vehicular access must be constructed up to but not including the final wearing surface before occupation of the dwelling. This final wearing surface must be completed before the last of Plots 1 - 5 (inclusive) is occupied or within 3 years of the date of this consent, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of the visual appearance of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

8. Notwithstanding the provisions of Article 3 Part 1 Classes A & B and Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking or re-enacting that Order, no extensions or enlargements to the roof and enclosures other than those expressly authorised by this permission, shall be permitted without the grant of further specific planning permission from the Local Planning Authority.

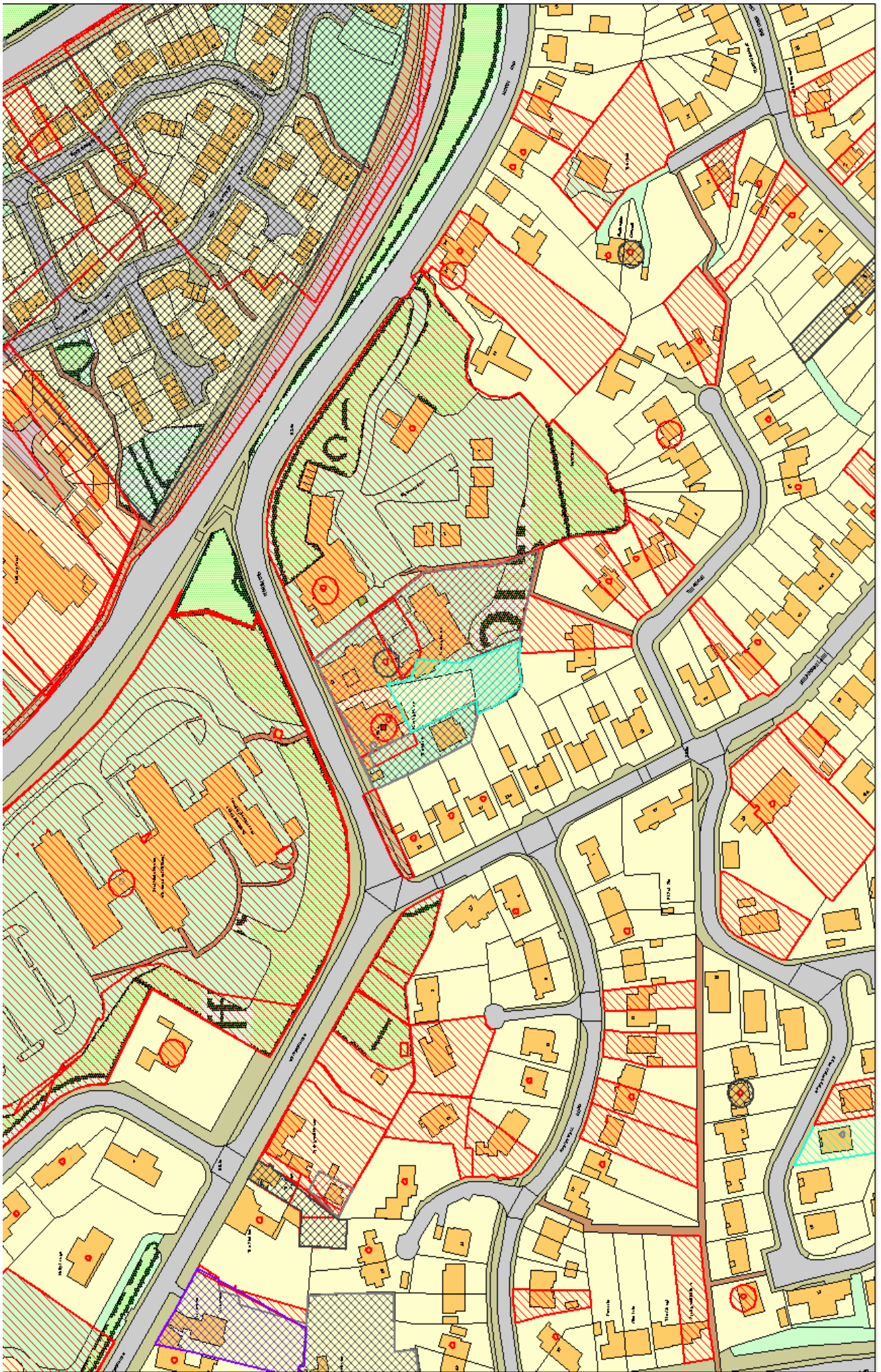
Reason: In the interests of preserving the visual and residential amenity of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

8.0 REASON FOR THE DECISION

- 8.1. The proposal is considered to accord with the aims of Policies 2, 7, 8, 24, 30, 35 of the Regional Spatial Strategy and Policies H2, H13, E14, E15, T1, T10, Q8, U5, U8a and U11 of the City of Durham Local Plan 2004.
- 8.2. The material considerations in this instance are the changes between the refused July application and this revised scheme. These are the reduction in roof height to match the original consent omitting all second floor accommodation, the lowering of the single storey off-shoot roof and the retention of the 1.3m increase in length to the rear and repositioning of the plot.
- 8.3. These changes assessed against the Local Plan Policies are not found to result in development of a scale and massing incongruous with the area or detrimental to residential amenity.
- 8.4. The ecology considerations on the outline application found no bat roosts present and outlined working methods for the demolished buildings it is therefore not considered this application for revisions to a part complete new dwelling will contravene the Conservation (Natural Habitats etc) Regulations 1994 (as amended).

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
Response from County Highway Authority
Internal consultee response
Planning Circulars 11/95 and 05/05



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0446
FULL APPLICATION DESCRIPTION	CHANGE OF USE OF PASTURE LAND (3.95 Ha) TO PLANT MACHINE TRAINING CENTRE, WORKS TO INCLUDE USE OF EXISTING BUILDINGS, ERECTION OF SCAFFOLDING FORMATION OF SCREENING MOUNDS AND LANDSCAPING WORKS
NAME OF APPLICANT	TRAINING SUPPORT FOR INDUSTRY
SITE ADDRESS	EASINGTON LEA FARM WEST, EASINGTON COLLIERY SR8 3UP
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application relates to Easington Lea Farm situated to the north of Easington Colliery and away from the built up area. In particular it relates to a field located on the western side of the farm and a large former agricultural building situated in the centre of the group of buildings. The site lies in the countryside, outside the settlement boundary.

Proposal:

2. Planning permission is sought for the permanent change of use of the barn and adjacent field from agriculture to form a Training Support for Industry Training Centre. The existing building has been converted and used as a classroom with associated canteen and toilet facilities, and as a storage area and training area. The adjacent field is being used as a training area. The Training Centre supplies on site training to local companies in land based and construction industries; specifically the training centre provides courses in forklift trucks, mobile plant and machinery, cranes and associated courses in safety awareness.

3. The field subject of the application is being used as a practical training area for operating vehicles and plant. The practical training involves a maximum of four vehicles operating on the site at any one time taking place on a daily basis. Within the field various structures are used as part of the training, these include a lorry trailer and scaffold tower. The scaffold tower as erected has an approximate height of ten metres.
4. The Training Centre currently employs a total of four full time employees and the hours of operation are 0830-1700 Mondays to Fridays.
5. The application is for full planning permission following the lapse of a temporary one-year permission on the site.
6. The application is being brought before Members attention due to the previous submission being determined by the planning committee.

PLANNING HISTORY

PLAN/2007/0814 – Change of use of pasture land for plant machinery training including erection of scaffolding and use of barn as training centre granted a one-year temporary approval on 06/03/2009.

PL/5/2010/0081 – Change of use of pasture land for plant machinery including use of barn and erection of scaffolding withdrawn 21/06/2010.

PLANNING POLICY

7. NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

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>

8. REGIONAL POLICY

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision,

strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

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.

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.

9. LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

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.

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

10. STATUTORY RESPONSES:

Parish Council – No comments received.

11. INTERNAL CONSULTEE RESPONSES:

East Durham Business Service - The applicant has looked for many years to find a base for his business and, subject to issues of noise, the current location provides a fit for the slightly unusual needs of the business that cannot readily be accommodated on an industrial estate. EDBS therefore supports the application.

Highways – The traffic volumes associated with the business are low and appear reasonable in relation to the use of the site. Even if the business expanded it is considered that the increase in traffic would be low therefore would not be a concern. Furthermore there have been no recorded personal injury road traffic accidents associated with the development within the last three years. The existing Public Right of Way is not compromised by the training area therefore no highways objection is raised in relation to the current application.

Environmental Health – The submitted noise risk assessment is satisfactory and the measures suggested in the report to reduce noise will minimise the chance of disturbance occurring. No comments have been made in relation to contaminated land.

Planning Policy – The proposal is considered to be contrary to the local plan and is also difficult to justify under PPS4. Although there are some benefits to the economy and job creation it is not considered that this outweighs the significant impacts that the development is likely to have generally and in terms of the adjacent AHLV. The business would be better suited to an industrial estate location therefore the application would not be supported.

