



Area Planning Committee (Central and East Durham)

Date Tuesday 11 October 2011
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 6 September 2011 (Pages 1 - 10)
2. Declarations of Interest (if any).
3. Applications to be determined by the Area Planning Committee (Central and East Durham).
 - a) 3/11/00352/FPA - Stoneacre Garage, Sawmills Lane, Brandon
(Pages 11 - 22)
Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding (resubmission)
 - b) 4/11/00166/FPA - Land at Commercial Road East, Coxhoe
(Pages 23 - 34)
Erection of 47 two storey dwellings with associated access, open space and parking.
 - c) 4/11/00517/FPA - Durham Business School, Mill Lane, Durham
(Pages 35 - 48)
Proposed extensions and refurbishment to business school with associated landscaping and external lighting.
 - d) 4/11/00599 - Land at Langley Hall Farm, Brandon Lane, Durham
(Pages 49 - 60)
Outline application proposing residential development of 70 dwelling houses seeking detailed approval of means of access only.

- e) PL/5/2011/0315 - Land Adjacent West View, Murton (Pages 61 - 70)

Demolition of existing buildings and erection of 2 no. dwellings and the creation of a dog walker amenity area.

- f) PL/5/2011/0325 - Hawthorn Industrial Estate, Murton (Pages 71 - 80)

Variation of timescale to carry out highway works to the A182 as required by condition no. 14 of planning permission ref no. PLAN/2005/0955.

- g) PL/5/2011/0339 - 6 - 10 North Terrace, Seaham (Pages 81 - 90)

Change of Use from residential home to 5 no. commercial units on ground floor and 11 no. residential units and car parking to rear

4. 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

3 October 2011

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

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

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

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 6 September 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors J Blakey, G Bleasdale, P Charlton, D Freeman, S Iveson, A Laing, R Liddle and J Moran

Apologies:

Apologies for absence were received from Councillors P Taylor, A Bell, J Brown and J Robinson

Also Present:

Councillor Grenville Holland

A Dobie (Principal Planning Officer - Easington Area Office), D Taylor (Solicitor), A Glenwright (Highways Officer) and J Taylor (Principal Planning Officer - Durham City Area Office)

1 Minutes

The Minutes of the meeting held on 19 July 2011 were confirmed as a correct record and signed by the Chair.

2 Declarations of Interest

There were no declarations of interest.

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

3a 4/11/00419/FPA - Former PPA Building, Green Lane, Durham County, Durham

The Chair advised that the application had been withdrawn.

RESOLVED that the information given, be noted.

3b 4/11/00479/FPA - Former Omnibus Depot and Welfare Club, Front Street, Quarrington Hill, Durham, DH6 4QF

Consideration was given to the report of the Principal Planning Officer (Durham 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.

Northumbrian Water had offered no objections to the proposal.

Councillor Blakey explained that she had concerns regarding the siting of the parking bays on Front Street. Even though Front Street had traffic calming measures, speeding was still a problem.

Mr A Glenwright, Highway Officer advised that the B6291 did not have a history of turning or manoeuvring accidents. Although there was not a significant number of existing parking arrangements, four garages in the immediate vicinity would reverse into the open space. To the south west, there were 7 semi detached houses that would use the space to reverse in and out and there was no evidence to suggest that the route was dangerous.

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

3c 3/11/00539/FPA - 29 Birkdale Gardens, Belmont, Durham, DH1 2UJ

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

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

3d 4/11/00601/FPA - 30 Grove Road, Brandon, Durham, DH7 8AR

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

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

3e 4/11/00628/FPA- Plot 4 Bishopgate, Former Rookstone Nursing Home, 48 North End, Durham, DH1 4LW

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

Mrs O Boyle, an objector presented photographs which showed the previous and present outlook from objector's properties. Residents had assumed that following the Committee's refusal of the application in July, building work would cease. The applicant had continued to work on the property and had replaced the much improved roof albeit in the absence of a planning approval.

The applicant had a total disregard of the approved plans. Residents had insisted that the house was too high, too long and in the wrong position. A survey had finally been carried out which had confirmed that the house had been built not in accordance with the approved plans. The house was situated 1m further into the plot, past the boundary of No 22 Field House Lane which decreased the narrow distances even further.

The dwelling was 1.5m lower at the back than the front and the land sloped from east to west. Planning Officer's may consider that it was negligible but whoever purchased the house could have difficulties with access, especially if they were disabled.

There was a difference in height of 1.8m, length of 1.3m and was 2m closer to neighbouring properties. There was a gradual slope and the land to the south was too low lying.

A high fence and screening was required to deal with the impact of the development. There had been an application for 14 homes in 2008 when some residents had objected to the detail. When that application had been approved there was to be a large contribution for loss of play land. Residents were concerned that the current houses could be split as they were extremely large. It was felt that residents had suffered enough and the application should be refused.

Councillor Holland explained that he supported residents. Following the refusal of the application in July, he expected the applicant to revert to the original plans that were approved in 2009. The applicant had not reverted to the original planning approval and continued working on the property without permission. Planning Officers had recommended approval in July and were therefore happy with the proposals

Residents' welfare and privacy needed to be protected. Prior to the building works commencing, there was a protective screen of trees and shrubs to residents which had been removed by the applicant and the whole site exposed. A satisfactory screen needed to be reinstated fully on the boundary. A low screen should not be acceptable and mature trees and shrubs should be an essential condition.

The Principal Planning Officer explained that there had been significant issues with the history of the case and relationships with local residents. Officers had sought to consult and negotiate as much as possible. A meeting had been held with residents and the MP to discuss the development. The main thrust of the meeting was that immediate privacy must be afforded to residents. Condition 6 was a new condition and sought to address the boundary issue. The shrubs and trees would

be of a size and maturity and would offer immediate effect. Officers needed to come to an agreement with the applicant on the final boundary treatment required.

One new objection had been received regarding the issue of massing. The distance to the closest property was a minimum of 28m which he did not think was overbearing or detrimental to residential amenity and in light of the large improvement to the roof, the development was deemed acceptable.

Councillor Charlton commented that the lowering of the roof had improved the outlook for residents immensely and a high standard of screening would protect their privacy.

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

3f PL/5/2010/0446 - Easington Lea Farm West, Easington Colliery, SR8 3UP

Consideration was given to the report of the Principal Planning Officer (Easington 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.

The Principal Planning Officer read out a letter received from Mr Golden an objector whose concerns related to

- the status of the land if the business failed. He had queried if the Council would receive applications for housing projects due to the altered status of the land.
- The access road and problems for pedestrians
- Why the application was made in that particular location instead of an industrial site

The Principal Planning Officer explained that the questions were dealt with in the report. The development was felt acceptable in the countryside and the status of the site would not necessarily be changed. If the operation ceased to exist then a condition of the permission was for the land to be re-instated and the site would not be considered appropriate for housing development. Highways had accepted the proposals based on the amount of traffic that would be generated. The applicant was entitled to apply for permission on the site, and the Council had to consider the proposal on its merits.

Mr Robinson, the applicant explained that he had investigated other locations but all sites on industrial estates were on built up land and had no drainage for the type of equipment that he would use. There were Great Crested Newts on all industrial land in Peterlee. He had operated on the site for 3 years, primarily looking at employed people. Sunderland Council had given him £25k which had been used for 25 spaces to train people within the area. 10 had since found employment and returned to gain further licences.

Mr Robinson explained that he would like to amend the times of operation as a lot of the work revolved around awarding bodies, for eg CITB. They put start and finish times on tests and he would like to operate from 8am to 4pm. Training normally finished by 3.30pm.

A lot of work was classroom based and he would also like Saturday working to be considered. Some companies needed training on a Saturday so their work was not disrupted.

The Principal Planning Officer explained that Officers had not had time to consider the amended hours or discuss the implications with Environmental Health. If Members were minded to approve the application delegated powers could be given to Officers to consider and discuss further the amendments to hours of operation.

Councillor Bleasdale commented that she was impressed with what she saw but did not feel that starting before 8am would be good for neighbouring properties.

Councillor Moran explained that he accepted the application and suggested Officers be delegated to discuss the operating hours.

The Chair suggested that once the operating hours had been investigated by Officers, a further report should be considered by the Committee.

RESOLVED that

- (i) the application be approved subject to the conditions detailed in the report.
- (ii) The change of operating hours be investigated by Officers and a further report be considered at a future meeting.

3g PL/5/2011/0001 - Easington Village Working Mens Club, Seaside Lane, Easington, SR8 3DY

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended refusal. 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 Boyes explained that he welcomed the application for the redevelopment of the Club site but had concerns with the extent of the development. The proposals were well outside the settlement boundary of Easington Village and encroached significantly into Greenfield land. He referred to Policies 3 and 67 and explained that there was numerous land available for development within the settlement boundary.

Concern had also been raised regarding the viability of the scheme. It was felt that 100% affordable housing may not be achieved. The most suitable land was the former Council Offices and development elsewhere, outside the settlement boundary could jeopardise sites within it.

Mr Mann, the applicant explained that he was the Director of Canal Homes who had acquired the site. The site was clearly identified by Durham County Council as a 'green' site within the SHLAA which had a traffic light system, red, amber and green. He would not have submitted an application if he had known that the site could not be developed.

Mr Mann had been working in Easington for 10 year and he was the first landlord on the Accreditation Scheme in 2003. Easington was desperate for investment, the site was immediately available and would create jobs locally through construction. The former Council Offices was not immediately available and the development would create the needed demand in the shops in Seaside Lane. The people of Easington were supportive of the scheme which was sustainable. The problems with drainage had been dealt with and he would make sure the necessary arrangements were in place.

The Principal Planning Officer explained that the SHLAA had been prepared by Policy Officers which identified future housing sites. There was a traffic light system but it did not mean that 'green' sites would be approved. There was concern that if the application was approved, it would undermine other brownfield sites. The Council Offices site was not being specifically protected, it was brownfield and within the settlement boundary.

Members commented that they were aware that the SHLAA identified potential development sites.

The Principal Planning Officer (Durham City Area) explained that the Local Development Framework and Strategic Housing Land Availability Assessment was being prepared which planned up until 2030. Developers were being invited to put potential sites forward which would be assessed but not necessarily become available. 'Green' in the SHLAA was only an indication that the site could be brought forward for development within 5 years. The Club site could potentially be allocated for development but under the current Local Plan it was not.

Members commented that there were brownfield sites available for development within the settlement boundary.

RESOLVED that the application be refused subject to the reasons outlined in the report.

3h PL/5/2011/0162 - Land off St Adens Way, Peterlee

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.

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

3i PL/5/2011/0215 - Land Rear of 1 Grange Terrace, Shotton Colliery, DH6 2JP

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended refusal. 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 B Scorer, agent for the applicant referred to the Planning Officer's concern that the new dwelling would look onto a rear lane and residential standards of amenity would be unsatisfactory. All existing rear elevations of the properties on Grange Terrace faced onto the rear lane and the objection on those grounds had little substance. The proposed development was also set back from the rear lane and would be separated by a garden and parking area.

Residential Amenity Saved Policy 35 (iv) required 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. The report did not specifically identify any of those material considerations as significant factors to support the recommendation of refusal.

With regard to a precedent being set, planning applications were considered on their individual merits and the applicant was requesting Members to consider his personal disability needs as providing the special circumstance for granting the proposed development as an exception.

In response to the Officers comments regarding the needs of the applicant, it was pointed out that the development sites at Fleming Fields and Windsor Place were not for single development plots and the applicant had been unable to find a suitable available bungalow in Shotton where he wished to remain.

The report omitted to mention that within the Design and Access Statement the applicant had stated that if permission was granted he was willing to improve the surfacing of the full rear lane which would have an amenity benefit for all the residents in Grange Terrace.

In conclusion, the goal was to ensure that everyone had the opportunity to live in a decent home, which they could afford in a community where they wanted to live and to meet that aspiration he requested that the application be approved.

The Principal Planning Officer advised that it would be difficult to refuse subsequent applications as a precedent would be set and he accepted that planning applications were considered on their own merits.

The Chair queried if the applicants disability was taken into consideration. The Principal Planning Officer explained that he didn't feel the disability was sufficient to outweigh the concerns.

Councillor Blakey raised concerns regarding the adjacent building. It looked to be a high garage built on a Greenfield site.

Councillor Charlton commented that she was concerned about the Greenfield status. If it was 2 years ago then it would have been classed as a brownfield site.

The Chair commented that the Government had changed policies to stop building in back gardens.

Councillor Iveson explained that she was concerned about the contaminated land study. The Principal Planning Officer explained that it was a standard requirement for a contaminated land assessment to be carried out this did not imply that the site was unsuitable for development.

Councillor Bleasdale commented that the adjacent building looked like a small bungalow with garage doors.

The Principal Planning Officer explained that the garage was a large building with two garage doors, there was room in the roof space but as far as he was aware the garage was used as storage and did not have any domestic doors.

Members considered that the standards of residential amenity would be satisfactory and the development would not have a detrimental impact on the appearance of the area.

RESOLVED that the application be conditionally approved and Officers be granted delegated authority to attach suitable conditions.

3j PL/5/2011/0219 - East House Farm, Cold Hesledon, SR7 8SP

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.

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

4 Appeal Update

Appeals Received

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

- (i) Appeal against the Council's decision to issue a High Hedge Remedial Notice at Hycroft, Stockton Road, Easington Village.

Since the report was prepared, a decision had been received and the appeal had been dismissed.

Decision Received

- (i) Appeal against the Council for refusal of planning permission for the retrospective erection of a raised platform with handrail at Eagle Hall, Sunderland Road, Hawthorn.

Appeal dismissed

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/11/00352/FPA
FULL APPLICATION DESCRIPTION:	Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding (resubmission) (Amended plans received 21/9/2011)
NAME OF APPLICANT	Stoneacre, Mr S Forweather
ADDRESS:	Stoneacre garage Sawmills Lane Brandon Durham DH7 8AB
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Sinead Turnbull Planning Officer 0191 301 8745 sinead.turnbull@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

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

1.1.2 There are a number of semi-mature trees within the site. Residential properties are sited opposite the application site. Opposite the garage there are a number of parking bays, which form part of the highway and are therefore available for use by anyone. The existing business has very little formal parking for either staff or customers, as a result of this; a situation has arisen whereby both staff and customers are parking on the side of the road adjacent to the garage.

1.2. PROPOSAL

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

1.2.2. This application is being reported to planning committee at the request of the divisional Councillor for Brandon. The application was previously deferred at the July

Committee to allow an opportunity to amend the proposed development to improve the car parking provision. Amendments to the car parking provision were discussed at a meeting held 12/09/2011 between the applicant, members and officers.

2.0 PLANNING HISTORY

- 2.1. 4/11/00565 Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding Withdrawn 1/3/2011.
- 2.2. 4/07/00894 Erection and display of internally illuminated totem sign Invalid Return.
- 2.3. 4/01/00933 Erection and display of internally illuminated pylon sign Approved 1/2/2002.
- 2.4. 4/99/00535 Erection and display of illuminated pylon sign and internally illuminated panel sign Approved 7/2/1999.
- 2.5. 4/97/00546 Erection and display of 1 no. externally illuminated fascia sign 1 no. free standing internally illuminated pylon sign 1 no. menu sign and 1 no. non illuminated directional sign Approved 28/11/1997.

3.0 PLANNING POLICY

3.1. NATIONAL POLICY

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

3.2. REGIONAL POLICY

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

date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

- 3.2.2 **Policy 4: The Sequential Approach to Development:** Sets out the prioritisation for site selection and directs development to the most sustainable locations.
- 3.2.3 **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.4 However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils.

3.3 LOCAL PLAN POLICY

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=6618>

4 CONSULTATION AND PUBLICITY RESPONSES

4.2 STATUTORY RESPONSES:

- 4.2.1 **Durham County Council Highways** – Highways comments have not been altered as a result of the revised scheme. The previous comments still apply and are summarised below:

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

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

Brandon and Byshttles Parish Council: Customer car parking should be at the front of the site.

4.3 INTERNAL CONSULTEE RESPONSES:

4.3.1 **Durham County Council Environmental Health:** Has advised that any lighting should face in on the site.

4.3.2 **Durham County Council Planning policy:** No objections

4.4 PUBLIC RESPONSES:

4.4.1 The application has been advertised by a site notice and neighbour consultation letters. Nineteen objections were received in relation to the previous parking layout. No objections have currently been received in relation to the revised parking layout. However at the time of writing this report the neighbour consultation period had not ended, any additional comments received shall be reported at the planning committee.

4.5 APPLICANTS STATEMENT:

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

4.5.2 A layout plan has been submitted with the application to show how the site will operate should planning consent be granted. The benefits of the proposals are clear. The incorporation of the existing area of open space into the Stoneacre site will allow for much needed improvements to how the existing site currently operates. In addition to providing a new sales area at the front of the site, it will allow for designated on-site car parking areas to be provided for staff and customers alleviating the potential for any car parking conflicts on Sawmills Lane.

4.5.3 The proposed customer car parking is intended for use by those visiting the site to look at purchasing a new vehicle. Customers using the service and MOT facilities will park in the area adjacent to the workshop. This car parking is shown on the layout plan as storage/service/MOT parking.

4.5.4 The provision of the staff and customer car parking and associated signage can be adequately controlled by condition in accordance with Circular 11/95.

4.5.5 It is considered that the layout plan prepared for the site demonstrates that the incorporation of the existing open space into the site will improve the overall operation of the site and relieve any existing car parking problems on Sawmills Lane.

4.5.6 Two lighting columns are shown on the layout plan at the centre of the site. These columns are intended to be indicative and it is envisaged that the final details of the lighting can be adequately controlled by a suitably worded condition if deemed necessary in accordance with Circular 11/95.

5 PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 The key issues for consideration are:

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

5.2 The Need for the Development

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

5.2.2 There is an existing situation on Sawmills Lane where staff and customers relating to the Stoneacre Garage have been parking along the side of the road, causing an obstruction in the highway and reducing safety of pedestrians and motorists using Sawmills Lane. It is therefore considered that the proposed development has arisen out of a need to address the parking issue.

5.2.3 The solution to this problem as proposed by the garage is to incorporate an existing area of open space into the site to provide additional space for the parking of vehicles and for loading and unloading.

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

Table 1 Proposed

	Type of parking bay	Number of spaces
	Staff	13
	Customer	22
	Storage/Service/MOT	38
	Car sales	33
Total		106

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

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

Table 2 Existing

	Type of parking bay	Number of spaces
	Staff	0
	Customer	0
	Storage/Sales/Service/MOT	60
Total		60

- 5.2.4 Durham County Council have also made progress to address the parking issues on Sawmills Lane by proposing to paint double yellow lines on Sawmills Lane. This was approved by the highways committee 28/6/2011.
- 5.2.5 The site history verifies the existence of on street parking problems on Sawmills Lane. The history of the site indicates that parking problems on Sawmills Lane are caused by staff and customers of Stoneacre garage not having adequate parking provision on the site.
- 5.2.6 The local planning authority has worked with the business to achieve the best improvements to the site which can realistically be achieved. The applicant has amended the original proposal to incorporate customer parking into the site frontage, addressing residents concerns that customer parking must be visible and all efforts must be made to encourage customers to park on the site rather than on the highway.
- 5.2.7 Policy H13 of the City of Durham Local Plan states that 'Where established non-residential uses exist adjacent to housing areas, appropriate measures will be taken where possible to overcome the annoyance or disturbance which they cause.' It is considered that the proposed development combined with the painting of double yellow lines on Sawmills Lane shall go a considerable way towards alleviating the problem.
- 5.2.8 The garage has stated that they do not intend to increase car sales; the works are to improve the site and address the parking problems on Sawmills Lane. The site location plan submitted with the application indicates that the vehicles for sale located to the rear of the site shall be brought to the front of the site onto the existing open space area. This will then render land to the rear available for staff and customer parking.
- 5.2.9 A meeting was held 12/09/2011 between the applicant, members and officers to discuss improvements to the parking provision on the application site. As a result of this meeting a revised plan was submitted 21/09/2011. The revised plan shows an increase to customer parking spaces from 11 to 22, with a number of these spaces sited on the front of the site. Staff parking has been increased from 10 to 13. Members felt it was most important to have parking for customers visible from the highway, to direct customers onto the site and away from parking on the highway.
- 5.2.10 The proposed development is considered to be in accordance with policies Q2 and T1 of the City of Durham Local Plan 2004, PPS1, PPS4 and PPG13.

5.3 Principle of the Development

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

5.4 Impact on the Visual Amenity of the Area

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

5.5 Impact on the living conditions of neighbouring properties

- 5.5.1 Previously concerns have been raised by the occupiers of neighbouring properties regarding the impact of the development on highway safety, the appearance of the development and potential increased pollution and noise disturbance.
- 5.5.2 The primary concern for residents relates to highway safety. There is a current situation whereby cars park at the side of the road adjacent to Stoneacre garage

causing an obstruction in the highway and negative impacts on the amenity of occupiers and users of Sawmills Lane.

- 5.5.3 This application has put forward a proposal which would go a considerable way to alleviating the problem of on road parking on Sawmills Lane. It is therefore considered that the proposed development would be in accordance with policies T1, Q2 and H13 of the City of Durham Local Plan 2004.
- 5.5.4 This proposal does not seek to expand the business but provide space for off road parking for staff and customers. It is therefore considered that pollution and noise disturbance should not significantly increase as a result of the development in accordance with policy H13 of the City of Durham Local Plan 2004 and PPS1.

6 CONCLUSION

- 6.1 The situation currently is that there is no defined parking on the site for staff or customers. This is a situation that needs to be addressed with some urgency. The garage is an established business, which has reached the capacity of the site. The local planning authority have no powers to move the business off the site, therefore we must approach the problem by working with the business to achieve the best improvements to the site we can realistically gain.
- 6.2 This application proposes to resolve parking issues on Sawmills Lane by increasing staff and customer parking from 0 spaces to 25 spaces by changing the use of an area of open space to the front of the site to allow for the parking of vehicles. The Highways engineer has responded positively to the proposal deeming this number of spaces to be adequate provided it is a condition of any planning permission that they are clearly marked and utilised only for the purposes identified.
- 6.3 A number of the sales staff utilise sale vehicles for commuting to and from work, therefore this also reduces the number of staff parking spaces required.
- 6.4 The area of open space is not of such high amenity value to warrant the refusal of this application on the basis of its visual amenity. A balanced view must be taken to assess the benefits of the change of use over the loss of the open space.
- 6.5 It is considered that the proposal would go a considerable way to alleviating car parking problems in the area.

7 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:

Plan Ref No.	Description	Date Received
	Site Location Plan	18/5/2011
1078-11-002 REV E	Proposed site plan	21/9/2011

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

3. Notwithstanding the submitted plans, a parking layout at a scale of 1:50 shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The parking layout shall provide 13 staff car parking spaces, 22 customer car parking spaces, 38 storage/service/MOT car parking spaces and 33 car sales parking spaces. The parking layout shall also include details of the means of demarcation of the parking spaces and details of any associated demarcation signage. The submitted scheme shall then be fully implemented in accordance with the approved plans prior to the first occupation of the development hereby permitted and shall thereafter be maintained as such for the life of the development for the parking of the relevant vehicles and for no other purpose.

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

4. 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 commencement 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 provision of screen fences or walls, 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 and to comply with policies H13 and Q3 of the City of Durham Local Plan 2004

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

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

8 REASON FOR THE DECISION

- 8.1 This decision has been taken having regard to the national planning policy contained within PPS1, PPS4 and PPG13, policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory

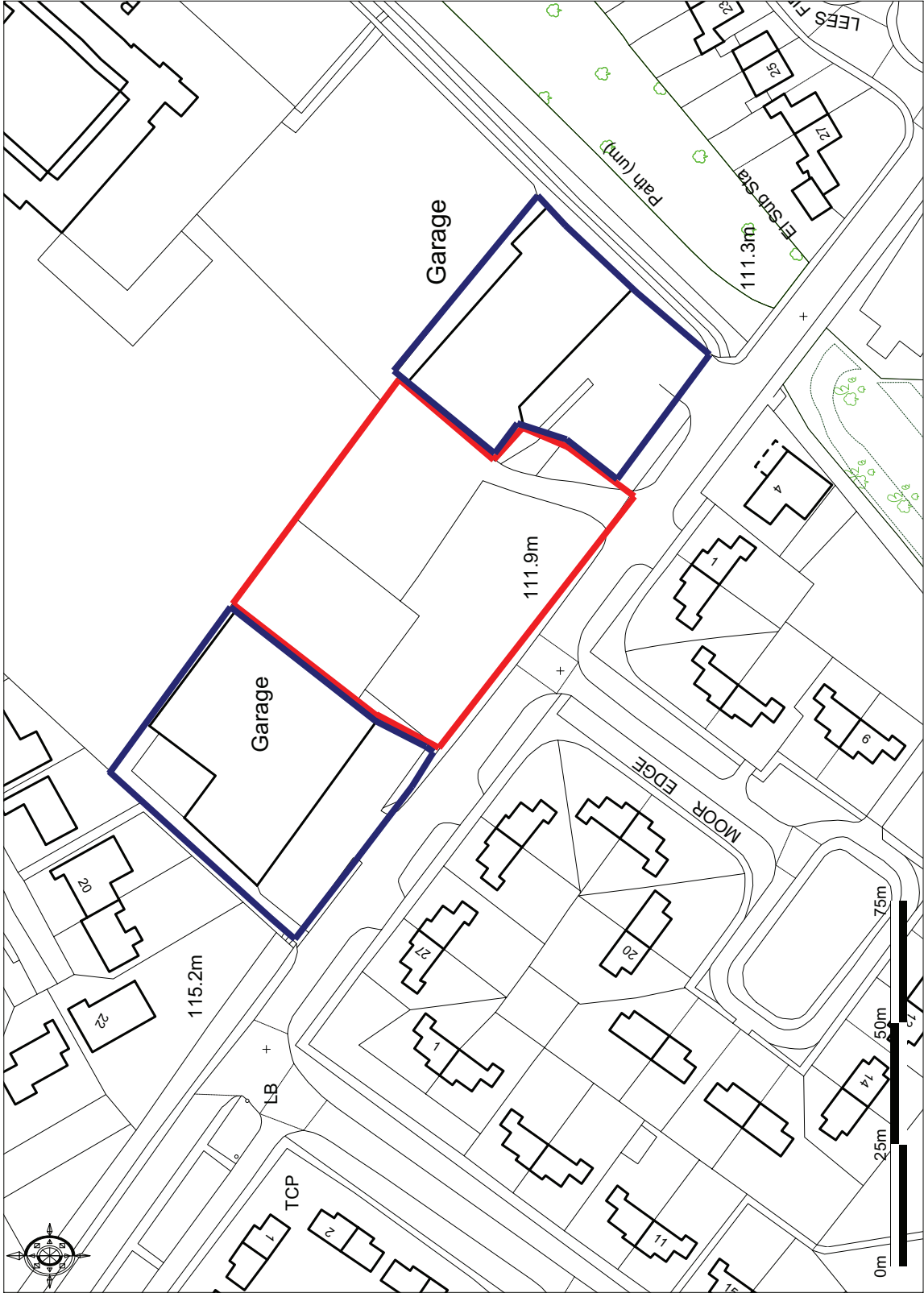
Purchase Act 2004 and policies E5A, E14, T1, Q2, Q3 and H13 of the City of Durham Local Plan 2004.

- 8.2 The scheme would involve development within the settlement limits of Brandon, which is considered to be a sustainable settlement in accordance with policy Q2 of the City of Durham Local Plan, PPS1, PPS4 and PPG13.
- 8.3 The proposal would have a positive effect on highway safety at Sawmills Lane by significantly the numbers of vehicles parked on the highway in accordance with policy T1 of the City of Durham Local Plan 2004.
- 8.4 The proposal would not result in an unacceptable loss of an area of open space in accordance with policies E5A and H13 of the City of Durham Local Plan 2004.
- 8.5 The proposed development is considered to be acceptable with no significant harm caused to the character or appearance of the area or the amenities of neighbouring occupiers in accordance with Policies E5A, E14, T1, Q2, Q3 and H13 of the City of Durham Local Plan 2004 and PPS4.