12. PUBLIC RESPONSES:

The application would represent a departure to the local plan therefore the application has been advertised in the press, by two site notices and neighbour notification letters. Two letters have been received from neighbouring properties objecting to the application on the following grounds:

- The application site is considered to represent greenbelt, the proposed development would be out of keeping with the character of the area. The erection of the scaffolding has an impact on the previously uninterrupted view.
- The application relates to industrial development which is not suitable for this particular site and would be better located in one of nearby industrial estates.
- The proposed development will set a precedent for future development in terms of concerns over future expansion. Furthermore, if the proposed business were to fail then the site would be considered 'Brownfield' and therefore could potentially be developed.
- Concerns have been raised in relation that the access road to the site is very narrow and does not incorporate a public footpath. This business increases traffic to the area which is seen as a safety concern for both residents and pedestrians.
- The development is considered to have a detrimental impact on the occupants of adjacent dwellings by way of noise, general disturbance and dust.

13. APPLICANTS STATEMENT:

In support of the proposal the applicant has stated that customers are urging him to develop specialised training courses, as at present these are not provided for in the northeast. It is suggested that the proposal represents an acceptable form of diversification for an agricultural holding that is no longer economically viable. The applicant has stated that the benefits of the proposal include:

- Encourage rural enterprise by introducing a new business venture with additional employment and spin off trainees requiring accommodation in the locality.
- The training area is well screened by existing trees and hedgerows in terms of its landscape setting. There would be no significant alterations to the levels of the land, as reinstatement of the trenches etc, occurs daily.

- The site does not include the best or most versatile agricultural land; therefore little effect on agriculture.
- The activities outside the building do not differ significantly from normal agricultural practices.
- In practice there is little difference than if farming activities were taking place.

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=110927>. 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

The main issues to consider in determining this application are:

- Relevant Planning Policy
- Residential Amenity and Character of the Area
- Highways and Traffic

14 Relevant Planning Policy

The application site relates to an area of land situated outside the established settlement boundaries as defined in the District of Easington Local Plan, as such the development is considered to represent development in the countryside. Policy 3 of the Local Plan presumes against development in the countryside unless allowed for under other development plan policies. Planning Policy Statement 7: Sustainable Development in Rural Areas gives national planning guidance for development in the countryside. With regard to countryside protection and development in the countryside it states that Local Planning Authorities should support proposals that deliver diverse and sustainable farming enterprises and support other countryside-based enterprises and activities, which contribute to rural economies. PPS7 also discusses the re-use of redundant building in the countryside and advises that the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings, and that preference for the re-use should be for economic development.

The current proposal relates to the use of land and an existing building as a Training Centre, where both practical and theory courses are provided. It is accepted that such a use would normally be found on an industrial estate, but it is considered that if such a business were of a suitable scale it would represent development, that would offer diversification of a former agricultural unit, provide for the re-use of a former agricultural building, and contribute to the local economy. Therefore although the development is strictly a departure from the Local Plan, for the reasons outlined above, its scale and nature could lead it to be considered an acceptable departure. Due to the nature of the development the use of the land has minimal visual effects on the character of the area. The work associated with the practical training is carried out at ground level and earthworks are on a temporary basis therefore it is considered that the development can be considered to broadly accord with Policy 3 of the Local Plan and advice contained within PPS7.

The site lies close to an Area of High Landscape Value (AHLV) as identified in the Local Plan. Policy 7 of the Local Plan states that the special character, quality and appearance of the landscape within areas designated as AHLV will be maintained and enhanced. Furthermore, it states that any development likely to adversely affect the character, quality or appearance of the AHLV will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the county. The application site is not situated within the Area of High Landscape value, although it is

accepted that it is visible from the landscape designation. However, it is not considered that the development detracts from the landscape designation. It is considered that the creation of the earth mound, the completion of the additional planting scheme and the growth from the existing vegetation that have occurred following the grant of the original approval have contributed to screening the site and thus protecting the special character of the area.

Furthermore it is considered that the principle of development has already been established in planning policy terms by granting a temporary permission on the site, albeit subject to certain conditions aimed at mitigating against any negative effects on the character of the area and adjacent occupiers sufficiently to allow it to be considered as an acceptable departure from the local plan. Since that time there has been no changes to planning policy except for the introduction of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Development in December 2009.

PPS4 advises along the same lines as PPS7, that the countryside should be protected and that the Local Planning Authority should strictly control economic development in the open countryside. It does however advocate that support should be given to the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development where it provides the most sustainable option for locations remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport. Applications of this nature should be approved provided the benefits of the development outweigh the harm in terms of the potential impact on the countryside.

It is considered that the Training Centre has limited impact on the adjacent AHLV through the introduction of the earth mound and additional landscape planting therefore it is not considered that significant harm is caused to the countryside. Although it is acknowledged that this is an industrial type business that may be better suited on a purpose built estate the applicant has struggled to find suitable premises which has been confirmed by East Durham Business Service. He has looked for several years however due to the unique needs of the business it cannot readily be accommodated on an industrial estate. Taking all relevant factors into account the business is considered to be broadly acceptable under PPS4 guidance.

It is acknowledged that the planning policy section has objected to the application as they consider it to be contrary to both local and national policy and that it would be better located elsewhere. Notwithstanding this however it has been shown that the development can be seen to be an acceptable departure from the local plan and is broadly in accordance with national planning guidance.

A local resident has raised the concern that if the business fails the site would be considered 'Brownfield' and therefore could potentially be seen as more favourable in terms of future development. A condition can be added to the permission that states that when the business is no longer operational the land must be reinstated to its former condition prior to this use commencing. Furthermore, any new development of the site would be likely to require permission therefore the merits of the application could be assessed at that point in time.

15 Residential Amenity and Character of the Area

Policy 35 of the Local Plan deals with the impact of development. It states that new development should: reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials; provide adequate open space, appropriate landscape features, and screening

where required; and have no adverse effects on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

Representations have been received in relation to the change of use. Concerns have been raised regarding the impact the business is having on adjacent occupants and the general character of the area. It is suggested that the change of use is not in keeping with the rural setting and that the operations of the site are having detrimental effects on the amenities of adjacent occupants by way of noise, disturbance and dust.

Planning permission was originally granted for a temporary period initially, to enable the impacts of the development to be properly assessed. The one-year permission has been implemented and the Local Planning Authority considers that this has been a reasonable period to allow the impact the development has on adjacent occupants to be fully assessed. Planning guidance recommends against granting further temporary permissions, as the initial approval should have been of a sufficient length to ascertain whether permanent approval should be granted.

In respect of the concerns raised by local residents there has been a full and detailed assessment into noise at the site. The environmental health section has concluded that the submitted noise risk assessment is satisfactory and the measures suggested in the report to reduce noise will minimise the chance of disturbance occurring. Several site visits have taken place to monitor noise levels at the site and there was no recorded evidence of a statutory noise nuisance. Notwithstanding this information, planning officers have visited the site to assess the situation and it was concluded that although noise is generated by the movement and manoeuvring of vehicles on the site, it was not excessive and was more of a background noise rather than being particularly intrusive. With this in mind it is not considered that noise associated with the development is of a level that would justify refusal of the planning application.

The development was also considered in terms of the potential impact that it has on the outlook of the adjacent neighbouring property. The application site is screened from the neighbouring property by two boundary hedges, one mainly evergreen and one completely evergreen. These have grown to a good height therefore are considered to screen the majority of the development site from view. It is acknowledged that this does not entirely obscure the operation from view as sometimes the crane can be seen when fully extended in addition to machinery passing over the mounding. This does not necessarily happen regularly throughout the day and the views are quite distant therefore it is not seen to be overbearing. Overall the development is well screened and in years to come as the hedging matures the situation should improve further.

The scaffolding is one aspect of the development that does have a wider impact on the setting of the area as it can be seen from the neighbouring property, the Public Right of Way and the main access road. As part of the previous application the height of the scaffolding was conditioned so that it could be no higher than 10 metres and this is the situation that is currently representative on site. Although high in comparison to nearby buildings and that it is visible within the relatively open landscape due to its colouring and that is not a solid structure it is not considered that it significantly impacts on the area.

It is accepted that if allowed to operate without restrictions, the business could have detrimental effects on the occupants of adjacent dwellings. The vehicular movements and activities are considered to be similar to those expected of agricultural operations, but are more frequent and intensive in nature, occurring all year round rather than seasonally. Conditions limiting operating hours, the heights of structures and spoil heaps allowed on the

site would limit the impact the proposal would have on adjacent occupants, and ensure that the proposed change of use would not impact significantly on the character of the area. It is considered that the suggested conditions would sufficiently mitigate against and minimise any adverse impacts that the development could potentially have.

16 Highways and Traffic

Concerns have been raised in relation to increased traffic using Petwell Lane, the main access road leading to the application site. Durham County Council, Highways Authority, have raised no concerns in relation to the proposed development, as such it is considered that the development is acceptable from a highways perspective.