9 BACKGROUND PAPERS

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

SITE LOCATION PLAN



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00166/FPA
FULL APPLICATION DESCRIPTION:	Erection of 47 two storey dwellings with associated access, open space and parking.
NAME OF APPLICANT:	Hellens Group
ADDRESS:	Land at Commercial Road East, Coxhoe, Durham, DH6 4UJ
ELECTORAL DIVISION	Coxhoe
CASE OFFICER:	Peter Herbert, Senior Planner, 03000 261 391, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Planning permission is sought for the erection of 47 dwellings on land to the east of Commercial Road East, Coxhoe, within an area known as Four Mile Bridge.
 2. The site lies at the northern edge of the village, within the settlement boundary, on land that forms part of a reclaimed former lime works.
 3. A stream runs along the site's northern boundary, beyond which lies open land designated as a County Wildlife Site. To the south, running in an east west direction, lies a quarry access road, known locally as the "haul road," which serves the Coxhoe Joint Stocks quarry landfill site.
 4. To the east lies open countryside, whilst to the west lies phase I of the overall former lime works' redevelopment in the form of housing currently under construction.
 5. The current proposal, constituting phase 2 and the completion of the former lime works' regeneration, consists of 47 detached, semi detached and linked town houses arranged around open spaces and culs de sac at a density of 44 units per acre. Bedroom provision would range between 2, 3 and 4. A dedicated electricity substation would also be provided.
 6. Two vehicular access points would be provided, one taken from the phase 1 site, and the other directly from the "haul road." The development provides for 1.5 spaces per dwelling for parking, taking the form of garaging, driveways and laybys.
 7. House styles have been designed to offer local distinctiveness, with "arts and crafts" detailing and a simple palette of materials.
-

8. A series of open spaces within the site seek to promote a village green setting, and landscaping within the site is designed to enhance that character. The strong existing tree cover along the northern boundary of the site will be retained to both soften the development from external views and retain a natural wildlife corridor complimentary to the adjoining wildlife site. A tree belt will be planted along the eastern site boundary to provide further screening, whilst an acoustic fence, punctuated by planted recesses, will form the southern boundary adjoining the “haul road”.

9. The application is supported by a Design and Access Statement, Flood Risk and Drainage Assessment, “Percentage for Art” proposal, updated Biodiversity Implementation Strategy, “Affordable” Housing Statement, a “Summary of Abnormal Costs, and a Statement of Community Involvement.”

10. The application represents a minor departure from Policy EMP9b and H12 to allow housing development on industrial land and no affordable housing.

11. This application is being referred to committee again for determination following deferral of this application on 14th June pending the outcome of the Parish Plan2.

PLANNING HISTORY

12. 07/00860/OUT - Outline planning permission was granted in 2007 for a mixed use development on the former Coxhoe lime works site at Four Mile Bridge comprising 80 dwellings and 2400 sq m of employment use.

13. Reserved matters consent was granted in 2009 in respect of 80 dwellings, including details of design, layout, scale, access, and landscaping

PLANNING POLICY

14. NATIONAL POLICY:

Planning Policy Statement (PPS) 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing underpins the delivery of the Government’s strategic housing policy objectives

Planning Policy Statement 9: Biodiversity and Geological Conservation provides administrative guidance regarding the application of law in England relating to planning and nature conservation.

Planning Policy Guidance Note 13: Transport has as its objective the integration of planning and transport, together with the promotion of more sustainable transport choices for both people and freight.

15. REGIONAL PLANNING POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, set out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS set 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.

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:

Policy 2: Sustainable Development promotes (inter alia) the reclamation and reuse of derelict land for more productive purposes.

Policy 8: Protecting and Enhancing the Environment encourages the maintenance and enhancement of the quality, diversity and local distinctiveness of the North East environment.

Policy 29: Delivering and Managing Housing Supply sets out housing targets on previously developed sites, encourages Local planning Authorities to consider the reuse of employment sites for housing where they are not required for long term employment use.

Policy 33: Biodiversity and Geodiversity promotes habitat protection and creation.

16. LOCAL PLAN POLICY:

Policy EMP 9b (Local Industrial Sites) identifies the application site as suitable for small businesses providing local employment opportunities.

Policy E18 (Sites of Nature Conservation Importance) seeks to protect such sites by minimizing harmful impact and enhancing their value.

Policy H3 (New Housing development within the Villages) allows new housing within settlement boundaries subject to suitable design and scale.

Policy H12 (Affordable Housing) seeks such a fair and reasonable provision of "affordable" homes on schemes of 25 houses or more.

Policy H13 (Residential Areas – Impact upon Character and Amenity) precludes development that will have an adverse impact upon residential amenity.

Policy H14 (Improving and Creating More Attractive Residential Areas) encourages respect for and the enhancement of local character, and the promotion of high quality design.

Policy Q1 (Designing for People) promotes the taking into account of all users needs.

Policy Q2 (Designing for Accessibility) requires account to be taken to minimize conflict between pedestrians, cyclists and motorists.

Policy Q8 (Layout and Design – Residential Development) encourages high residential development standards.

Policy Q15 (Art in Design) promotes artistic elements, either on site or within the facility, to be provided to enhance both developments and the areas within which they are located.

Policy R2 (Recreation and Amenity Space – New Residential Development) requires an appropriate level of both informal play space and private amenity space to be provided within new residential developments.

Policy T1 (Traffic Generation – General) discourages development that would generate traffic levels prejudicial to highway safety.

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.

Policy U8A (Disposal of Foul and Surface Water) requires adequate provision to be made to avoid flooding.

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

CONSULTATION AND PUBLICITY RESPONSES

17. STATUTORY RESPONSES:

The Highway Authority offers no objection. It is satisfied that the traffic likely to be generated by the proposed development can be accommodated safely within both the existing road network and proposed estate road layout.

The Environment Agency offers no objections subject to any planning consent being conditional upon measures prescribed by the Agency to mitigate flood risk, and the applicants adhering to standing advice relating to the contamination of controlled waters and foul sewage disposal.

Northumbrian Water offers no objections.

18. INTERNAL CONSULTEE RESPONSES:

The County Council Planning Policy section raises no objection to this proposal. Whilst it recognises that, were it approved, further housing in this location would remove the possibility of any employment use on what remains of the former lime works site, such a

departure from Local Plan policy is considered to be justified.

A recently completed Employment Land Review provides an assessment of all employment sites within County Durham. While the final document is yet to be approved, early indications suggest a significant over supply of employment land within the County.

The justification for housing on phase 1 of the former lime works site's redevelopment was to help fund the site decontamination, allowing a smaller area of employment land to become available. However, in view of both the Employment Land Review's findings and the remote location, relative to the rest of Coxhoe, it is now considered unlikely that this employment land will be taken up by an operator.

The site is considered appropriate for further housing as phase 2 of that already under way, and that all relevant policies in respect of design, open space, art provision and wildlife site protection have been fully addressed.

In regard to the applicant's "Summary of Abnormal Costs" statement, which seeks to justify exemption from any "affordable" housing provision, an analysis of the figures provided has been carried out by the County Council Assets team, using its Pro-Val software based on County Durham baseline data.

Taking fully into account the substantial cost of decontaminating and restoring this heavily contaminated site, it would indeed be financially unviable to provide "affordable" housing, the cost implication of which, in terms of housing value returns, would prevent housing being built.

The County Ecologist accepts the terms of the submitted Biodiversity Implementation Strategy, and requests that implementation be a condition of any planning approval, so discharging obligations as required by the Conservation of Habitats and Species Regulations 2010.

The County Council Low Carbon Officer offers no objection subject to 2010 Building Regulations sustainability standards being observed, and proposed solar pv panels be of at least a 1kw peak system.

19. PUBLIC RESPONSES:

Coxhoe Parish Council prior to deferral did formally object to this application on the grounds of highway safety implications of the additional traffic generated by 47 new homes joining the "haul road" and its junction with the A177 at Commercial Road East; the negative impact on the local economy and loss of any employment land on this site. Estate layout that suggests future phases to the east into open countryside; and the inadequacy of the "Percentage for Art" contribution, which is considered to be disproportional to the disruption to the village the proposed development will generate, and the profits accrued.

The Parish Council did formally request that this application is considered by the Planning committee rather than dealt with by officer delegation, adding that it is opposed to any further housing within the village until its social infrastructure is improved. The local County Council Member did support such a referral to committee.

Following subsequent discussions with the Parish and presentation of this revised scheme their previous objection has been formally withdrawn, although they state their disappointment on the lack of affordable housing.

20. APPLICANTS STATEMENT:

The applicant states that following the deferral they have sought to work with Officers and the Parish to overcome some of their concerns. They have negotiated the provision of two bungalows within the scheme, an additional £20,000 for public art/environmental improvement and agreed to enter into a time period of 6 months should they get consent for this application to make good the link access road as part of the former application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00798/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

21. The acceptability or otherwise of this proposal rests essentially upon whether the replacement of employment land by housing and an absence of “affordable” housing is justified. Then, should that be the case, whether in all other material respects this development meets Local Plan objectives.

22. At the June 14th committee this application was deferred on the grounds that Coxhoe Parish Council were shortly receiving the results of their Parish Plan2 consultation and that this would likely indicate a need for older persons accommodation and these results should be incorporated in this development.

23. The Parish Plan2 results were received by the 7th September Parish Meeting which was attended by Officers and the applicant.

24. The applicant presented their revised proposal for the inclusion of two bungalows (plots 85 & 86), an additional £20k to address the deficiencies in the Public Art contribution and an agreement that they will undertake the Basic Cottages resurfacing works within 9 months should they gain consent.

25. Officers support the inclusion of the bungalows responding to local needs and working with the community to resolve these issues. The additional £20K will likely be attributed to further improvements in the central area subject to a formal application for spending to the 106 working group. The Basic Cottages resurfacing work was conditioned as part of the previous application and as such is tied to that consent, a timetable is forthcoming from the applicants to discharge this condition.

26. Whilst the Parish Plan2 has no statutory weight in decision making as part of the development plan it is none the less an indicator of local needs and issues. During the Parish Meeting a representative from Planning Policy spoke about the Localism Bill and the move to Neighbourhood Plans. Although a very different process to a Parish Plan the result will be a locally derived framework consistent with the County Plan but specific to local needs which will be material in future decision making.

27. Currently the localism bill which will enact the relevant legislation is at the Report

Stage in the House of Lords.

28. In respect of employment land release, there is an over provision of employment land within the county, and the restricted size and relatively isolated location of the land in question militate against likely take up. This is supported by the findings of the recently completed Employment Land Review. Efforts have been made to attract a nearby local business to the site, and this is the type of local employer most likely to be interested in such a site. Therefore, given the lack of interest, and the availability of employment land elsewhere, it is accepted that this land would be more productively used for housing, particularly as housing is already being built on the adjoining site.

29. Turning to the absence of “affordable” housing provision, a financial justification has been reviewed and accepted by the County council Assets team that it is not viable to provide affordable homes. In a recent High Court Judgment in regard to Blyth Valley Borough Council’s Local Plan Core Strategy economic viability was cited as a material consideration in respect of the formulation of “affordable” housing provision.

30. Whilst no formal affordable provision is available Barratt homes the housing partner do have available on this site affordability products as part of their sales package. These are as follows:

- Deposit match scheme: If a purchaser can provide a 5% deposit and has an offer of a 90% mortgage, then Barratt will provide the remaining 5% deposit (effectively a 5% discount);
- Shared equity scheme: Barratt have teamed up with the Halifax, who provides an 80% loan at a fixed rate (5.34%). Barratt provide a loan of 15% of the purchase price for up to 10 years, with no interest payable if the purchaser doesn’t move within that period; only a 5% deposit is required by the purchaser;
- First deposit scheme: Barratt have teamed up with Hitachi Capital who will provide a 15% unsecured loan to the parent(s) of the purchaser; the purchaser has to provide a 5% deposit and obtain an 80% mortgage.;
- Under the First Buy scheme, the government and the house builders will jointly provide a 20 per cent loan to top up first-time buyers’ own deposit of 5 per cent. This will allow them to take out a mortgage for 75 per cent of the property;
- Loans will be free of charge for the first five years and repaid when the property is resold. The funds will then be recycled to fund more homes for the scheme.

31. Whilst not offering the long term affordable discount benefits the above products will allow first time buyers access to the development to serve some local needs.

32. House designs, layout, parking provision and landscaping were the subject of extensive pre planning submission discussions with Design and Highway Authority staff members. The scheme is well considered, with now an increased variety of house types.

33. It is considered the objectives of Policies H3, H13, H14, Q1, Q2,Q8, R2, T1, T10 and U8A of the Local Plan are addressed.

34. A Biodiversity Strategy aimed at protecting and enhancing the local ecology interest has been accepted by the County Ecologist, so complying with the objectives of policy E18

of the Local Plan.

35. Policy Q15 requires one percent of build cost to be dedicated to art, and the applicants, in response to local wishes, propose to recreate a level crossing gate with associated landscaping at the Commercial Road East – haul road junction in recognition of the former Clarence Railway that passed through the village. An element of art has already been provided as part of phase 1 of the development of the overall site as required by the terms of the outline planning consent. The additional £20K secured through a Section 106 agreement will contribute to further enhancements within the village.

36. It is concluded that this scheme satisfies the policy requirements applicable to this site, and issues concerning land use, affordable housing, public art and housing mix have been addressed and re-examined following the deferral and the Parish have removed their objection.

CONCLUSION

37. This proposal constitutes the completion of the reclamation and regeneration of the former lime works now bringing clear aesthetic, environmental, ecological and economic benefits to Coxhoe, improved upon since deferral.

38. A minor departure from an employment land designation is considered to be entirely reasonable, and the case for an exemption from an affordable housing provision has been justified and tested by the Council's viability assessors.

39. The Parish Council whilst still disappointed about the lack of affordable housing has withdrawn their previous objection in recognition of the improvements here offered by the developer.

RECOMMENDATION

That the application be **APPROVED** subject to entering into a Section 106 agreement to secure the following:

- The payment of £20,000 for the provision of public art/environmental improvements in the locality.

1. The development to which this permission relates shall be begun not later than 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:

- Planning Layout DWG 10014 (P)07
- Site Plan As Proposed Planning Layout – Phase 2 DWG 10014 (P)05 rev C
- Ambassador Range The Falmouth DWG 2010/FAL1/A/01
- Ambassador Range The Cheadle DWG 2010/CHE/A/01
- Ambassador Range The Tavistock DWG 2010/TAV/A/01
- Embassy Range The Somerton DWG 2010/SOM/A/01

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- Statesman Range The Aylesbury DWG 2010/AYE/A/01
 - Statesman Range The Ashford DWG 2010/ASH/A/01
 - Bungalow Type X DWG 10014 (P)11
 - Materials & Boundary Treatments DWG 10014 (P)06 rev A
 - Street Elevations DWG 10014 (P)10
 - Landscape Layout Phase 2 DWG D022.L008 ISSUE 3 REV B
 - Non-Standard Boundary Treatment Details DWG 10014 (P)32
 - Non-Standard Boundary Treatment Details DWG 10014 (P)33

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E18, H3, H12, H13, H14, Q1, Q2, Q8, Q15, R2, T1, T10 and U8a of the City of Durham Local Plan 2004.

3. Notwithstanding any details of walling, roof and floor covering materials submitted with the application, no development shall commence until samples have been submitted to, and approved in writing by, the Local planning authority.

Reason: In accordance with Policies H14 and Q8 of the City of Durham Local Plan 2004.

4. All planting, seeding or turfing identified within the approved landscaping details shall be carried out in the first available planting season following the practical completion of the development, or occupation of the first building. Any trees or plants failing within five years of planting being carried out shall be replaced.

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

5. The Local planning Authority will review the need for affordable housing provision on the site three years from the date of this approval. The review will be in accordance with Policy H12 of the City of Durham Local Plan and associated Supplementary Planning Guidance, and will apply only to houses where foundations have not commenced at the time of the review. Subsequently, any affordable housing needed will then be implemented on site in accordance with the findings of the review.

Reason: In accordance with Policy H12 of the City of Durham Local Plan 2004.

6. The submitted Percentage for Art proposal that forms part of the hereby approved development shall be implemented in full prior to the occupation of the first dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To meet the objectives of Policy Q15 of the City of Durham Local Plan 2004.

7. The development hereby approved shall only be carried out in accordance with the approved Flood risk assessment (FRA) 2084-Coxhoe Phase 2 dated October 2010 produced by Shadbolt Consulting, and the following mitigation measures detailed within the FRA.

Reason: In accordance with Policy U8a of the City of Durham Local Plan.

8. Surface water run-off discharge from the site shall be limited to 3.5 litres per second per hectare so that it will not exceed the run-off from the undeveloped site so that there is no increase in off-site flooding.

Reason: To prevent flooding by ensuring satisfactory storage or disposal of surface water from the site in accordance with Policy U8a of the City of Durham Local Plan.

9. The biodiversity management plan contained within the submitted and hereby approved Biodiversity implementation Strategy shall be carried out in full.

Reason: In accordance with Policy E18 of the City of Durham Local Plan 2004.

REASONS FOR THE DECISION

1. The proposed development is considered acceptable having regard to the following policies of the City of Durham Local Plan 2004: EMP9b, E18, H3, H12, H13, H14, Q1, Q2, Q8, Q15, R2, T1, T10, and U8A. Due regard has also been given to the discharge of obligations required by the Conservation of Habitats and Species Regulations 2010.

2. It is considered that the departure from Policy EMP9b to allow development of an industrial site is acceptable mindful of support from the Employment Land Review. The affordable housing element has been tested and proved unviable due to the site set up costs and as such is not required.

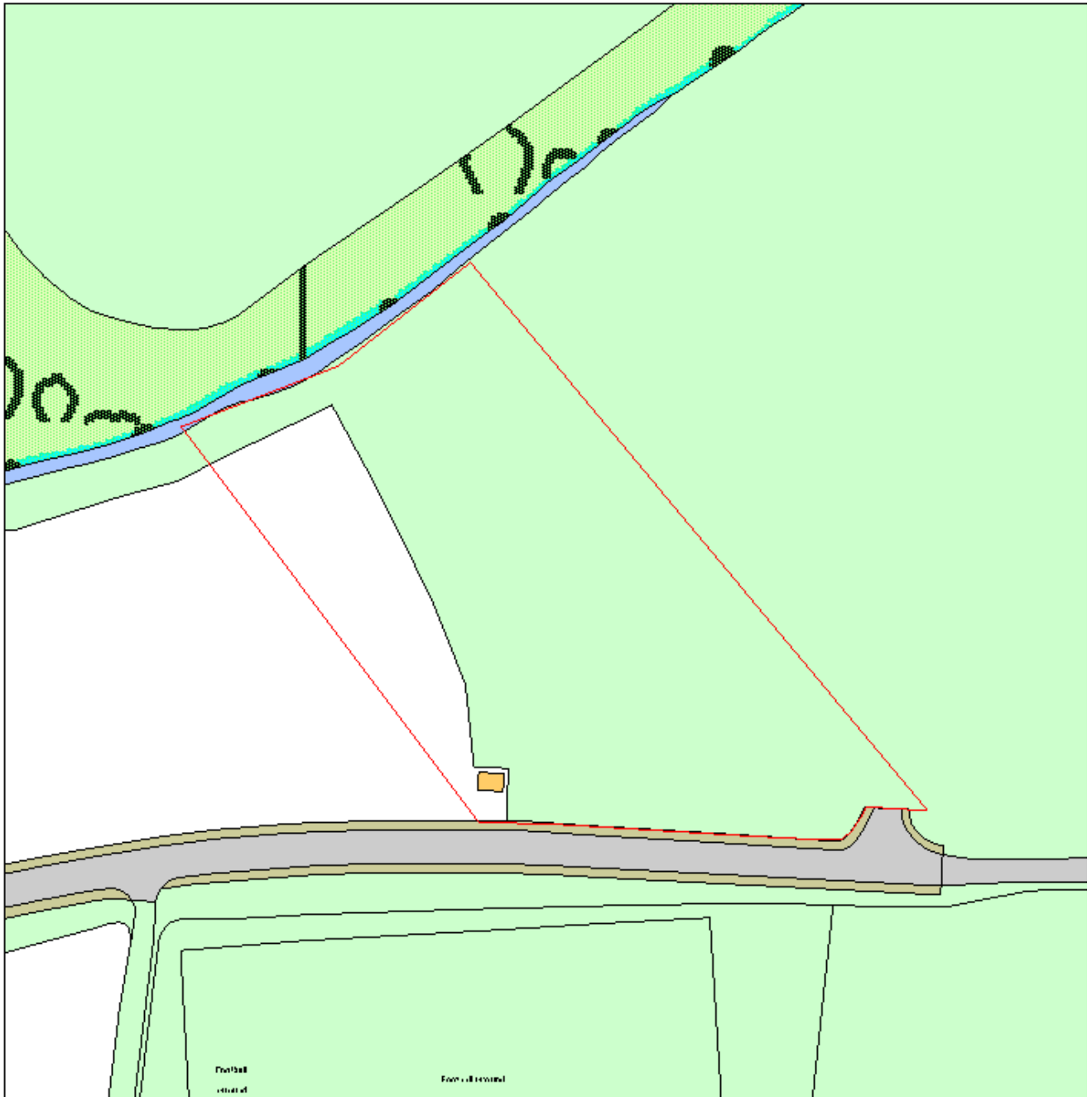
3. This proposal represents a well designed solution to the regeneration of a formally heavily contaminated site, and offers homes to those who will help sustain village shops and services within Coxhoe.

4. Parish Council concerns have been given very careful consideration and changes implemented to address their main concerns, namely; two bungalows additional arts monies and the resurfacing of Basic Cottages link road.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Flood risk and Drainage Assessment
- Percentage for Art Proposals
- Updated Biodiversity strategy
- Affordable Housing statement
- Summary of Abnormal Costs
- Statement of Community Involvement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2004
- Planning Policy Statements / Guidance, PPS1, PPS3 and PPG13.
- Response from County Highway Authority
- Response from Environment Agency
- Response from Northumbrian Water
- Response from Low Carbon Officer
- Response from County Ecologist





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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00517/FPA
FULL APPLICATION DESCRIPTION:	Proposed extensions and refurbishment to business school with associated landscaping and external lighting
NAME OF APPLICANT:	Durham Business School
ADDRESS:	Durham Business School Mill Hill Lane Durham DH1 3LB
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 relates to the existing Durham Business School off Mill Hill Lane in Durham. Durham Business School is located within a University Campus, one element of a concentration of University buildings off Mill Hill Lane and more widely the South Road and Stockton Road area. The application site lies within the settlement boundary of Durham City but is located outside of the City Centre Conservation Area. The local area is characterised by University departmental buildings set within spacious and leafy grounds. This green and leafy character is further emphasised by the Mount Oswald Golf Course which is located just to the south of the site.
- 1.1.2. Durham Business School itself is a large building set on a site which slopes down from the east to the west and from the north down to the south. The business school comprises a series of different elements including a concrete framed block which provides the majority of the buildings frontage, a more traditional pitched roofed dark brick block at the northern end of the site together with a number of temporary buildings and a more modern accommodation block to the southern end of the site. The site has a main car park area opposite the entrance to the business school in the east of the site with overflow space to the north. A large grouping of trees are located on the western fringe of the site providing a buffer to residential properties at Nickleby Chare and Dickens Wind beyond. Between this buffer of trees and the business school itself is an area of meadow.

1.2. PROPOSAL

- 1.2.1. This application seeks extensions and alterations to the existing business school so as to provide additional accommodation for this expanding element of the University and to provide accommodation and facilities of modern standards. The proposed development would enable the Durham Business School to house at one location the School of Economics, Finance and Business.
- 1.2.2. The proposal comprises of significant extensions to the west of the school's frontage providing two additional wings and a largely glazed extension to help with circulation routes around the school. The proposed extensions are to provide a number of elements including student services, career support, management development centre, catering facilities, seminar rooms and a series of academic, teaching and professional offices together with greater circulation space. In addition, an entrance extension to provide an entrance of greater presence and scale is proposed to the school's frontage.
- 1.2.3. Together with the proposed extensions, alterations to existing buildings are also proposed with the aim of providing more cosmetic enhancements to the buildings with new cladding and fenestration enhancements.
- 1.2.4. A landscaping scheme is also proposed with the large open space to the west of the school to be redesigned with glades, pools, scrapes, swales and wetland. Existing external lighting is to be replaced with new luminaires to light the car park, access road and landscaped areas.
- 1.2.5. The application is a 'major' development hence referral to committee.

2.0 PLANNING HISTORY

- 2.1. A series of planning permissions and renewals of permissions for the siting of temporary buildings at the site have been granted since 1995. In 2000 planning permission was granted for the change of use of bedroom accommodation to officing.
- 2.2. In 2003 planning permission was refused for the formation of an additional car park on the grounds of harm to visual amenity as a result of the loss of landscaped land.

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 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.
- 3.1.3. **Planning Policy Statement 5: Planning for the Historic Environment** 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 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.

- 3.3.2. **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.
- 3.3.3. **Policy E24: Ancient Monuments and Archaeological Remains** sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
- 3.3.4. **Policy T1: Traffic** – General states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
- 3.3.5. **Policy T10: Parking** – General Provision states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
- 3.3.6. **Policy C3:** University of Durham seeks to support the University where its development proposals strengthen and enhance its academic, cultural, economic, conference, tourist and recreational role in the City as well as those proposals for adequate student accommodation and associated facilities.
- 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 U8a: Disposal of Foul and Surface Water** requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
- 3.3.9. **Policy 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.
- 3.3.10. **Policy U14: Energy Conservation** generally promotes the use of 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. Northumbrian Water have raised no objections.

4.1.2. The Highway Authority have been consulted on the application and no objections have been raised. The expansion and increase in visitors would be partly offset by the movement from other university buildings. Car parking is not to increase through the development but this is in line with the University's travel plan. Disabled parking and access arrangements will be improved throughout the development.

4.2. INTERNAL CONSULTEE RESPONSES:

4.2.1. The Senior Low Carbon Officer has submitted comments with regards to the development and state that no objections are raised as the application has been accompanied by an energy statement which shows that 10% of energy supply can come from the use of ground source heat pumps.

4.2.2. Ecology have been consulted on the application and the submitted bat report is considered satisfactory, the submitted mitigation strategy and method statement should be conditioned. With regards to the great crested newt survey, the development does represent a low risk and no objections as such are raised to the development. However, no bottle trapping has been undertaken on the golf course pond which has connectivity to the site. Therefore additional information to be added to the proposed working methods to address residual risk of great crested newts using the site is requested.

4.2.3. Archaeology have been consulted on the application and state that the applicant has undertaken a desk top survey, monitoring of geotechnical pits and evaluation of trenchwork which showed that no archaeological deposits are likely to be affected by the development. As a result no objections are raised.

4.2.4. Landscape have been consulted on the application and concern is raised that the application has not made it clear what works to trees will occur through the development with an absence of a thorough arboricultural implications assessment. Trees to be retained should be protected in accordance with the British standard. The existing landscaping at the site is not inspiring and significant change is sought and a full landscaping scheme is awaited.

4.2.5. Design and Conservation consider that proposal has evolved following detailed pre-application discussions. Impact beyond the campus area is limited. The existing buildings are un-cohesive and the proposed development looks to consolidate the site whilst fulfilling the University's strategic objectives. No objections are raised to the development. However, there are some queries over the choice of materials and some detailed elements of the proposal which could be conditioned.

4.2.6. Environmental Health have raised no objections to the proposal.

4.3. PUBLIC RESPONSES:

4.3.1. No letters of representation have been received.

4.4. APPLICANTS STATEMENT:

- 4.4.1. The application has been accompanied by a design and access statement and planning statement. These documents explain that the proposed redevelopment of the site is to cater for the expansion of the University's Business school, upgrade the site which suffers from circulation problems and has an institutional feel. From the outset the development has been designed to meet the key drivers of research excellence and teaching excellence.
- 4.4.2. The proposal seeks to create a more positive impression & working environment for students and visitors throughout the building and landscaping scheme.

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=LNV315BN5B000

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 amenity of nearby occupiers, impacts upon protected species, landscape features and highway safety.
- 5.2. Principle of the Development
- 5.3. This application proposes extensions and alterations to the existing business school site seeking to provide additional space, improve the functionality and the aesthetics of the site. Policy C3 of the Local Plan relates to the University of Durham and in principle seeks to support development proposals which strengthen its academic and research presence, its economic and cultural contribution to the City and its student facilities.
- 5.4. The application site is not designated for any particular purpose within the Local Plan, however, the site is amongst other University campus buildings which characterise this particular part of Durham.
- 5.5. The principle of the development further strengthening the University's facilities is considered acceptable.
- 5.6. Impact upon Visual Amenity and the Character and Appearance of the Area
- 5.7. The existing business school comprises of a collection of different blocks and buildings of varying design and quality. More widely the business school is set amongst other University buildings again of varying vernacular and architectural merit.
- 5.8. The proposal seeks the addition of three significant extensions to the site together with some minor cosmetic alterations. To help with circulation, a new largely glazed

and timber framed extension is proposed to the rear of the main school frontage. The extension has a curved or wave like appearance. Externally this extension would create a statement and add an interesting contemporary extension to the site. Internally the extension will aid with circulation and create a light and airy space.