CONCLUSION

17 The proposed development results in the re-use of an agricultural building and adjacent land. Although the proposed use would be more appropriate in an industrial setting it is acknowledged that the applicant has historically struggled to find suitable premises in such locations due to the specialised needs of the business. The report has highlighted that the development can be seen to be an acceptable departure from the local plan and is broadly in accordance with national planning guidance. Furthermore the temporary permission has been sufficient to allow the impacts on neighbouring properties and character of the area to be fully assessed and subject to conditions it is considered that any potential issues arising from the business can be successfully mitigated against.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Design and access statement, noise assessment, location plan, aerial image, photographs of barn, scaffolding tower all received 11/02/2010 and drg. no. ELF.E/1 received 11/01/2011.
3. The use of the premises for plant machinery training shall be restricted to the hours of 0830 to 1700 Mondays to Fridays only, and is not permitted on Saturdays, Sundays or Bank Holidays.
4. No vehicles associated with the Plant Machinery Training business shall be operated outside the hours of 0830 to 1700 Mondays to Fridays, excluding Bank Holidays.
5. The scaffolding tower used for practical training, as erected on the site, shall not exceed 10 metres in height above ground level.
6. No spoil or soil heaps associated with the use of the land hereby approved shall exceed a total height of 2 metres above the surrounding ground level.

7. If the use hereby permitted is discontinued, within 6 months of the date of cessation the land shall be reinstated to an acceptable condition in accordance with details to be submitted to and approved by the Local planning authority.
8. No more than four vehicles associated with the Plant Machinery Training business hereby approved shall be operated at any one time outside the building.
9. The landscaping and mounding approved under the terms of Planning Permission Reference PLAN/2007/0814 should be retained and maintained for the lifetime of the development.

REASONS FOR THE RECOMMENDATION

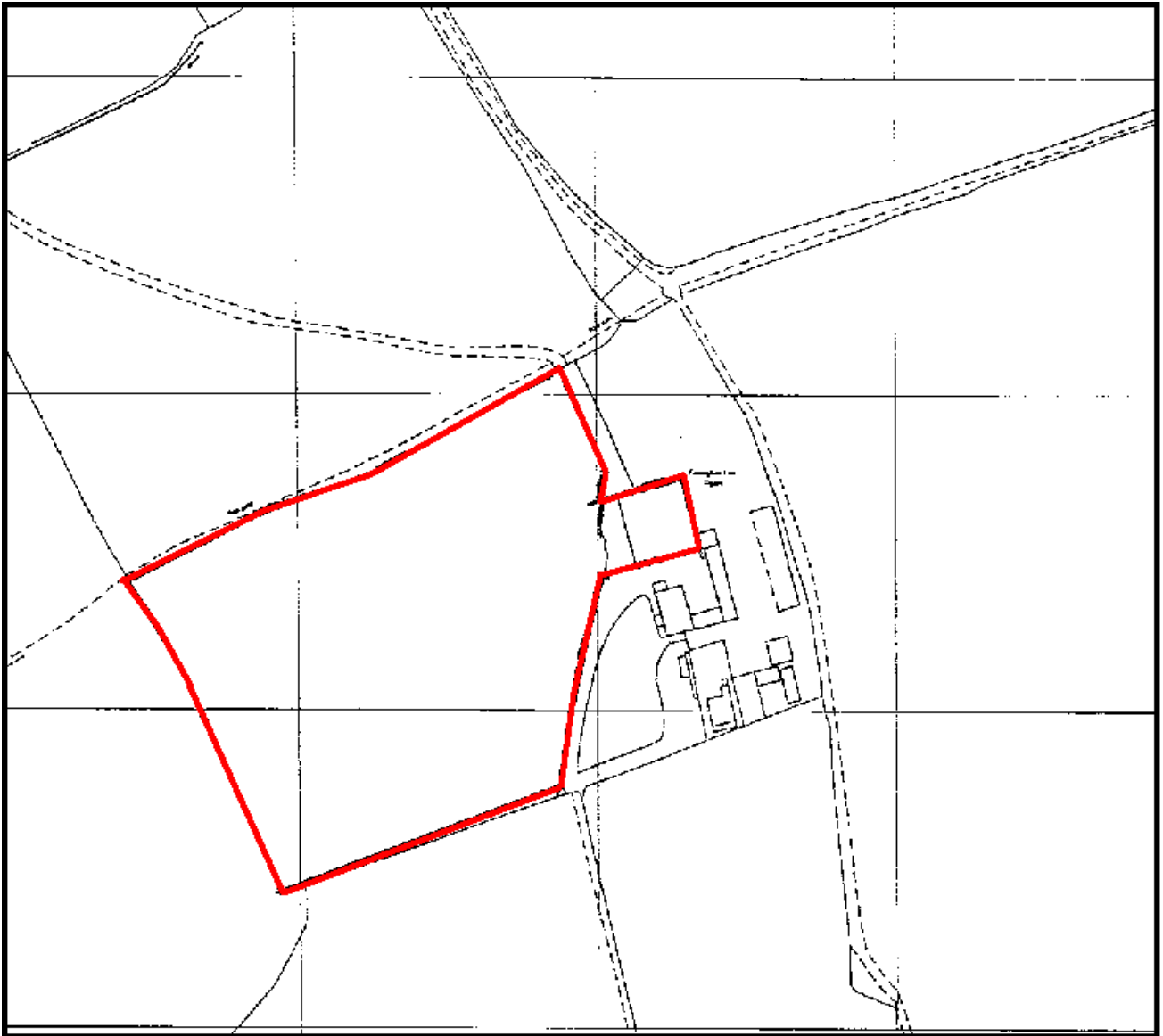
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV07 - Protection of Areas of High Landscape Value (AHLV)
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
PLANNING POLICY STATEMENT/GUIDANCE	PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of issues in terms of planning policy, residential amenity and character of the area, highways and traffic.
3. The stated grounds of objection concerning impact on the countryside, highway safety, future expansion of the business and noise were not considered sufficient to lead to reasons to refuse the application as such matters have been fully assessed and the proposal is considered to be an acceptable departure from the local plan.

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, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0001
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 43 NO. DWELLINGS
NAME OF APPLICANT	McINERNEY HOMES/CANAL HOMES
SITE ADDRESS	EASINGTON VILLAGE WORKINGMENS CLUB SEASIDE LANE, EASINGTON SR8 3DY
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site is located on land encompassing the Easington & District Working Mens Club which faces onto Seaside Lane, at the edge of the Easington Village locality and covers a site area of 1 hectare. There are no specific landscape or site designations relevant to the site; however, a significant proportion is located outside of the settlement boundary. The area facing onto seaside Lane is previously-developed land and is comprised of two buildings and an area of hard-standing. The rest of the site lies north of the hard-standing area and is green field land. The site is bounded to the north by agricultural land and to the south and east by residential development. There is also a car repair centre situated to the eastern edge of the site. The western edge of the site is bounded partially by residential development and partially by agricultural land.

Proposal:

2. This application proposes 43 dwellings comprising a mix of two and three bedroomed houses and two bedroomed bungalows. The dwellings would be both single and two storeys in the form of bungalows and traditional two storey semi-detached properties. Each property would have rear gardens and off-street parking facilities, visitor parking bays would also be provided. Access to the site would be taken from Seaside Lane which is the main road through Easington Village. The applicant has stated that the development would be Code for Sustainable Homes level 3 compliant. As the site is 1 hectare the density of the housing would be 43 dwellings per hectare.

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

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 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

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 POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

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 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 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

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 38 - Sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

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

Policy 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 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:

Easington Village Parish Council – Objection. The main reasons for objection are as follows:

- the site is outside of the settlement boundary in the countryside
- most of the site is greenfield land

- there are drainage problems on the site
- parking provision is inadequate
- the proposal would set a precedent for further development in the fields north of Seaside Lane

Northumbrian Water – No objections subject to conditions relating to surface water drainage.

Police Architectural Liaison – Informal advice offered

8. INTERNAL CONSULTEE RESPONSES:

Highways Officer – Level of car parking provision is acceptable, however minor changes are required to the layout plans.

Archaeology Officer – no objections.

Ecology Officer – no objections subject to mitigation in the ecology survey being carried out.

Tree Officer – no objections subject to adequate landscape plan

Environmental Health – Contaminated land study required. Acoustic fence required around the boundary of the car repair site

Planning Policy – Objection. The proposal does not accord with planning policy. It is mostly located on a greenfield site outside of the settlement boundary.

9. PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notice and letters to surrounding occupiers. One letter of objection has been received which raises concerns relating to traffic and parking problems in the area.

10. APPLICANTS STATEMENT:

The proposals are considered to provide much needed affordable homes within the former Local Authority area of Easington. The mix of housing provided has been formulated to provide the housing types that are most needed within the former Easington District and to acknowledge the views of local residents who have during public consultation stated a desire for more bungalows to house the ageing population.

The scale and design of the layout has been developed so as to be sensitive to the open countryside to the rear of the development site and to incorporate the principles of good design.

The proposals have been designed in such a way to apply inclusive design principles in order to maximise access for disabled people in accordance with the Disability Discrimination Act 1995, as amended.

The public realm areas are proposed to be user friendly for all pedestrian and vehicular users, appropriately segregated wherever possible.

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

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations relating to this application are the accordance with the relevant planning policies, affordable housing, the design and layout of the development, and objections received.