- 5.9. To the rear of this proposed extension currently lies a partly open, large courtyard space of lawns, footpaths and seating areas. Two additional wings are proposed which would enclose the courtyard and dissect it. Within the architects submitted drawings these blocks are referred to as blocks 3 and 5. Block 5 is a three storey pitched roof building which will enclose the courtyard space. Block 3 is a similar building though has a single storey offshoot at its western extremity together with a roof terrace.
- 5.10. The newbuild block 3 would be constructed of render and brickwork whilst block five proposes a mix of brickwork and Trespa cladding together with some more heavily glazed and curtain wall elements. Both newbuild blocks would have tiled roofs.
- 5.11. It is proposed to provide a revised entrance at the frontage of the building. The entrance is to comprise of a high, structural glazed system framed by blockwork and decorative screening to screen rooftop plant.
- 5.12. The frontage of the business school is also to have replacement aluminium windows installed along its full length. An existing building at the northern end of the site, described on the architects plans as block 4 is to receive replacement aluminium windows and a Trespa cladding system which will both add interest and break up the massing of this large brick offshoot but also create cohesion with the newbuild blocks 3 and 5 through better relation to their vernacular.
- 5.13. The Council's Design and Conservation team have commented on the application and have had input as the development proposals have evolved from pre-application stage. In general terms Design and Conservation are positive towards the development and raise no objections. Some queries are raised over specific design and material choices including the base/plinth to the largely glazed, curved extension and use of render on the proposed block three. However, the points raised are specific matters relating to materiality which officers consider could be addressed through the suitable attachment of a condition requiring the submission of full details of all materials to be used in the development.
- 5.14. Overall the proposed extensions and elevation treatment to existing buildings are considered acceptable. The proposed extensions are of an appropriate scale, the alterations of the existing buildings will help to provide more cohesion to the collection of buildings at the site.
- 5.15. The site is located adjacent to other University departments and buildings each with their own differing scales and designs. The proposed additions and alterations to the business school will assimilate into the character of the area as a result. The use of cladding, mixed material palette and feature glazed extension and new entrance will create a contemporary statement at the site, beneficial to the aged host building.
- 5.16. Furthermore the site is well screened from land outside of the campus so longer distance impact will be very minimal.
- 5.17. With regard to landscaping an initial soft and hard landscape plan has been submitted with the proposal and shows new planting, formation of ponds and seating areas. However, the submitted landscape proposals do not provide specific detail on species numbers, densities or maintenance regime. Furthermore no full tree report

has been submitted making it clear which trees are to be retained and protected and any which are sought for removal, points raised by the Landscape section.

- 5.18. However, it was clear from a site visit that the main buffer strip of trees located on the western fringe of the site which screens the site from the residential streets at Nickleby Chare and Dickens Wynd are at such a distance as to be unaffected by the newbuild. There is a tree located within the footprint of the new block five building which will certainly be lost to the development. This tree, however, is of very little merit. As part of the overall landscape plans some removal of trees may be sought where new “glade areas” are proposed. Officers consider that conditions can be attached to any approval to precisely identify the elements of the new landscaping scheme, trees to be retained and protected and any trees to be removed. The landscape proposal submitted thus far indicates a scheme of much greater interest and variety than the landscaping currently present on site. Officers therefore consider that the landscape proposals are acceptable in principle but conditions are necessary to receive and agree finer details.
- 5.19. A revised lighting strategy is proposed at the site. Lighting columns are currently dotted around the site and as part of the development it is proposed to provide a new, cohesive scheme. No objections are raised.
- 5.20. Overall the proposed extensions, alterations and landscape proposals are considered to be appropriate given the use of the site and its location with no harm to visual amenity having regards to relevant policies C3, Q5 and E14 of the City of Durham Local Plan.
- 5.21. Impact upon Residential Amenity
- 5.22. The application site benefits from being located within an area dominated by University buildings and departments. Durham Business School is set within large, leafy grounds set some distance away from any neighbouring occupiers or land uses.
- 5.23. St Aidens Collge is the nearest site to the business school screened by a grouping of trees and a significant change in levels.
- 5.24. The nearest residential properties are those on Dickens Wynd and Nickleby Chare which are set around 65m from the nearest element of the extensions proposed and screened by a buffer strip of trees. With such screening and distances involved it is not considered that the scale of the extensions proposed would have harm upon the amenity of these nearest residents nor the levels of light spill from the revised lighting strategy or noise from the intensified use of the site.
- 5.25. No letters of objection to the scheme have been received from neighbouring occupiers. Environmental Health have been consulted on the application and raised no objections.
- 5.26. Highways Issues
- 5.27. The Highway Authority have been consulted on the application and no objections to the scheme are raised. The Highway Authority consider that the expansion and increase in visitors would be partly offset by the movement from other university buildings. Car parking is not to increase through the development but this is in line with the University’s travel plan.

- 5.28. Officers concur with the views of the Highway Authority and no objections are raised with regards to the impact of the development upon highway safety having regards to policies T1 and T10 of the Local Plan.
- 5.29. Impact upon Protected Species
- 5.30. The application submitted has been accompanied by a bat survey and great crested newt survey. The bat survey concluded that no maternity roost is present within the site and that there is only a low risk that the site may be used by small numbers of bats.
- 5.31. The submitted great crested newt survey found no evidence of their presence.
- 5.32. Ecology have been consulted on the application and consider that the submitted bat report is satisfactory, the mitigation strategy and method statement should be conditioned.
- 5.33. With regards to great crested newts it is agreed that the site is of low risk. However, the working methods section is not considered to include full detail on specific actions to be taken should great crested newts be found during construction. Officers consider that additional information can be sought by way of condition and the detailed mitigation and working methods agreed in this manner.
- 5.34. 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.
- 5.35. Other Issues
- 5.36. The application has been accompanied by a desk based archaeological assessment and monitoring of geotechnical pits and an evaluation of trenchwork has been undertaken. The archaeology section have been consulted on the application and stated that no archaeological deposits are likely to be affected by the development. As a result no objections are raised with regards to the potential impact of the development upon archaeological deposits in accordance with Policy E24 of the Local Plan and Policy 32 of the RSS.
- 5.37. The application has been accompanied by both a site investigation and initial desk based geo-environmental report and this concludes that any levels of contamination on site are not likely pose any risk to users. Environmental Health have been consulted on the application and no objections or comments with regards to land contamination matters are raised. As a result in accordance with relevant Policy U11 of the Local Plan and PPS23 no objections are raised to the development with regards to matters of land contamination. However, it is recommended that the mitigation measures proposed within section 8 of the submitted site investigation report are conditioned on any approval.
- 5.38. A flood risk assessment has been submitted with the application. The Environment Agency have been consulted on the application but no comments have been received. The site is located within Flood Risk Zone 1 (lowest risk) and the submitted flood risk assessment states that there is no documentary evidence of the site suffering from flooding in the past. The only history of flooding in the past was due to the blockage of drains in the vicinity of the site. Northumbrian Water have been consulted on the application and no objections have been raised. Officers raise no objections with regards to matters of flood risk or drainage.

- 5.39. The application has been accompanied by an energy report and concludes that a 70kw ground source heat pump be incorporated into the final design. The Council's senior low carbon officer considers that such a scheme would be sufficient to produce the required 10% total energy reduction. A condition is recommended for attachment to any approval requiring full details of the ground source heat pump's incorporation into the scheme.

6.0 CONCLUSION

- 6.1. This proposal seeks to extend Durham Business School to cater for the University's expansion plans. In addition the external alterations to the existing buildings and creation of new landscaping is sought to improve the aesthetics of the site and impact for students and visitors.
- 6.2. Policy C3 of the Local Plan relates to University development and recognises the valuable contribution which the University makes to Durham, culturally, educationally and economically. In principle officers therefore support the scheme.
- 6.3. The proposed extensions and alterations are considered appropriate to the site consisting of contemporary architecture and features which within the large spacious campus location is wholly acceptable.
- 6.4. Due to the sites size, location and degree of screening afforded by landscape features impact beyond the campus upon neighbouring residents or other land users will be minimal.
- 6.5. The Highway Authority have raised no objections to the expansion on the grounds of highway safety.
- 6.6. Officers consider that the proposal accords with relevant Development Plan Policies with no objections raised with regards to other material planning considerations. As a result approval of the application is recommended.

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

SK90 Rev A, SK110 Rev A, SK210 Rev A, SK310 Rev A, SK410 Rev A, SK510 Rev A, SK610 Rev A, SK75 Rev A, SK70 Rev A, SK71 Rev A, SK72 Rev A, SK102 Rev A, SK202 Rev A, SK302 Rev A, SK402 Rev A, SK502 Rev A, SK606 Rev A, 6855E(60)002 P1, 09T751-S-06 P1, 09T751-S-08 P1, 09T751-S-01 P3, 09T751-S-07 P1 received 5th July 2011 and 5522/91-001 received 21st July 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, E16, E24, T1, T10, C3, Q5, Q8a, 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 thereafter be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policy C3 of the City of Durham Local Plan 2004.

4. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policy C3 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 commencement of any development on site, and which scheme may provide for the protection of existing and planting of new trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, 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 and to comply with policies E14 and Q5 of the City of Durham Local Plan 2004.

6. No development shall take place unless in accordance with the mitigation detailed within section 7 "Mitigation Strategy" and Appendix 4 "Method Statement" of the submitted bat survey report dated July 2011.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

7. No development shall take place until a detailed mitigation strategy and working methods statement to address the residual risk of Great Crested Newts using the site has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

8. No development shall take place unless in accordance with the mitigation measures outlined within the conceptual model at Section 8 of the geotechnical and geoenvironmental site investigation report dated March 2010.

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

9. No development shall take place until full details of the proposed installation of a 70kw ground source heat pump has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

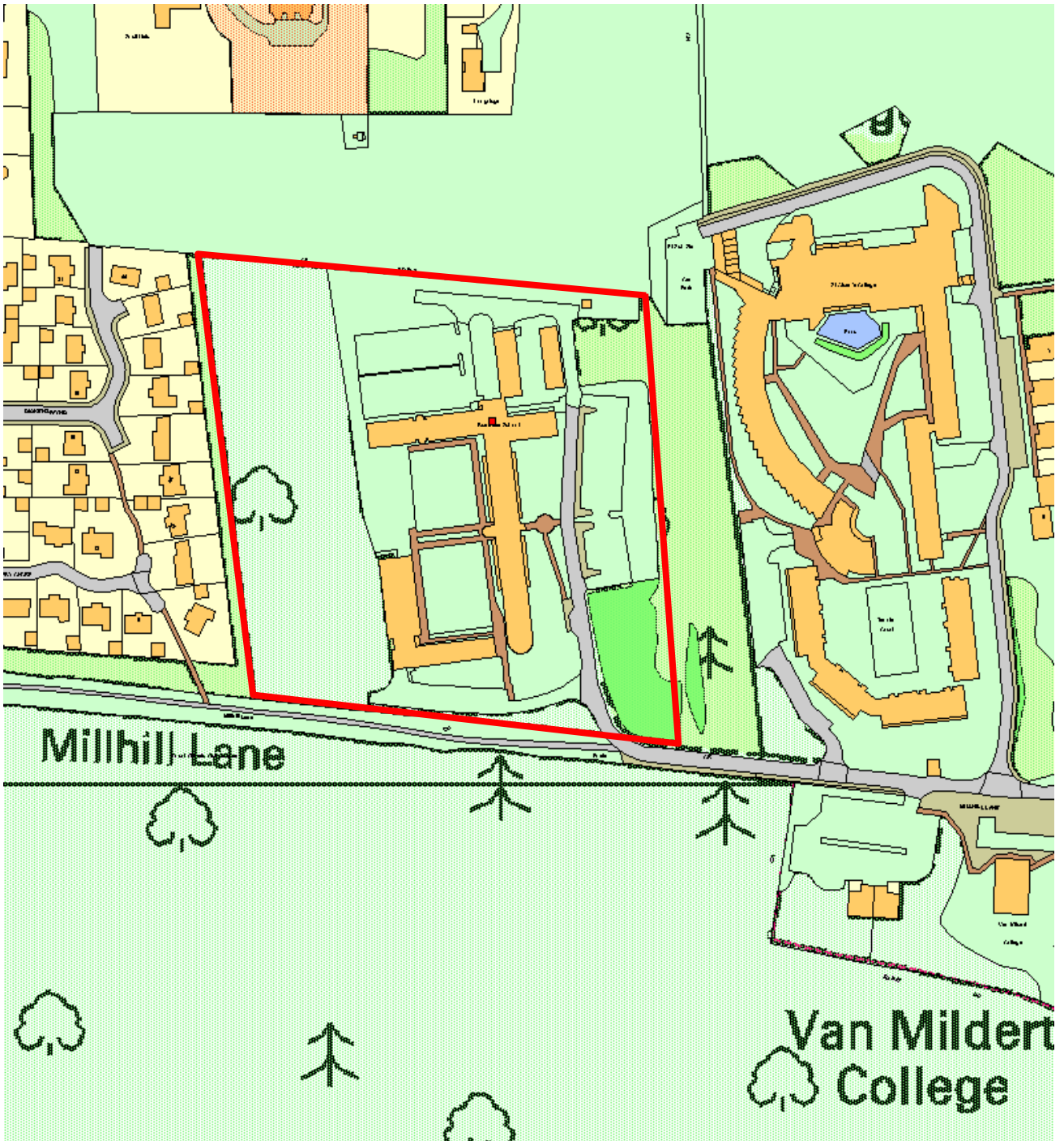
Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East.

8.0 REASONS FOR THE DECISION

- 8.1 The proposed development is considered acceptable having regard to the following policies of the City of Durham Local Plan 2004: E14, E16, E24, T1, T10, C3, Q5, U8a, U11 and U14. Due regard has also been given to the discharge of obligations required by the Conservation of Habitats and Species Regulations 2010.
- 8.2 In particular the design is considered to enhance the appearance of the random existing buildings with a cohesive design language and notable timber framed extension. The consolidation of University services in the one building enhances the offer and facilities combined in one location supported by Policy C3.
- 8.3 No public objections were received to the scheme and no residential amenity issues are sought to arise.