11. Planning Policy

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: firstly, 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. Redevelopment of “Brownfield” sites within settlement boundaries should take priority over sites that are outside the village boundary such as the current proposal. Indeed, development of sites outside of the settlement boundary can undermine the regeneration of the villages, as such developments can lead to urban sprawl.

For the purposes of clarity the application site can be considered in two parts, firstly the smaller area which fronts onto Seaside Lane and which is delimited by the northern settlement boundary of the settlement. This land is previously developed and comprises the former Easington and District Working Men’s club, a brick shed and associated hard-standing area. The development of this portion of the site accords with existing Local Plan policy 67 on account that the land comprises a previously-developed site within the settlement boundary of Easington Village. Secondly, the larger area is Greenfield land and lies beyond the settlement boundary. Given the location of the latter area in relation to the settlement limits defined in the Local Plan this element of the application must be considered as development in the countryside, in terms of saved Policy 3.

Local Plan Policy 3 severely restricts development in the countryside. Policy 3 deals with development in the countryside in general and states that it will not be approved unless allowed for by other policies. It is therefore considered that the proposal is contrary to policy 3 of the Local Plan.

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. The application site is partly situated outside the village of Easington and is considered to be contrary to policy 67 of the Local Plan.

Planning Policy Statement 3: Housing (PPS3) is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement 3: Housing.

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning Authorities should strictly control new house building in the countryside, outside established settlements or areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special

justification for planning permission to be granted. Special justification could, for example, relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. One of the main aims of PPS7 is to promote sustainable patterns of development within rural areas. The document identifies the need to strictly control new house building in the countryside, away from established settlements. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as a possible exception to policy.

The application also needs to be assessed against policies contained within the Regional Spatial Strategy (RSS) for the North East. The RSS was adopted in July 2008 and sets out a broad development strategy for the region up to 2021. Policy 4 of the Regional Spatial Strategy reiterates this onus on focusing new development towards previously developed land. The policy advocates a sequential approach to the location of future development, based on consideration of previously developed land first. The applicant refers to part d. under this policy, but seems to over look the 3 sequential tiers under parts a, b and c which would be applied before consideration of d, 'Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.' A, B & C are listed below:

- a. Suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;
- b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
- c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings

There are two sequentially preferable sites within 50 metres of the proposal site which would be defined through part a. (above) due to their being previously developed sites with little or no Greenfield component. Also within the wider settlement there are further sequentially preferable sites; the existence of several sequentially preferable sites, as defined within RSS policy 4, is significant in terms of assessing this application.

Within the locality of this proposal there are three other sites which have been assessed through the Strategic Housing Land Availability Assessment (SHLAA). Of these sites the present site of the Council Offices on Seaside Lane is considered the most suitable and viable site for future residential development within the village. It is considered that development of the site proposed in this application could jeopardise the market viability of the Council site. This site will not come forward within the same time scale but will be for a far greater number of homes and would provide the affordable quota required for this locality, in addition it is sequentially preferable to the application site as it is a previously developed site within the settlement boundary.

12. Affordable housing provision

The applicant seeks to justify the development on land situated outside of the settlement boundary on account that it will aid in the delivery of affordable housing on the whole of the site. In essence they are justifying the Greenfield part as an enabling area to achieve overall affordable housing development.

PPS3 outlines that the Government is committed to providing high quality housing for people who are unable to access or unable to afford market housing. With regard to

affordable housing in rural areas the guidance requires planning authorities to adopt a positive and pro-active approach to the delivery of affordable housing. This application proposes the delivery of 100% affordable housing. However, the applicant has not provided any evidence to suggest that this would be viable and achievable. This is a concern given that developers elsewhere in the County are stating that the inclusion of any affordable housing would make their scheme unviable. To further justify doubt over the affordable percentage indicated, Easington is a settlement which historically has had a weaker housing market, relative to other areas across that district and the county. There is also an issue as to whether Easington Village needs an 100% affordable housing scheme. PPS3 advises that local authorities need to deliver balanced and mixed communities, so market housing would be required to achieve this.

It is considered that the delivery of affordable housing is only a benefit if the site itself is suitable in principle for housing. Given how this scheme encroaches beyond the settlement boundary, this is not the case. There are also concerns whether a scheme solely for affordable housing would be viable, and whether it would deliver sustainable mixed communities.

13. Design and layout of development

In general, and notwithstanding the policy concerns outlined above, the design and layout of the development are considered to be acceptable. Although some of the rear garden areas are limited, it is not considered that there would be any significant concerns in terms of residential amenity. In addition, guidance in the District of Easington Local Plan relating to privacy distancing standards is met within the application site, and to existing properties outside of the application site. Therefore it is not considered that there would be any adverse impact on surrounding occupiers in terms of loss of privacy or amenity.

It is noted that there is limited open space or play space provided on the site. As such, if the application were to be approved then the applicant would be expected to enter into a Section 106 legal agreement to secure a financial contribution toward the provision or upgrading of facilities in the Easington area.

14. Objections received

With regard to the Parish Council objection it is agreed that the site is outside of the settlement boundary in the countryside and is a greenfield site. However, with regard to drainage, Northumbrian Water have not objected to the proposals but have suggested conditions which would overcome any drainage issues.

The Parish Council and a neighbour have also raised concerns regarding parking and access, however the Highways Officer has confirmed that the level of car parking provision and means of access to the site are acceptable.

CONCLUSION

15. It is considered that over the lifetime of the County Durham Plan, sites within the confines of the residential framework for Easington Village will become available to meet housing requirements. These are sequentially preferable to the application site. It is considered that there is significant conflict with the Easington District Local Plan on account that housing development is proposed beyond settlement limits, and conflict with elements of the RSS in respect of the sequential approach to development. The development of the footprint of the Workingmens Club would be permissible under existing policy; however, the development of the Greenfield land to

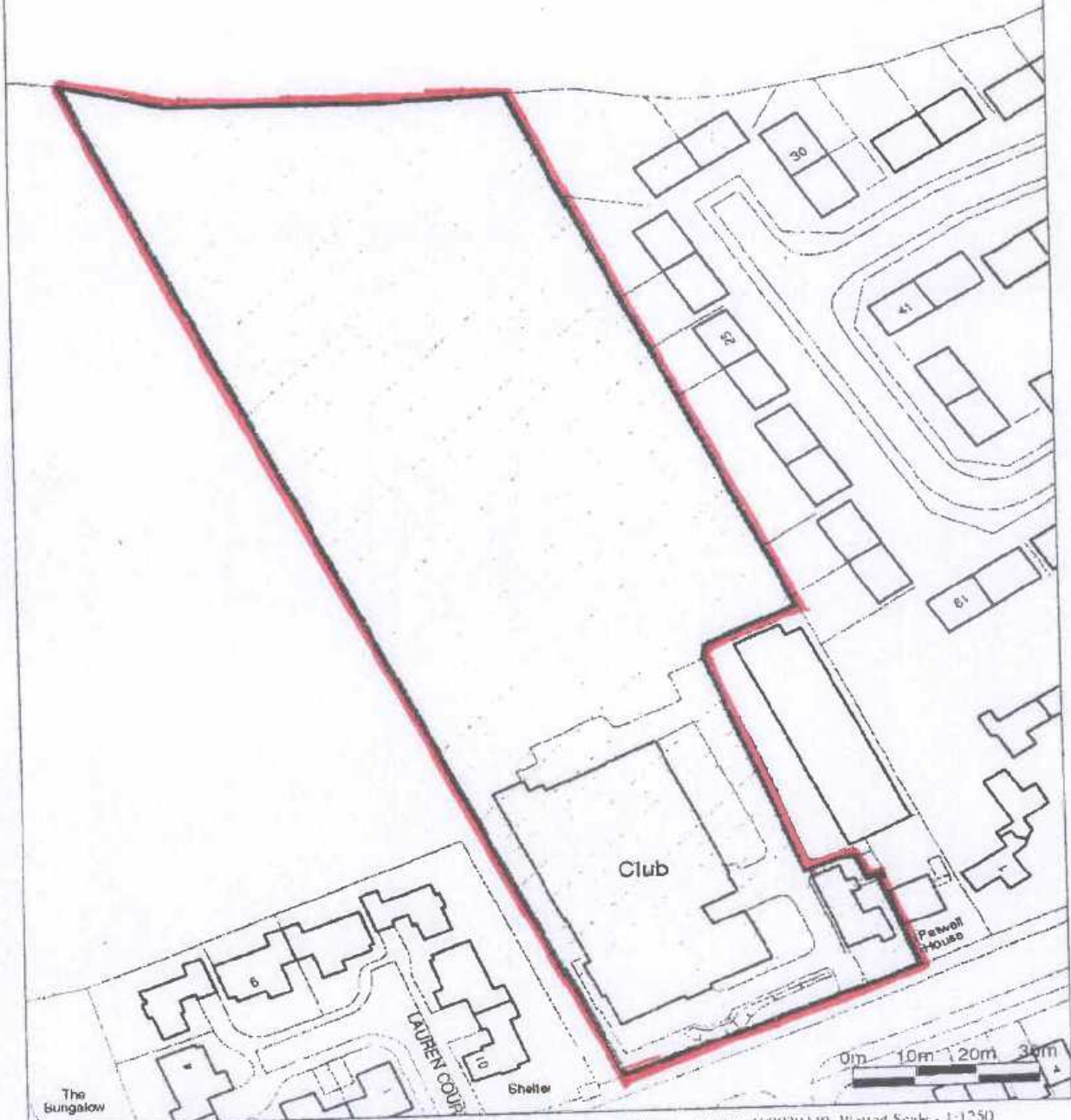
the rear raises significant conflict. Overall, the development is considered to be unacceptable on this basis.