9.0 BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting reports
Submitted Design and Access Statement and Planning Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statements 1, 4, 5, 9, 23 and 25 and Planning Policy Guidance Note 13
Responses from The Highway Authority and Northumbrian Water
Internal consultee responses
Planning Circular 11/95
Draft National Planning Policy Framework



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00599/OUT
FULL APPLICATION DESCRIPTION	Outline application proposing residential development of 70 dwellinghouses seeking detailed approval of means of access only
NAME OF APPLICANT	Harris Developments
SITE ADDRESS	Land at Langley Hall Farm, Brandon Lane, Durham, DH7 8LQ
ELECTORAL DIVISION	Brandon
CASE OFFICER	Barry Gavillet 0191 5270501 planningeasington@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1.1 Context

1.1.1 This application site is located to the north of Langley Moor and is outside of the settlement boundary; as such the site is classed as being in the countryside. The site is approximately 1.9 hectares and is roughly triangular in shape, it is bounded by the Brandon to Bishop Auckland right of way and woodland to the north and west, Brandon Lane to the south and a mix of open space, residential properties and workshops to the east. The site is a previously undeveloped, agricultural field and is therefore defined as 'greenfield' land.

1.1.2 Proposal

1.2.1 This application seeks outline planning permission for 70 dwellinghouses seeking detailed approval for means of access only, all other matters including appearance, landscaping, layout and scale would be subject to a further application for reserved matters should this application be approved. The main vehicular access point would be taken off Brandon Lane at the south west corner of the site. The applicant's have submitted indicative plans which show a mixture of house types and garages along with private front and rear gardens. Pedestrian links would be created to the Brandon to Bishop Auckland footpath which bounds the north west of the site. The proposal would have a housing density of approximately 37 dwellings per hectare.

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

2.0 PLANNING HISTORY

2.1 None relevant.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- 3.1.1 Planning Policy Statement 1: Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.
- 3.1.2 Planning Policy Statement 3: Housing** 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.
- 3.1.3 Planning Policy Statement 7: Sustainable Development in Rural Areas** sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.
- 3.1.4 Planning Policy Guidance 13: Transport** objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- 3.1.5 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
- 3.1.6 Planning Policy Guidance 16: Archaeology and Planning** sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries through the development plan and development control systems, including the weight to be given to them in planning decisions and planning conditions.
- 3.1.7 Planning Policy Statement 22: Renewable Energy** sets out the Government's planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.
- 3.1.8 Planning Policy Statement 23: Planning and Pollution Control** The policies in this statement and the advice in the accompanying Annexes (Annex 1: Pollution Control, Air and Water Quality and Annex 2: Development on Land Affected by Contamination) should be taken into account by Regional Planning Bodies (RPBs) and Local Planning Authorities (LPAs) in preparing Regional Spatial Strategies (RSSs) and Local Development Documents (LDDs) - referred to in this Statement as "development plans".

3.1.9 **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.

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>

3.2 REGIONAL POLICY:

3.2.1 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

3.2.2 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. This intended future abolition must also be given material weight in planning decision making.

3.2.3 **Policy 1** - Strategies, plans and programmes should support a renaissance throughout the North East

3.2.4 **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.

3.2.5 **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.

3.2.6 **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.

3.2.7 **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.

3.2.8 **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.

3.2.9 **Policy 24** - establishes that all development should be designed and located to deliver sustainable communities. Development should be assessed against a wide range of criteria with sustainability in mind including the locational requirements of the development, the need to concentrate development in urban areas, links with

infrastructure and impacts of a development upon the social cohesion of local communities.

- 3.2.10 **Policy 28** – Advises that Local Development Frameworks should make provision for the following average annual level of total dwelling construction in the period 2004-2021.
- 3.2.11 **Policy 29** – Advises that Local Development Frameworks and/or planning proposals shall deliver and manage housing supply
- 3.2.12 **Policy 30** – Advises that in preparation for future reviews of housing within RSS, Strategic Housing Market Assessments will inform a review of the regional approach to addressing affordable housing needs, including an affordable housing target for the Region and each housing market area.
- 3.2.13 **Policy 33** - 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.
- 3.2.14 **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.
- 3.2.15 **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 E7 (Development in the Countryside)** advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable such as agricultural workers dwellings.
- 3.3.2 **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.
- 3.3.3 **Policy H5 (New Housing the Countryside)** sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
- 3.3.4 **Policy H12 (Affordable Housing)** seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Supplementary Planning Document approved (December 2006) advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, nominated to specified eligible households whose needs are not met by the

market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

- 3.3.5 **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.
- 3.3.6 **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.
- 3.3.7 **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.
- 3.3.8 **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.
- 3.3.9 **Policies Q1 and Q2 (General Principles Designing for People and Accessibility)** states that the layout and design of all new development should take into account the requirements of all users.
- 3.3.10 **Policy Q4 (Pedestrian Areas)** requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
- 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.

The above represents a summary of those policies considered d 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>

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.1.1 The Coal Authority – no objections

4.1.2 Natural England – no objections

4.1.3 Environment Agency – no response

4.2 INTERNAL CONSULTEE RESPONSES:

4.2.1 Archaeology Officer – no objections subject to a programme of archaeological works conditioned;

4.2.2 Ecology Officer – no objections subject to mitigation being conditioned;

4.2.3 Environmental Health – no objections;

4.2.4 Highways Officer – no objections subject to conditions relating to junction radii and footway details;

4.2.5 Landscape Officer – no objections subject to a landscaping scheme.

4.3 PUBLIC RESPONSES:

4.3.1 The application has been advertised by way of a press notice, site notice and individual letters to surrounding residents.

4.3.2 Seventeen letters were received to the consultation of which ten were objections, six comments/observations and one letter of support. The main reasons for objection are as follows:

- The site is in the countryside and the proposal would create urban sprawl
- The proposal would create traffic congestion and would lead to traffic accidents
- Schools and doctors do not have enough places
- There is enough affordable housing in the area
- The field is beautiful and is an important aspect in the village

4.3.3 The City of Durham Trust has commented that the site is outside the settlement boundary but not in Green Belt or in an Area of High Landscape Value. They considered that there may be merit to the scheme.

4.4 APPLICANTS STATEMENT:

4.4.1 Our analysis demonstrates that the development would make an important contribution to meeting local housing needs, and in addition it would generate significant local economic and environment benefits including:

- Employment impacts during construction would be equivalent to 49 years of construction industry employment, together with 58 years of FTE indirect/induced employment as a result of construction related expenditure

- Attraction of economically active households to the area
- Total gross expenditure potential of £1.04m per annum gross
- New Homes Bonus payment to Durham County Council over the 6 year period of approximately £537,500
- An increase in Council Tax revenues of more than £89,500
- Local environmental improvements

4.4.2 The design of new development should evolve from the special local character. 'By Design' talks about the need to create a place with its own character. These principles are embedded within our outline proposals creating a varied scale and building character, existing in 'harmony' with the village, and defining a distinct sense of place.

4.4.3 Our proposals have been developed to ensure that with regard to the site's natural context, it could be a place that meets the needs of existing and future residents. While only 'outline' this statement provides assurance that the expected quality is deliverable.

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 [\(link to webpage\)](#). 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 As this application is outline with access being the only detailed matter seeking approval, the main planning considerations are the principle of the development and highways issues.

5.2 Principle of development

5.3 Compliance with the City of Durham Local Plan

5.3.1 This site is unallocated greenfield land that is located outside of the existing settlement boundary for Langley Moor. Policy H3 permits housing development on previously-developed sites within the settlement boundary provided that there is no conflict with environmental, open space or design objectives. As the application sites falls outside of the designated boundary, this proposal draws no support from this policy.

5.3.2 Sites located outside of settlement boundaries are to be treated against 'countryside' policies and objectives (Policy H5), and there is a general presumption against allowing housing development beyond a settlement boundary unless it is required to fulfil an employment role. In view of this, it is considered that this proposal is in conflict with the City of Durham Local Plan element of the development plan, and this position is accepted by the applicant in their submission.

5.3.3 The applicant seeks to argue that the Local Plan is "demonstrably out-of-date in relation to housing" on account that it was only intended to provide guidance up to 2006. Whilst it is acknowledged that the Local Plan was adopted in 2004 and is now 7 years old, it is considered that this does not necessarily make it out of date. The key test is whether the strategy/aims of the Local Plan is out of kilter and in conflict with other elements of the development plan including the Regional Spatial Strategy (RSS) and national advice on housing contained within Planning Policy Statement 3 – Housing (PPS3). In relation to these two aspects, it is considered that the Local

Plan strategy is not patently inconsistent with either the RSS or PPS3, and consequently considerable weight must still be attributed to the Local Plan and its policies.

5.3.4 The applicant seeks to attach considerable weight to the emerging County Durham Plan and the indicative housing distribution for Langley Moor, Brandon and Meadowfield of 550 dwellings. It is considered that only limited weight can be attached to this housing figure at this stage. This is in recognition that these figures are still being assessed and could be subject to change. In addition, the final figures will also be required to undergo an examination in public, as will any forthcoming housing allocations.

5.4 Compliance with the Regional Spatial Strategy

5.4.1 The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.

5.4.2 The locational strategy for the NE region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.

5.4.3 The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.

5.4.4 As part of the on-going production of the 'The County Durham Plan', a 'Settlement Study' has been carried out. This study looks at the amenities possessed by the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Langley Moor is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities.

5.4.5 In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6, 10 and 29 the focus should be on increasing housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of greenfield sites.

5.4.6 Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals, particularly in instances when developers are submitting applications before there is an opportunity to consider different sites on a level playing field though the development of the plan in an open and transparent manner.

- 5.4.7 The applicant's "Planning, Economic and Affordable Housing Statement" examines alternative Strategic Housing Land Availability Assessment (SHLAA) sites within Langley Moor, Brandon and Meadowfield. The conclusion which the applicant draws is that the Langley Hall Farm site is the most suitable and sequentially preferable site in this area. However, one site which the applicant has failed to examine is land adjacent to Brandon football club and substantially surrounded by housing (including a site currently under construction). It is considered that this site is better contained than the application site, and should it be a case that additional land needs to be released in advance of the new County Durham Plan, then this site may well be a better candidate than the application site subject to detailed appraisal.
- 5.4.8 Overall, with respect to the Local Plan and the RSS, it is considered that there is significant conflict with the City of Durham Local Plan on account that housing development is proposed beyond the settlement boundary in the countryside. The development also raises conflict with the RSS on account that the site does not utilise previously developed land, and better sites are available when utilising a sequential approach to development.

5.5 Compliance with Planning Policy Statement 3 – Housing (PPS3)

- 5.5.1 PPS3 clarifies that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure.
- 5.5.2 Housing Policy 28 of RSS for the North East seeks an annual average provision of 1,615 dwellings in County Durham up to 2021, with the adequacy of this level of provision being reviewed by future monitoring and revisions of the RSS. In due course, the County Durham Plan will set its own housing targets for the period up to 2030, however, until the figures contained within the "Policy Directions" document are firmed up and tested through examination, the RSS remains relevant to development proposals until such time as it is revoked under the Localism Bill.
- 5.5.3 The RSS requires the (former) Durham City district to provide 3,800 net new dwellings from 2004–2021 at an average of 225 units per annum (250 for the period 2004-11, 220 for 2011-16 and 190 for 2016-21). This figure should be treated as a floor target, so represents the minimum number of dwellings which must be provided.
- 5.5.4 During the first 7-years of the RSS period (2004 - 2011) there were 2,213 (net) new dwellings completed in the Durham City area. This represents a cumulative oversupply of 463 dwellings against the RSS target for that period (1,750 dwellings). It is important to stress that this represents exceptional performance bearing in mind the prevailing market conditions since 2008 relating to people's restricted ability to secure mortgages, house builders' inability to access funding at reasonable interest rates, the overall viability of schemes and the reluctance of some landowners to sell land at depressed land values. All these factors have resulted in house building levels declining in many areas.
- 5.5.5 The oversupply over the first 7 years of the RSS has to be deducted from the target for the next 5-years.
- 5.5.6 The County Durham SHLAA indicates that 1,157 dwellings could potentially be built in the next 5-years (2011 – 2016). This is 520 dwellings more than the revised 5-year target requires. Consequently the Durham City area comfortably meets its 5-

year housing supply, as required by PPS3 It is important to clarify that the figure of 1,157 dwellings does not include the application site.

- 5.5.7 The applicant seeks to justify the release of this site for housing under para 71 of PPS3. This states that *“where LPAs cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS, including the consideration in paragraph 69”*. However, as clearly demonstrated above, there are no deficiencies in the 5-year supply for the former Durham City area, and as such, the proposal draws no support from those policies within PPS3.
- 5.5.8 PPS3 makes clear that Local Planning Authorities are to maintain an up to date 5-year supply of housing sites. On this final issue, it is considered that there is a 5-year supply of housing within the (former) Durham City area. As such, there is no overriding requirement to release this land for housing imminently.
- 5.5.9 The County Durham Plan will supersede the current Local Plan and through the SHLAA has evidenced land available for housing with a simplistic judgement criteria. This does not directly translate to allocatable housing sites, albeit some will inevitably. Further assessment and appraisal of the SHLAA preferred sites towards an allocations document based on sustainable economic development and local need will set the locations and levels of provision to 2030. This proposal predates these strategic decisions and for the aforementioned reasons no sound justification to bring this site forward.

5.6 Affordable Housing

- 5.6.1 The provision of affordable housing where a need has been identified is encouraged through PPS3, and Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.
- 5.6.2 The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 30% affordable housing across the former Durham City area, while PPS3 (Para 29) makes plain the importance of the SHMA in setting targets. The SHMA and Policy H12 of the Local Plan therefore provide the justification for seeking 30% affordable housing provision on this unallocated site. .
- 5.6.3 The applicants consider that the inclusion of 30% affordable housing will make their scheme unviable, but have not demonstrated this with robust evidence through a development appraisal. Therefore, on the matter of affordable housing, it is considered that there is a robust case to seek 30% affordable housing, with the onus being on the applicant to provide evidence of viability.

5.7 Highways issues

- 5.7.1 The Highways Officer has noted that there are concerns regarding additional traffic and its impact on the highway network, however it is concluded that the proposal is relatively modest in terms of the existing dwellings already served by Brandon Lane and that the level of traffic flows which would be created by the proposal are not

considered to be unacceptable. The Highways Officer has no objections to the proposed access subject to conditions relating to the junction radii and a footway link being provided to the bus stop to the east of the site. Therefore the proposals are considered to accord with Local Plan Policies T1 and T10.

6.0 CONCLUSION

6.1 Overall, it is considered that this proposal conflicts with development plan in respect of policies H3 and H5. The scheme also draws no supports from any deficiencies in the 5-year supply of housing within the City of Durham area to prompt release of housing land ahead of the County Durham Plan. Consideration has been given to whether there are any material considerations to outweigh this conflict, however, as the applicant is reluctant to provide affordable housing and no other tangible benefits are offered it is concluded that the harm caused by permitting residential development in the countryside contrary to the development plan is not set aside by the development hereby proposed.

6.2 The development is thereby recommended for refusal.

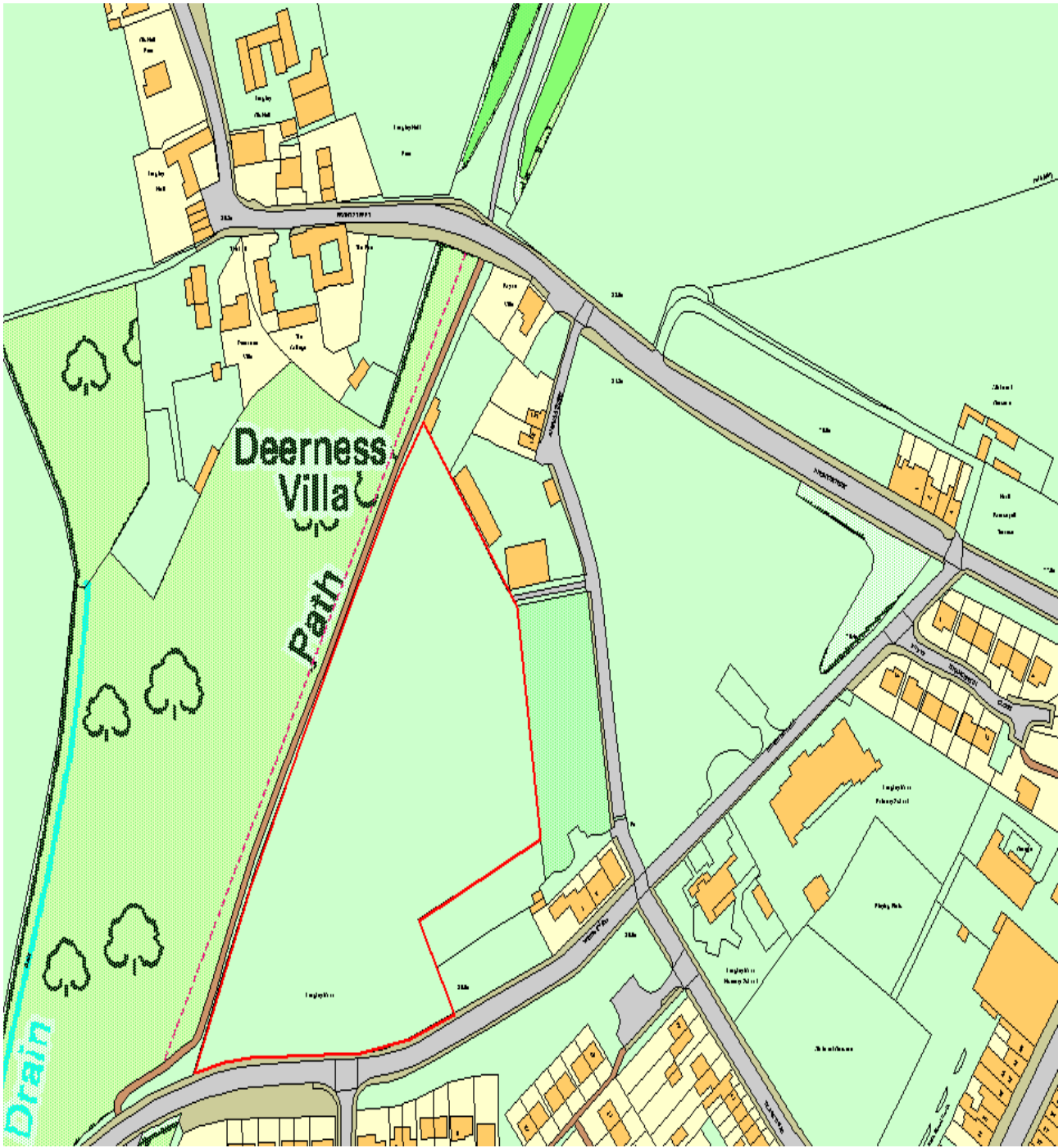
7.0 RECOMMENDATION

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

1. The proposal would result in residential development outside the established settlement boundaries as identified by the City of Durham Local Plan in the countryside, on greenfield land. The proposal is therefore considered to be contrary to national planning guidance contained within Planning Policy Statement 3, Regional Spatial Strategy Policy 4 and saved policies H3 and H5 of the City of Durham Local Plan.

8.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan May 2004
- Planning Policy Statements / Guidance
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0315
FULL APPLICATION DESCRIPTION	DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 2 NO. DWELLINGS AND THE CREATION OF A DOG WALKER AMENITY AREA
NAME OF APPLICANT	MR C & A CAMPBELL
SITE ADDRESS	LAND ADJACENT WEST VIEW, MURTON
ELECTORAL DIVISION	Murton
CASE OFFICER	Laura Martin 0191 5274612 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site relates to an area of land previously utilised by the former District of Easington Council as a cleansing site. It is located adjacent to the Murton Cricket Club ground and to the rear of the properties on West View. The buildings associated with the cleansing depot have been redundant for a number of years and have fell into a state of disrepair. The area of land also includes an access track which is unadopted and in the ownership of the applicant.

Proposal:

- 2 Full planning permission is sought for the erection of 2 No. dwellings at the site. The existing buildings at the site would be demolished and in their place a 4.8 metre asphalt road created. To the frontage a 1.6 metre wide footway would be created a dropped kerb to the proposed driveways. Both properties would have a single driveway with visitor car and cycle parking to the south of the application site. In order to protect the properties from the adjacent cricket ground a 12 metre high fine mesh fence would be proposed to the rear of the dwellings and their garden areas.

- 3 The two properties would have 4 bedrooms with associated living facilities. In addition a feature balcony would be erected to the rear to allow views over the cricket ground. A small area of open space would be retained for a dog walker's amenity area, which includes a park bench. Following the demolition of the buildings the rear of the premises on West View would be secured with a 1.8metre high timber fence.
- 4 The application is brought before members for your determination at the request of County Councillor Alan Napier.

PLANNING HISTORY

PLAN/2007/0677 2 Dwellings Refused 6 November 2007

07/108 House and 2 flats Refused April 2007

PLANNING POLICY

5 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 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 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.

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 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- Do not object to the development in principal, but have major concerns regarding rights of access over the application site, and are seeking separate legal advice in this regard.

Northumbria Water- raises no objections

9 INTERNAL CONSULTEE RESPONSES:

County Councillor Alan Napier- concerns expressed in relation to the right of access over the site, which has been in existence for a large number of years.

Highways Section- raises no objections

Planning Policy Team- Raises no objections but questions the usefulness of the dog walker's amenity area.

Tree Officer- raises no objections subject to appropriate conditions relating to tree protection measures.

Design Section- raises no objections subject to appropriate conditions relating to materials and window and door designs.

Environmental Health Section- raises no objections but request a Phase 2 Contaminated Land report following an assessment of the submitted information in this respect.

Asset and Property Management- no comments received.

Public Rights of Way Officer- advised that there are no defined public rights of way at the site.

10 PUBLIC RESPONSES:

The proposal was advertised by means of a site notice and by letter to 13 neighbouring properties within the area. No letters of representation have been received in respect of the above development.

11 APPLICANTS STATEMENT:

We would like to state that we consider the development a significant improvement on the site in its current state. Throughout the development, we have strived to satisfy the concerns raised in: -

- a) the previously failed application in 2007 [ref PLAN/2007/0677] and;
- b) the specific issues noted in the informal enquiry [ref: IE/5/2011/0013] earlier this year.

Furthermore, as well as providing an economically viable development, we have also taken pride in the submitted scheme and are very confident, should the proposal come to fruition, that it will provide both the end users and local community a very positive built solution.

With regard to a specific issue raised by others, we reiterated that it is our intention to maintain the land/development as a through road and that both the North and South boundaries will remain open. Though it is not an issue in the approval of this application, the drawings also clearly demonstrate this.

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=114889> 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 in the determination of the planning application are

- Principle of development
- Impact upon residential amenity
- Impact upon visual amenity
- Access issues

12 Principle of development: -

As previously developed land within the Murton village boundary, the site falls to be considered as a 'brownfield windfall' site, whereon residential development would be acceptable in principle. Therefore the proposed development would be in accordance with both Policy 67 of the saved 'District of Easington ' Local Plan and Planning Policy Statements 1 and 3.

It should also be noted that since the two previous refusals at the site the scheme has been amended and the dwellings relocated as part of pre-application discussions, therefore in that respect the scheme before members differs greatly from the previous two refusals.

13 Impact upon residential amenity: -

Dwellings should be designed so that the occupants have a pleasant outlook from the main habitable rooms and to ensure that there is reasonable privacy a minimum of 21 metres should normally be provided between main elevations.

There is a minimum of 30 metres between the front elevations of the proposed dwellings and the rear of the properties situated on West View. This is far in excess of the guidelines established in the Local Plan and as such it is not considered that loss of privacy or overlooking would be an issue at the site. As previously noted the rear elevations of the property would have views over the cricket ground, and as such privacy distances would not be applicable. In respect of the amenities of the occupiers of the properties the dwellings have been designed with patio areas to the rear and garden areas to side, which would ensure that there was sufficient amenity space in association with properties of this scale. Therefore in this respect it is considered that the proposed development would be in compliance with Policy 35 of the Local plan.

14 Impact upon visual amenity: -

In respect of the proposed impact upon visual amenity it is considered that due to the existing structures, which are to be removed, and the proposed design of the two dwellings, that the current levels of amenity would either be preserved or enhanced at the site. As previously stated the redundant buildings have fell into a state of disrepair and have become an unsightly mark on the landscape. It is considered that their removal would enhance the rear aspect of West View and wider views from the recreation and cricket grounds. In addition the proposed properties have been sensitively designed to tie in with the existing dwellings on West View being of a similar size and footprint.

Furthermore to ensure a high quality of development is achieved conditions relating to materials and window and doors would be attached to any approval.

15 Access issues

The access issues, which the Parish Council and County Councillor Napier have referred to, are matters, which cannot be afforded any weight in the determination of the planning application. They are separate legal issues, which cannot be taken into account in the determination of the application. In the case of claimed public rights of way, there is a separate statutory procedure (Modification Order application) for such claims to be determined and in the case of any claimed private rights of way, this is a private law matter to be resolved between the landowners. Therefore in this respect the issue of access rights over the site are not a material planning consideration and the application must be judged upon its merits alone.

CONCLUSION

- 16 As a result it is therefore considered that the proposed dwellings would not give rise to adverse impact upon both the current levels of residential and visual amenity at the site. In respect of the access issues this is private legal matter, which would be for interested parties to pursue and should not be taken into account in the determination of the application.
- 17 Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national, regional 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.

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.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. Arboricultural Impact Assessment dated 21 July 2011 compiled by Barry Anderson of Dendra Consulting Ltd, Design and Access Statement, Phase 1: Desk Top Study Report by Geo Environmental Engineering ref 2011-086 dated 18 July 2011, A-00 Rev A, A-01, A-02 Rev B, A-03 Rev A, A-04 Rev A and A-05 all received 25 July 2011.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837: 2005. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors shall be submitted to and approved in writing by the Local planning authority. The windows and doors shall be installed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
6. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.

The works specified in the Reclamation Method Statement shall then be carried out in completed in accordance with the approved scheme.

If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

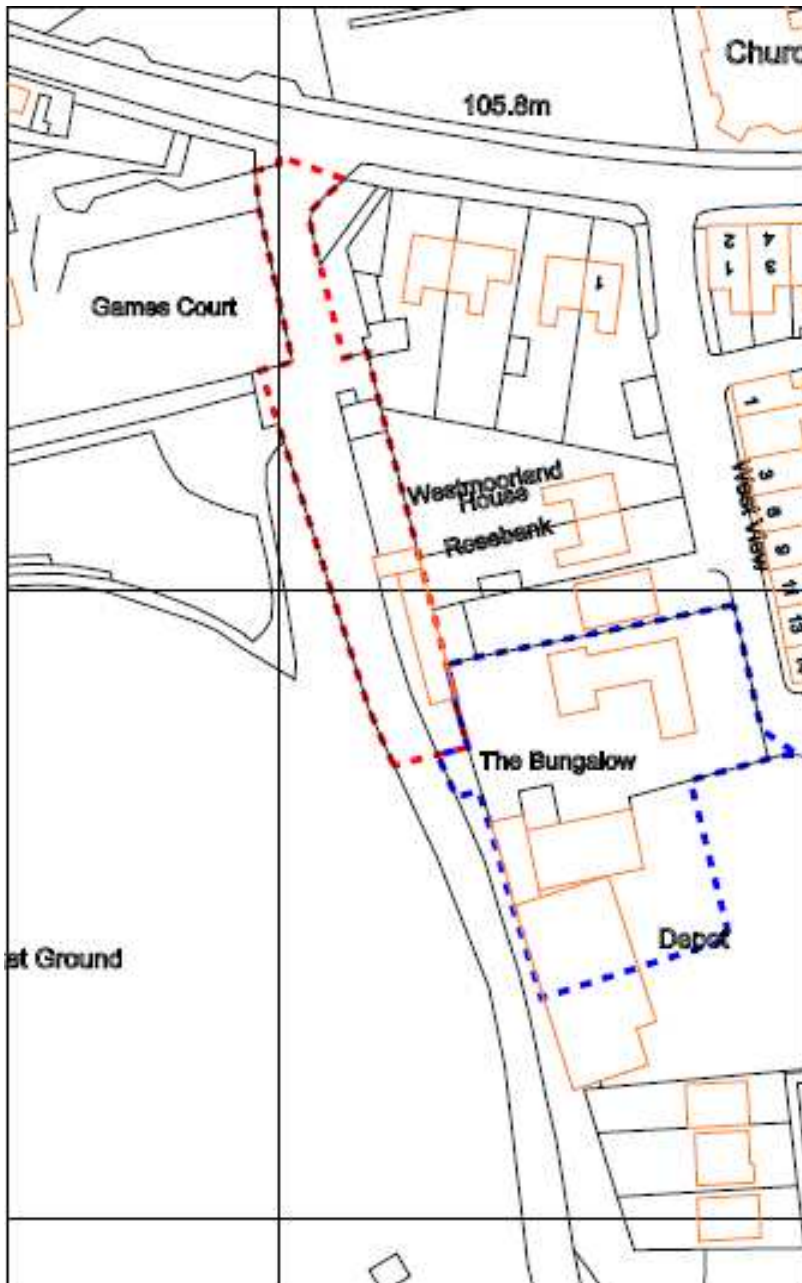
REASONS FOR THE RECOMMENDATION

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	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 24 - (Delivering Sustainable Communities)
PLANNING POLICY STATEMENT/GUIDANCE	Policy 4 - (Sequential Approach)
PLANNING POLICY STATEMENT/GUIDANCE	Policy 6 - (Locational Strategy)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)
2. In particular the development was considered acceptable having regard to consideration of issues of visual and residential amenity and access issues
3. The stated grounds of objection concerning access rights and rights of way were not considered sufficient to lead to reasons to refuse the application as they are not material planning considerations and are a separate legal matter for the interested parties to pursue.