RECOMMENDATION

16. That the application be **REFUSED** for the following reason:
 1. The proposal would result in residential development outside the established settlement boundaries as identified in the District of Easington Local Plan and is part located on greenfield land. It would constitute an unacceptable extension of the existing built-up area, adversely affecting the character and appearance of this part of the village. The proposal is therefore considered to be contrary to national planning guidance contained within Planning Policy Statement 3 and 7, and saved policies 1, 3 and 67 of the District of Easington Local Plan.

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, PPS1, PPS3, PPS7
- Consultation Responses



Plotting Scale - 1:1250

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0162
FULL APPLICATION DESCRIPTION	MEDICAL CENTRE & ANCILLARY CHEMIST
NAME OF APPLICANT	SALFORD ESTATES (NO. 2) LTD
SITE ADDRESS	LAND OFF ST ADENS WAY, PETERLEE
ELECTORAL DIVISION	PETERLEE EAST
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site comprises 0.46 hectares of vacant grass land and sits on the edge of the town centre, in close proximity to a number of land uses including commercial, leisure and civic uses. The site is approximately 200m from the main shops within Peterlee and is accessed on foot by an existing pedestrian/cyclist underpass on St Cuthbert's Road West. The site is directly neighbouring the existing Peterlee Leisure Centre. Directly to the north is the existing Medical Centre with Castle Dene Shopping Centre beyond this. To the south of the proposed site is Peterlee Police Station with mainly residential properties to the east.

Proposal:

2. The proposal is intended as a replacement for the existing medical centre, which would need to be relocated as part of the approved retail development proposal. The application seeks consent for a two storey Medical Centre with ancillary pharmacy. The proposed building is generally two storeys creating an overall floor space of 633sq.m at ground floor and 474sq.m at first floor which would be 396.4sqm larger than the existing Medical Centre. The replacement Medical Centre will contain all of the existing facilities that are currently available, catering for the existing six GP's and it will also have capacity for a dentist. The internal layout of the building has been designed in conjunction with the doctors who will run the facility. The ancillary pharmacy will be integrated within the Medical Centre and will not operate independently (out of surgery hours).
3. The Medical Centre would accommodate 15 practitioners, 16 staff, 24 patients therefore there are a total of 32 car parking spaces on the site 3 of which are

disabled. The current Medical Centre is located adjacent to the car park of the Castle Dene Shopping Centre which has no designated parking, meaning that patients use the Castle Dene Shopping Centre car park. It is proposed that a new access to the site is taken from St Adens Way. Due to the location of the site adjacent to the town centre it is within walking distance of the town centre along with the bus station on Bede Way and the surrounding residential areas.

4. The proposal is reported to the planning committee as it constitutes a major development.

PLANNING HISTORY

None relevant

PLANNING POLICY

5. NATIONAL POLICY:

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

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

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

6. REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

Policy 1 - Strategies, plans and programmes should support a renaissance throughout 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 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

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 9 - Strategies, plans and programmes, and planning proposals should support the polycentric development and redevelopment of the Tyne & Wear City-Region.

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

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.

7. LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

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

Policy 38 - The design and layout of development should have due regard to personal safety and security of property, particularly in hours of darkness.

Policy 95 - Health centres, doctors', dentists' and other surgeries will be approved provided they are located within or on the edge of town and local centres, do not adversely affect local amenity and accord with policies 36 and 37.

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

8. STATUTORY RESPONSES:

Town Council – No response.

Durham Constabulary – No objections, informal advice offered.

Northumbrian Water – No objections.

9. INTERNAL CONSULTEE RESPONSES:

Low Carbon Officer – No objections subject to renewable energy conditions.

Ecology Officer – No objections subject to mitigation in ecology studies being conditioned.

Design Officer – No objections.

Tree Officer – No objections.

Highways Officer – No objections subject to conditions relating to amendments to road markings and the creation of a visibility splay.

Planning Policy – No objections. The proposal is in a sustainable location and would improve the general environmental character of the area.

10. PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notice and individual letters to surrounding occupiers. No responses have been received.

11. APPLICANTS STATEMENT:

The application seeks consent for a new Medical Centre on land off St. Aden's Way next to Peterlee Leisure Centre Peterlee. The proposals have the full support of Peterlee Health Centre GP Partners and the PCT. The proposals are considered by the GP Partners and PCT to be key to securing the long-term future of Peterlee Town Centre and providing replacement facilities for health which is fit for the future.

The application seeks detailed planning consent for a Medical Centre to replace the existing Peterlee Medical Centre situated on the opposite side of St Cuthbert's Road. The existing Medical Centre site and building occupies part of a site which is subject to development proposals recently approved by Durham County Council. The proposed demolition of the existing Medical Centre will, as consented, make way for a new foodstore and its associated car parking (reference PL/5/2010/0444). The foodstore proposals identified above was also made by SEL.

The proposed location of the unit is on the edge of the town centre as detailed in the Easington Local Plan 2001 (Saved 2007). The site is currently vacant grassland which was previously allocated within the local plan for a range and mix of uses. Policy P17 has now been deleted, although the principle of developing this site remains. The Dene which runs to the west of the site will not be adversely impacted on by the development and there are no impacts on the surrounding natural environment.

The townscape and visual assessment undertaken for the Castle Dene application identified that the townscape of Peterlee has low sensitivity and is able to accommodate substantial change. Development of the Medical Centre would be seen in combination with the existing leisure centre and wider town centre to the north and, owing to its proximity, would relate closely to the regeneration of the town centre as a whole.

The proposal is considered to be policy compliant and there are no other material considerations which indicate otherwise. Members are requested to support the approval of this application to ensure that the existing facilities which over 50 years old are replaced with modern facilities to serve the needs of Peterlee residents.

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=113620>. 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

The main planning considerations relating to this application are the accordance with relevant planning policies, the layout and design of the development, highways issues, ecology and renewable energy.

In terms of national policy, Planning Policy Statement 1: Delivering Sustainable Development will be discussed as it has been identified as a relevant national planning policy document when determining applications such as this. Planning Policy Statement 1: Delivering Sustainable Development states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- Making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- Contributing a sustainable economic development;
- Protecting and enhancing the natural and historic environment and the quality and character of the countryside and existing communities;
- Ensuring high quality developments through good and inclusive design, and effective resources;
- Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It is considered that the development would support the community by offering a Medical Centre in the town centre area for residents of Peterlee and the surrounding area. Due to the central location of this facility it could be easily accessed by both pedestrians and users of public transport and therefore it is considered that the site is in a sustainable location for this type of development.

Policy 24 of the Regional Spatial Strategy (Delivering Sustainable Communities) is the most relevant regional policy with regard to this application. This policy states that strategies,

plans and programmes and planning proposals, should assess the suitability of land for development and the contribution that can be made by design in relation to the following criteria;

- the ability for movement needs and accessibility of development sites to homes, jobs, services and facilities to be well served by all modes of transport, particularly walking, cycling and public transport;
- the potential contribution of development to reducing Health and social inequalities including fuel poverty, and to meeting the needs of an ageing population and the disabled, through design and the provision of accessible Health, sports, community, recreational and other facilities.

As mentioned above it is considered that the proposed Medical Centre is in a sustainable central location within the town and therefore meets the aims of this RSS policy.

Saved Policy 95 of the District of Easington Local Plan specifically relates to the provision of health facilities and states that planning permission for Health centres, doctors, dentists and other surgeries will be approved provided that the proposal is:

- Located within or on the edge of defined and local shopping centres where possible;
- Has no serious adverse effect on the amenity of people living and working in the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, vision intrusion, noise, other pollutants and traffic generation;
- Makes provision for access and parking in accord with Policy 36 (Design for Access) and Policy 37 (Design for Parking).

The proposed replacement Medical Centre would be located on the edge of a defined town centre, in addition it is considered that the proposal would have no adverse effect on the amenity of people living and working in the vicinity of the site in terms of visual intrusion, noise or other pollutants and there are no objections raised by the Highways Officer with regard to access and parking provision. As such, it is considered that the proposals are in accordance with saved policy 95 of the District of Easington Local Plan.

12. Layout and design of the development

In terms of layout and design the proposed building is generally two storeys with a series of mono pitch roofs. Both wings of the building would be constructed from red facing brickwork, render, timber cladding and metallic silver cladding. The west wing is made up of a single mono-pitch roof starting at around 6.2m and rising to 9.0m. The east wing comprises two mono-pitch roofs running in opposite directions to create high level glazing along the central corridor at first floor. This element of the building varies in height between 6.0m and 7.8m to eaves. The surrounding buildings are generally of a similar size with the three storey police station to the south, albeit on a lower plateau while the leisure centre to the west is of a similar height to that of the proposed Medical Centre. It is considered that the design of the building is of good quality and that the scale reflects that of the surrounding buildings. As such, the proposals are considered to be in accordance with saved policy 35 of the District of Easington Local Plan which relates to layout and design.

13. Highways Issues

The Highways Officer has confirmed that the proposed 32 car parking spaces, including the 3 disabled persons car parking spaces comply with Durham County Council's Parking and Accessibility Guidelines and as such the level of car parking provision is acceptable. The Highways Officer has also welcomed the provision of 20 cycle parking spaces.

Conditions have been requested relating to improvement of the junction sight visibility splay to the south of the proposed junction onto St. Aidans Way and the amendments to the double yellow lines waiting restriction on St. Aidans Way. On the basis of these conditions being applied the proposals would be acceptable from a highways point of view and would accord with saved policies 36 and 37 of the District of Easington Local Plan.

14. Ecology

The Ecology Officer has stated that generally, the site is of low ecological quality and that all relevant species have been taken into consideration. However, it has been noted that the site is around 125 metres from two Great Crested Newt breeding ponds and that there is a small habitat link from the woodland and scrub to the west. As such, the applicants have produced a Precautionary Working Methods statement to address the risk of Great Crested Newts entering the site during the construction phase and also a Habitat Management and Biodiversity Strategy. The concluding mitigation in these documents should be conditioned as part of any planning approval in accordance with Planning Policy Statement 9 – Biodiversity and Ecological Conservation.

15. Renewable Energy

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. In order to ensure that 10% of energy produced comes from a renewable source, a suitable condition should be imposed.

CONCLUSION

16. Overall it is considered that the proposals are acceptable in planning terms, conforming to relevant planning policies and guidance. The proposal is considered to be appropriate in terms of scale, design and layout and land use and is considered to be in a sustainable location for this type of development. It is considered that the proposal would provide a valuable, modern health facility for the surrounding community as well as promoting the regeneration of this part of Peterlee, therefore it is recommended that planning permission be granted.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Drg. No. 09937/P400 Rev A received 03/05/2011, Drg. No. 09937/P402 Rev. C, Drg. No. 09937/P403 Rev B received 21/07/2011 and Drg. No. 09937/P401 Rev E received 27/07/2011.

3. Prior to the opening of the Medical Centre and ancillary Chemist to the general public a revised scheme relating to the double yellow lines waiting restricting on St. Adens Way shall be submitted to and approved in writing by the Local Planning Authority, thereafter being constructed in accordance with the approved details.
4. Prior to the opening of the Medical Centre and ancillary Chemist to the general public a revised scheme relating to the creation of the 2.4 x 70 metres junction sight visibility splay to the south of the proposed junction onto St. Aidans Way shall be submitted to and approved in writing by the Local Planning Authority, thereafter being constructed in accordance with the approved details.
5. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 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.
6. No development shall take place unless in accordance with the mitigation detailed within the Habitat Management and Biodiversity Strategy, prepared by Marishal Thompson Group, dated April 2011.
7. No development shall take place unless in accordance with the mitigation detailed within the Great Crested Newt Method Statement, prepared by Marishal Thompson Group, dated 23rd August 2011.
8. No buildings shall be occupied by staff or visitors until a site specific travel plan has been submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.
9. 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.

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

REASONS FOR THE RECOMMENDATION

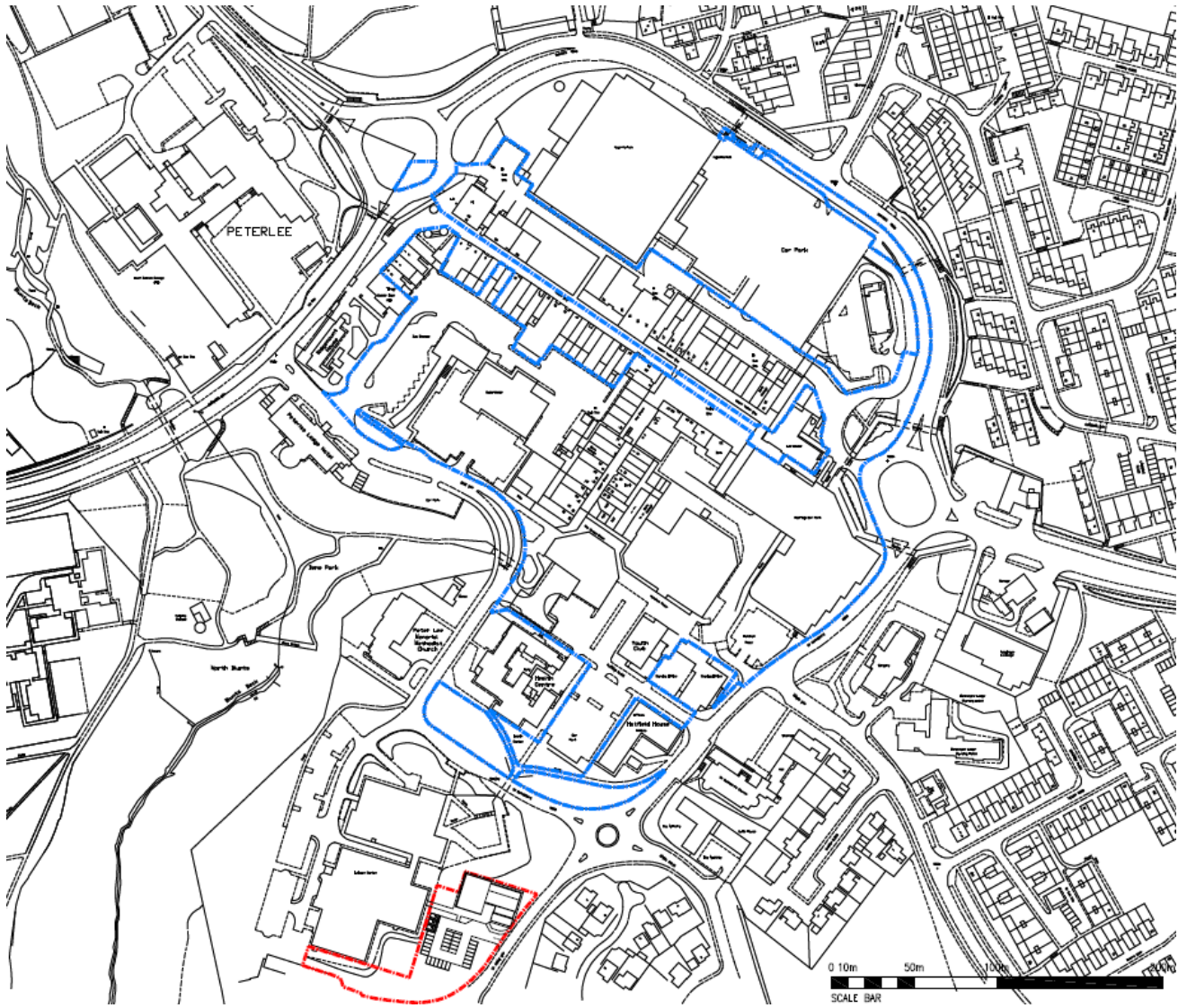
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	ENV38 - Designing Out Crime
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	REC95 - Provision of health facilities
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS9 - Biodiversity and geological conservation
REGIONAL SPATIAL STRATEGY	Policy 1 - (North East Renaissance)
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 3 - (Climate Change)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 6 - (Locational Strategy)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)
REGIONAL SPATIAL STRATEGY	Policy 9 - (Tyne & Wear Region)
REGIONAL SPATIAL STRATEGY	Policy 38 - (Renewable Energy)

2. In particular the development was considered acceptable in terms of policy, design and layout, highways, ecology and renewable energy.

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, PPS1, PPS9
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0215
FULL APPLICATION DESCRIPTION	BUNGALOW (RESUBMISSION)
NAME OF APPLICANT	MR C FARN
SITE ADDRESS	LAND REAR OF 1 GRANGE TERRACE, SHOTTON COLLIERY, DH6 2JP
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site lies within the settlement boundary of Shotton and relates to an area of backland behind a terrace of houses, consisting of private garden areas separated from their parent dwellings by a narrow rear lane. As the site is currently used as the applicants private garden area it is classed as being greenfield land. The site is bounded by Shotton Primary School, Shotton Airfield and other residential gardens and garage buildings. The site area is approximately 382 square metres.

Proposal:

2. This application proposes a 2 bedroomed detached bungalow, an existing detached garage on site would be retained and utilised. The bungalow would be an S – shape and would be approximately 4.5 metres at its highest point. The bungalow would be constructed of brick and tile similar to that used on surrounding buildings and would have a small private garden area to the rear.
3. It should be noted that two applications for bungalows on this site have previously been refused. However, in support of this new application, the applicant has submitted information which explains that a bungalow is required for disability reasons as the two storey dwelling where he currently resides is unsuitable. It is noted that such information was not submitted in respect of either of the two previous applications. More information in relation to this is detailed below in the applicants statement.

4. This application is being reported to committee on the request of a County Councillor.

PLANNING HISTORY

PL/5/2010/0380 – Bungalow, Refused

PL/5/2010/0574 – Bungalow, Refused

PLANNING POLICY

5. NATIONAL POLICY:

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

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

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

6. REGIONAL PLANNING POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

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 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 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

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.

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.

7. LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

Policy 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 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

8. STATUTORY RESPONSES:

Parish Council – no response

Northumbrian Water – no objections

9. INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections subject to conditions relating to road improvements and surface water

Environmental Health – contaminated land study required

Planning Policy – The proposal is contrary to PPS3 and local plan policy 67

10. PUBLIC RESPONSES:

The application has been advertised by way of a site notice and letters to individual residents. One letter of objection has been received. The main reasons for objection are:

- The application has been refused on two previous occasions
- The site should remain as a garden area for future occupants of 1 Grange Terrace
- Adverse impact on residential amenity
- Concerns regarding the access

11. APPLICANTS STATEMENT:

Mr Farn is registered disabled and his current two-storey property is unsuitable to meet his disability needs. To meet these disability needs Mr Farn urgently requires accommodation that will provide all his accommodations needs at ground floor level so he has no stairs to negotiate. The bungalow development sought in this planning application will meet Mr Farn's disability needs. Mr Farn has occupied his current house for over 22 years and does not wish to move from Shotton Colliery where he has both family and friends. Mr Farn has sought to find suitable single-storey accommodation in Shotton but has not been successful and the proposed redevelopment of the rear garden to provide a bungalow is the only means by which Mr Farn can secure the ground level accommodation that will meet his disability needs.

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=113993>. 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

The main planning considerations relating to this application are the relevant planning policies, residential amenity and the needs of the applicant.

12. Planning Policy

The application site is located in the detached garden area of part of a terrace of houses which are separated from their gardens by a rear service lane, the site comprises the garden of the applicant's property.

Being part of existing residential properties, the garden areas were previously regarded as previously developed land, which designation would carry with it the presumption that housing development would be acceptable in principle, however the government has recently made changes to Planning Policy Statement 3 – Housing (PPS3), which removes private residential gardens from the definition of previously developed land and as such, the application site is greenfield land.

Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. As the proposal relates to a Greenfield site it is not considered to accord with the advice contained within PPS3.

Policy 67 of the District of Easington Local Plan also advises that brownfield sites within settlement boundaries should be given preference over previously undeveloped sites. It is noted that there are other allocated and brownfield sites within Shotton such as land at Fleming Field and Windsor Place, which are suitable for residential development and are yet to be developed. As such it is considered that there are sequentially preferable sites within Shotton, which are suitable for residential development.

13. Residential Amenity

'Saved' policy 1 (viii) of the Local Plan requires new development "to safeguard the visual and general amenity of people living and working within the vicinity of the site". Similarly, 'saved' policy 35 (iv) requires new development to "have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation".

It is considered that the principle of the development of these garden areas is unacceptable in that the outlook from the new dwelling would be onto a rear lane and standards of residential amenity would be unsatisfactory. It is located on an area of backland, which is classed as being previously undeveloped therefore if this application were to be approved, it would set a precedent for the rest of the gardens along the back lane to also be developed. As such, it is considered that the proposal would have adverse impacts on residential amenity for future occupiers and would set an undesirable precedent.

14. Needs of the applicant

The determination of planning applications must be made in accordance with relevant planning policies unless material considerations indicate otherwise. In this instance, although there is sympathy with the applicant's circumstances regarding disability, the issues raised seldom outweigh the more general planning considerations. In addition, it is noted that at the time of compiling this report, there are both previously developed sites within Shotton Colliery that are sequentially preferable for residential development and bungalows available for sale on the open market.

With regard to the letter of objection, it is considered that the access is suitable as stated by the highways officer. However, it is agreed that the site should remain as a garden area which would ensure that there is no loss of amenity to existing and future residents.

CONCLUSION

15. The proposal constitutes an unsatisfactory form of backland development on Greenfield land where future occupiers of the property would have a poor outlook onto a back lane. There are suitable brownfield sites in Shotton including land at Fleming Field and Windsor Place which have yet to be developed and as such the development should be resisted. It is acknowledged that the applicant requires a bungalow due to his disability, however this is not considered to outweigh the strong policy conflict that the development would create.

RECOMMENDATION

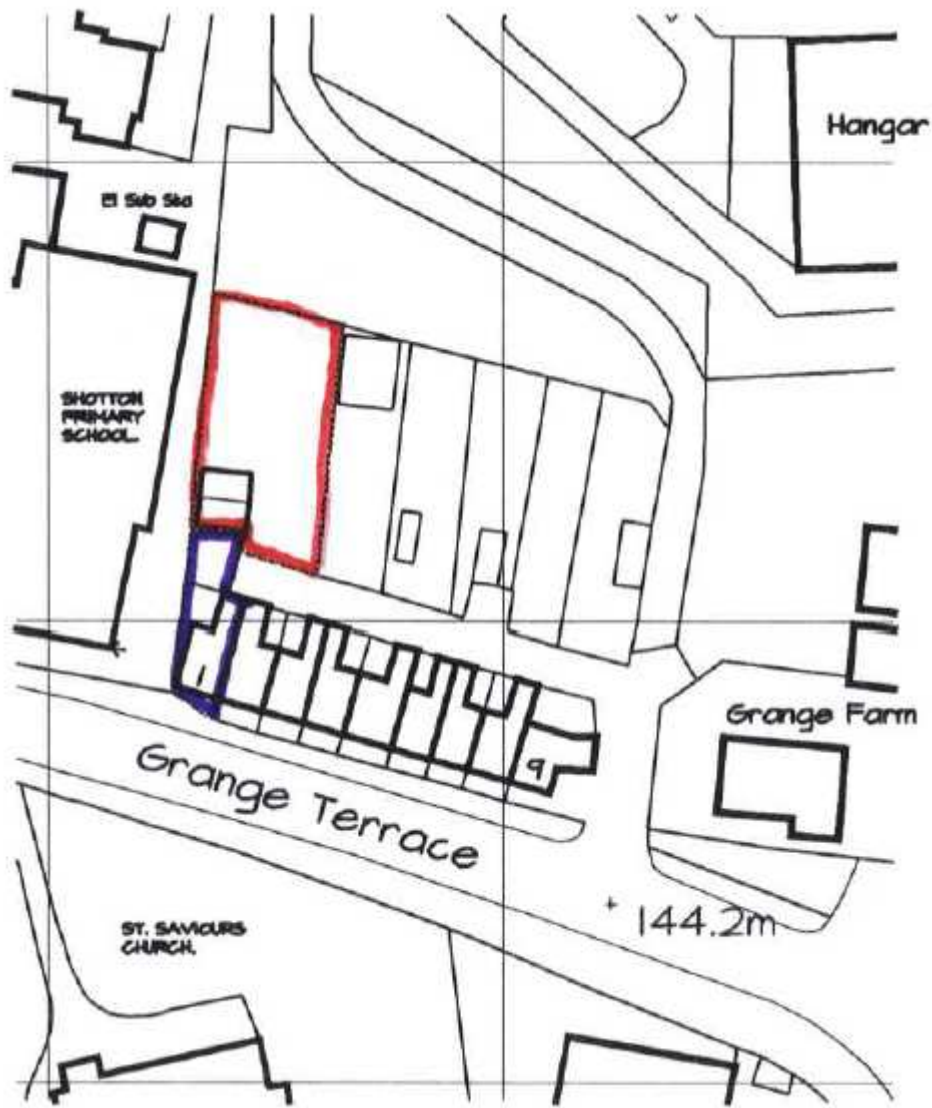
16. Recommendation that the application is **REFUSED** for the following reasons

Reasons for Refusal

1. The proposal is considered to constitute an unsatisfactory form of development on a previously undeveloped area of backland which would fail to provide an adequate level of amenity for the future occupants of the proposed dwelling and would set an undesirable precedent. There are also brownfield sites within Shotton which have not been developed and alternative bungalow accommodation for sale on the open market. Therefore, the proposal is considered to be contrary to PPS3 and 'saved' policies 1, 35 and 67 of the former District of Easington Local Plan.

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, PPS1, PPS3
- Consultation Responses



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0219
FULL APPLICATION DESCRIPTION	DEMOLITION OF 5 EXISTING FARM BUILDINGS AND THE ERECTION OF A GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING.
NAME OF APPLICANT	MR K SIMPSON
SITE ADDRESS	EAST HOUSE FARM, COLD HESLEDON SR7 8SP
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Laura Martin 0191 5274612 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application site relates to a farmstead located on the A182 Seaham to A19 Link road. The farm occupies some 133 acres and is operated as an arable farm. The farm has suffered greatly from the previous hard winter and a number of the existing buildings on site have collapsed due to snowfall. The farmstead is located within the open countryside and does not fall within any defined settlement boundaries for the area.

Proposal:

2. Full planning permission is sought for the erection of a new general purpose agricultural storage building at the site. The building would measure 60 metres by 18 metres, with a smaller workshop area attached to the building measuring 12 metres by 9 metres. The main building would measure 5 metres to the eaves and 7 metres in total height, with the workshop building being set slightly lower. It would be clad with plastisol coated box profile sheets to the top section and to the lower half would be fibre cement sheets in a natural shade. The building would be located on the site of 5 existing farm buildings, which as previously stated have suffered severe damage during the heavy snow of 2010/2011. The building would be located around a central farmyard arrangement, with access remaining the same as existing.

3. The application is reported to the committee as it has a floor area of over 1000 square metres and is classified as a major development.

PLANNING HISTORY

None relevant to the application

PLANNING POLICY

4. NATIONAL POLICY:

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

Planning Policy Statement 4: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

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 POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

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 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

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.

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/ncstore/docs/planning/rss/rss.pdf>

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

Policy 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.

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 response.

Northumbria Water- raises no objections

8. INTERNAL CONSULTEE RESPONSES:

Ecology Section- raises no objections subject to an appropriate condition relating to Barn Owl mitigation.

Landscape Section- raises no objections following the submission of landscaping scheme for the site.

Highways Section- raises no objections

Planning Policy- raises no objections

Environmental Health Section- raises no objections

Heritage Coast Officer- No response.

9. PUBLIC RESPONSES:

The proposal was advertised by means of a Press and Site notice. 3 letters of notification were sent to neighbouring properties within the area. No letters of representation have been received in respect of the above development.

10. APPLICANTS STATEMENT:

Mr Simpson is applying for a single new agricultural building to replace five small buildings that were completely destroyed by snow in the winter of 2010/11. The damaged buildings can't be rebuilt due to the scale of the damage and Mr Simpson has seized the opportunity to replace them all with a single building suitable for modern farming practices.

Due to the location of the site theft is a significant problem with fuel and metal theft being the most common, this along with the high salt content of the sea air means that all machines and equipment need to be stored undercover and behind locked doors to reduce corrosion.

The proposed building will give Mr Simpson the flexibility to maintain his business, hopefully reduce his insurance premiums and start to modernise the equipment on the farm, as there will be somewhere to put it.

In doing this approx 15m of hedge that is in poor condition will need to be removed to allow for the safe removal of the asbestos on the damaged buildings and allow for new foundations to be put in. We have discussed this with a Council Landscape Architect onsite, and further to his comments we have put together a comprehensive tree-planting scheme that is under separate cover.

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=114048>. 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

The main considerations relevant to this application are;

- Accordance with national policy
- Acceptability and nature of the development
- Design, scale and siting of the agricultural building
- Protected species

11. Accordance with national policy

Paragraph 27 of Planning Policy Statement 7 states that the government recognises the important and varied roles of agriculture therefore support should be given to development that will enable farming and farmers to be more competitive, sustainable and environmentally friendly.

One of the main reasons that the applicant is applying for the storage building is that the equipment is susceptible to the salty air at the site and the applicant has also experienced theft from the site on a number of occasions. The applicants have stated that by storing the

equipment in the building it would reduce costs and improve efficiency therefore would be in accordance with the principles of PPS7.

Planning Policy Statement 4 further advocates that support should be given to small scale economic development where it provides the most sustainable option for locations remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

It is acknowledged that under normal circumstances the application site would be unlikely to be viewed as a sustainable location given it is located outside the settlement boundary. In the context of agriculture however it is considered that the location proposed for the storage building is the most sustainable option in this instance given it is adjacent to the existing farmstead and is required in connection with the existing farming operation. As a result the building is considered to be suitably located for its purpose and complies with the exceptions as laid out in PPS4. The proposal is therefore deemed to be acceptable in this respect.

12. Acceptability and nature of the development

The applicant has stated that the farm is used in the production of arable crops and the building would be used in association with such works on site. From recent visits and meetings it is accepted that the farm is agricultural in nature therefore, in principle, the request to construct an agricultural building is not called into question.

13. Design, scale and siting of the agricultural building

The site is located outside the settlement boundary of Seaham as identified in the former District of Easington Local Plan and so the application falls to be considered as development within the open countryside. Policy 3 of the Local Plan states that development in such areas will not normally be approved unless allowed by other policies. It is important to note at this stage that in the supporting text for Policy 3 it is recognised that some forms of development in the countryside are necessary, such as the development of buildings for agriculture, in order that the rural economy can be supported.

Policy 35 of the Local Plan relates to the design and layout of new development, stating that new development should reflect the character of adjacent buildings and the area generally. Agricultural development will normally be acceptable where it is adjacent to existing buildings and is adequately screened.

In this instance the application proposes a storage building to be constructed from materials typical of the ones used throughout the farmstead. Although under normal circumstances this may appear an overly large and dominant building, taking into account the context of the surroundings and the existing development on site this is not necessarily the case. The farmstead as previously stated already benefits from a number of buildings with the same footprint as is hereby proposed. These buildings due to their state of repair as previously mentioned would be removed in order to make way for the proposed building. Furthermore this is the type of structure that would be appropriate within this setting and therefore does not look out of character within the area.

To overcome the original concerns raised by the Landscape Section with reference to the loss of a small section of hedgerow, the applicant has agreed to a landscaping scheme at the site. This would see the introduction of a coppice of trees to the south of the application site, with the infilling of the existing hedgerow which is to be retained. Unfortunately due to health and safety in respect of the removal of asbestos at the site, the section of hedgerow

adjacent to the existing buildings may be damaged in the demolition. The applicant has advised that they will retain as much as possible of the hedging; however its full retention cannot be guaranteed and as such the additional planting would compensate for such a loss.

The development is considered to be better connected to the existing cluster of buildings than the existing structures, in accordance with Policy 35 and also Planning Policy Statement 7 that aims to ensure the quality of the wider countryside is protected. Furthermore a condition requiring details of the cladding to be used in the building's construction would be attached to any approval to ensure that it tied in with the existing buildings on site and its overall setting.

In addition the farmstead is substantially screened by existing earth mounding which was created with the building of the link road. This would ensure that only a small section of the building was visible from the main approach to the application site. In terms of wider views from the nearby public right of way which can see the site, the introduction of the coppice would also help to screen the building and it would be seen in the backdrop of the Business Park which is to the north of the application site.

Taking into account that the proposal will be more closely related to the existing farm buildings and given that attempts have been made to screen to building through the introduction of landscaping and the imposition of appropriate conditions it is considered that the building will result in an acceptable form of development that would not detract from the character of the area.

14. Protected Species

In respect of protected species at the site the Barn Owl Mitigation report has confirmed that whilst the barn is used for roosting there are not any breeding pairs present at this moment. Therefore in this respect the mitigation strategy contained within the submitted report would be conditioned as part of any approval. In addition a plan detailing the precise location and orientation of the roost boxes and access to them would also be conditioned before works commenced on site.

CONCLUSION

15. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area or the wider setting more generally that would justify refusal of this application.
16. It is considered that the size of the building is appropriate to the character and scale of the existing buildings within the farmstead. Given that the building will be screened significant by the existing mounding at the site, and from wider public view points by the proposed landscaping measures it is considered that any impact upon the setting of the building would be minimal. As a result it should not be overly dominant or overbearing within the setting and would not prejudice highway safety.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. Design and access statement, wider location plan, site location plan, EN0919-F all received 1 June 2011, EN0919-SP Rev A received 18 August 2011 and Barn Owl Survey received 24 August 2011 completed on 22nd August 2011 by Durham Wildlife Services.
3. Notwithstanding any details of materials submitted with the application, the construction associated with the building hereby approved shall not commence until samples of its external walling 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.
4. No development shall take place unless in accordance with the mitigation detailed within the protected species report:- Barn Owl Survey received 23 August 2011 completed on 22nd August 2011 by Durham Wildlife Services, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a barn owl roosts. Details of the proposed location, orientation and access arrangements of the roost boxes shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
PLANNING POLICY STATEMENT/GUIDANCE	PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of issues of visual amenity and impact upon the open countryside.

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, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****1. APPEALS RECEIVED:****Appeal by Mr P A Ottowell****Site at Hycroft, Stockton Road, Easington Village, Co. Durham, SR8 3AZ****Planning Reference CO/5/2011/0002**

An appeal has been lodged against the Council's decision to issue a High Hedge Remedial Notice. The notice was issued due to concerns with reference to the amenities of neighbouring occupants.

The Appeal is to be handled by means of written representations and Members will be advised of the decision in due course.

Recommendation:

That the report be noted.

2. DECISIONS RECEIVED:**Appeal by Mr P Duffy****Site at Eagle Hall, Sunderland Road, Hawthorn, SR7 8RU****Planning Reference PL/5/2010/0547**

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

The Inspectorate agreed with the Council's decision and dismissed the Appeal.

The Inspectorate agreed that due to 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 matter is currently being discussed with the applicant in relation to enforcement action.

Recommendation:

That the report be noted.

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