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



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0325
FULL APPLICATION DESCRIPTION	VARIATION OF TIMESCALE TO CARRY OUT HIGHWAY WORKS TO THE A182 AS REQUIRED BY CONDITION NO. 14 OF PLANNING PERMISSION REF NO. PLAN/2005/0955
NAME OF APPLICANT	DURHAM COUNTY COUNCIL
SITE ADDRESS	HAWTHORN INDUSTRIAL ESTATE, MURTON
ELECTORAL DIVISION	MURTON
CASE OFFICER	Barry Gavillet 0191 5270501 planningeasington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 Between November 1999 and November 2001, One NorthEast (ONE), through English Partnership's National Coalfields Programme reclaimed and remediated some 76 hectares of land at the former Hawthorn Colliery & Cokeworks at Murton, East Durham. The remediation was necessary in order to eliminate potential statutory liabilities associated with ground contamination and the possibility of off-site migration of contaminants.
- 2 Of the 76 ha site, 42 ha was deemed unsuitable for development. However some 26 ha became a defined 'Central Development Zone' (CDZ) which was assessed to establish its capability of supporting a future commercial end use. An application was submitted and approved in 2006 for Industrial development comprising B1 Business Use, B2 General Industrial Use and B8 Storage and Distribution on 22.1 hectares of the CDZ.
- 3 The approved development comprises a high quality business park, designed to a planned layout. A total of twenty five units will be developed in a series of phases. Other features comprise a central boulevard, public art feature, a pond/ water feature, new tree planting, together with parking and service areas. Access to the proposed development is from a new link road, facilitating direct access from the A19 to the site.

Proposal:

- 4 As part of the original planning consent a condition was imposed which required highway improvement works to roundabouts on the A182 and the B1285. This condition stipulated that the works must be carried out and implemented by the first day of 2012 to ensure free flowing traffic on the A19.
- 5 As no development has taken place on the site, apart from the construction of the link road, the applicants argue that the works are not yet required. As such, this application seeks to vary the condition requiring the highway improvement works. The new proposed condition would require the highway improvement works to be carried out after a certain number of units are built, rather than being required on a time related basis.
- 6 This application is being reported to committee as it relates to a major application.

PLANNING HISTORY

PLAN/2005/0955 – Industrial development comprising B1 Business Use, B2 General Industrial Use and B8 Storage and Distribution. Approved

PLANNING POLICY

7 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.

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) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

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. This intended future abolition must also be given material weight in planning decision making.

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 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 13 - Aims to deliver sustainable economic activity and provide development and investment opportunities that will ensure the long-term development and regeneration of the North East.

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 35 - Seeks to identify opportunities to control and manage floodwater and the potential for the extension of managed washlands along with managing the risk from tidal effects, surface water and fluvial flooding.

Policy 54 - Seeks to support the delivery of improved public transport throughout the Region, the promotion of travel plans and the provision and pricing of parking will be essential. Key elements include the marketing of public transport, cycling, walking and car sharing in trying to influence travel behaviour.

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 polices.

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

Policy 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 45 - New development will only be allowed on or near colliery sites if it is proved that there is no risk to that development or its intended occupiers or users from migrating mine gas, or that satisfactory remedial measures can be undertaken.

Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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:

Highways Agency – no objections. New conditions suggested.

11 INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections.

East Durham Business Services – supports the application.

12 PUBLIC RESPONSES:

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

13 APPLICANTS STATEMENT:

In support of the application to vary the planning condition on Hawthorn requiring the Cold Hesledon Junction to be signalised, please see below the applicants supporting statement.

The application to develop the former Hawthorn Colliery site as a Prestige Industrial Estate was submitted in 2005 and at that time it was envisaged that development of the estate would start once planning approval was granted and that it would continue over the following 10 years. Had this situation materialised then the volume of traffic using the A182 Cold Hesledon Junction would have increased steadily and the junction would have required signalising in 2012 to cope with traffic growth and the additional traffic generated by the Hawthorn Development. Due to funding problems with Stage 1 of the East Durham Link Road, that provides access to the Hawthorn Site, the site was not developed from 2006 onwards and as a result additional development traffic was not generated therefore pressure on the A182 junction did arise. The condition imposed on the Hawthorn Planning Approval to signalise the junction in 2012 was imposed on the basis of the original development timetable and as this timetable has now changed with development still not

started on Hawthorn due to the current economic climate it was decided to apply to vary the condition to put back the signalisation.

Rather than request a time based condition for the signalisation it was decided to request a Grampian condition to link the signalisation with a volume of generated traffic so the condition would be imposed at the appropriate level of development. The request to vary the condition is in order to ensure that the junction improvement is constructed when the traffic generated by the development is sufficient to warrant the improvement and not before.

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=114928> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

As this application on seeks to vary a condition relating to the timing of highways improvement works, the only planning considerations are the highways issues.

Since the time of the original approval there have been no significant changes to planning policy that would warrant a different decision being made. The development remains acceptable in all respects including the principle of development, scale, design and layout, ecology, contaminated land and flood risk.

14 Highways Issues

As part of the original planning consent a Transport Assessment was prepared in accordance with the 'Guidelines for Traffic Impact Assessment' document published in 1994 by the Institution of Highways and Transportation. This assessment was undertaken in two separate sections; the main body of the report looked at the potential impact of the site on the existing local road network and the Annex dealt with the impact of the proposed site on the trunk road network, in particular the A19/B1285 and A19/A182 junctions. In order to provide means for traffic management to and from the A19, traffic signal control was suggested at the A182 / A19 and B1285 / A19 junctions.

At the time of the original consent it was envisaged that the majority of the development would by now be complete and occupied. However, due to the downturn in economic conditions, apart from the completion of the new link road, the development has not yet begun. As such, the applicant argues that the highways improvement works required by the condition are not yet needed. The Highways Agency, who are responsible for the management of the A19, have agreed with this view and suggested replacement conditions which would require the works to be carried out after a certain number of units had been built. Specifically the highways improvement works would be required when floor areas of B1 (Offices, Research and Light Industry) have reached 10567 square metres, or when B2 (General Industry) and B8 (Warehousing and Distribution) have reached 33852 square metres. This would allow flexibility in the condition and require the highways improvement works to be carried out after building works take place.

Both the Highways Agency and the Council's Highways Officer agree that this variation of the original condition is acceptable.

CONCLUSION

- 15 Hawthorn Business Park will deliver considerable benefits in terms of social, economic and environmental factors. In particular the area would benefit from the provision of new and accessible facilities, improved access arrangements, the provision of employment uses that respond to current market demand, the recycling of previously developed land and the development of a modern built form of exemplar design.
- 16 The variation of the condition requiring highways improvement works will give more flexibility enable the applicant to carry out the works when the current financial climate improves and work begins on site.

RECOMMENDATION

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

Conditions:

1. Notwithstanding the submitted information, approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained in writing from the Local Planning Authority.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before construction of any buildings commences, samples of the desired materials being provided for this purpose.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before construction of any buildings commences.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
4. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - * a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - * refinement of the Conceptual Model, and

* the development of a Method Statement detailing the remediation requirements.

- c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

- 5. The development of the site should be carried out in accordance with the approved Method Statement required by condition 4 above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

- 6. If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

- 7. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.
9. Before construction of any buildings commences, full details shall be submitted to and approved in writing by the Local Planning Authority, indicating a site layout that incorporates replacement wetlands using Sustainable Drainage Systems. Such a scheme shall be implemented within two years of the commencement of the development hereby approved.
Reason: In the interests of preserving protected species in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation and saved policy 18 of the District of Easington Local Plan.
10. Before construction of any buildings commences, full details of a flood risk assessment will be submitted to and approved in writing by the Local Planning Authority and implemented thereafter.
Reason: To ensure proper drainage of the site in accordance with Planning Policy Statement 25 - Development and Flood Risk.
11. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19th June 2006.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.
12. Before the occupation of the buildings hereby approved, a Travel Plan Co-ordinator shall be appointed who will be responsible for preparing a Travel Plan in association with the Local Planning Authority.
Reason: To comply with saved policy 36 of the District of Easington Local Plan.
13. No more than 10567 square metres Gross Floor Area (GFA) of B1 space shall be occupied until the highway works indicated on the Jacobs Babbie Drawing No's 10780/P/T/01 Rev B and 10780/P/T/02 have been implemented to ensure satisfactory operation of the A19/A182/B1285 Junction.
Reason: To ensure that the A19 continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

14. No more than 33852 square metres Gross Floor Area (GFA) of B2 and B8 space shall be occupied until the highway works indicated on the Jacobs Babbie Drawing No's 10780/P/T/01 Rev B and 10780/P/T/02 have been implemented to ensure satisfactory operation of the A19/A182/B1285 Junction.
Reason: To ensure that the A19 continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

REASONS FOR THE RECOMMENDATION

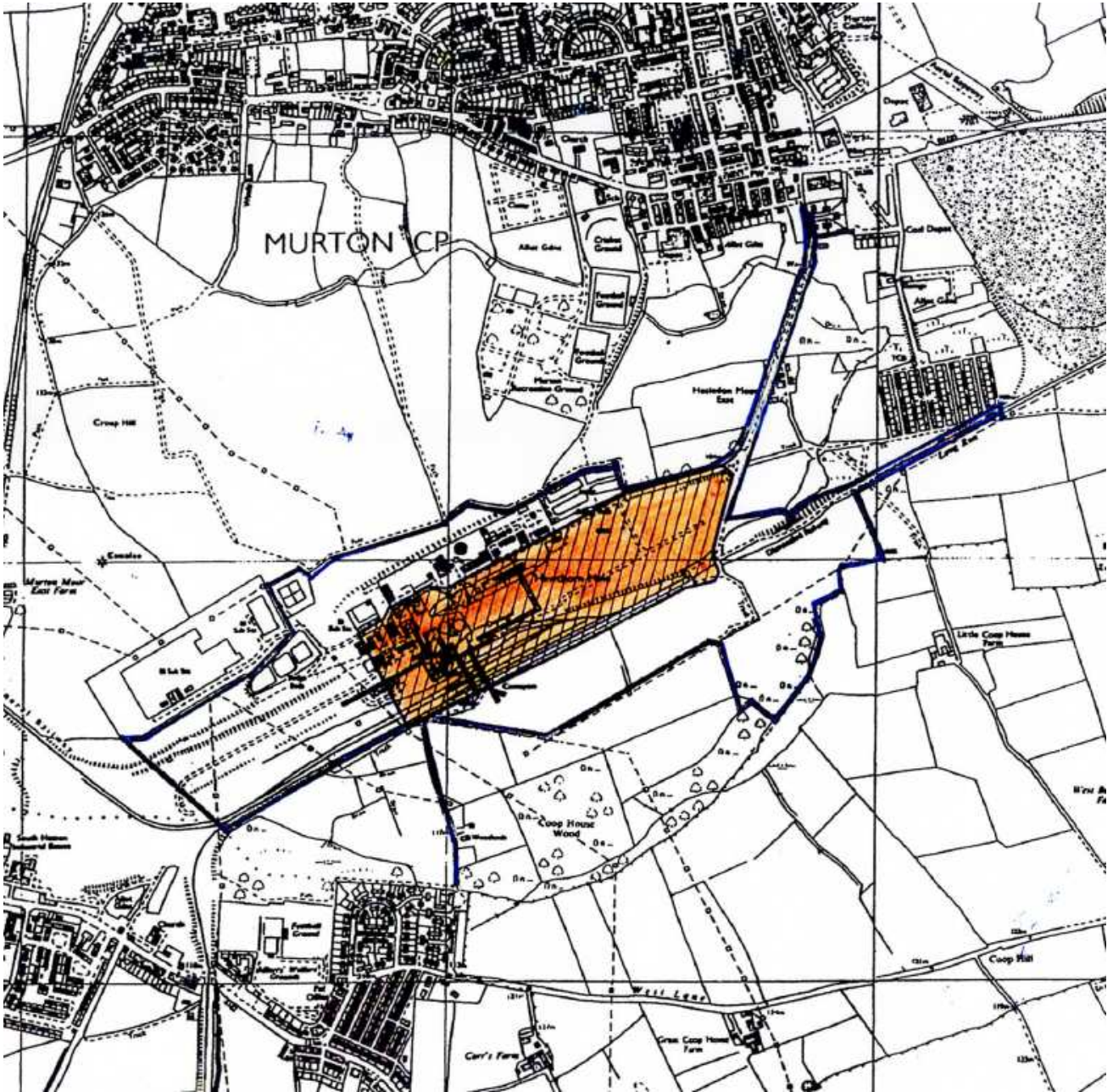
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV45 - Development on or near Colliery Sites
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	TAC74 - Footpaths and other public rights of way
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
REGIONAL SPATIAL STRATEGY	Policy 1 - (North East Renaissance)
REGIONAL SPATIAL STRATEGY	Policy 13 - (Brownfield Mixed-use Locations)
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 24 - (Delivering Sustainable Communities)
REGIONAL SPATIAL STRATEGY	Policy 35 - (Flood Risk)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 54 - (Parking and Travel Plans)
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)

2. In particular the development was considered acceptable having regard to consideration of issues of traffic, drainage and flooding, the landscape and the environment in general.

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, PPS4
- Consultation Responses



Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	PL/5/2011/0339
FULL APPLICATION DESCRIPTION	CHANGE OF USE FROM RESIDENTIAL HOME TO 5 NO. COMMERCIAL UNITS ON GROUND FLOOR AND 11 NO. RESIDENTIAL UNITS AND CAR PARKING TO REAR
NAME OF APPLICANT	MR G KAHLON
SITE ADDRESS	6 - 10 NORTH TERRACE, SEAHAM SR7 7EU
ELECTORAL DIVISION	DAWDON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site is located on North Terrace on the sea front of Seaham. The terrace currently has a mix of residential and retail properties, which are located within Seaham Conservation Area. The front elevation of the building is northeast facing and opens directly onto the public footpath, the former police station is across the road and is a Listed Building. To the rear of the site is an enclosed yard area.
- 2 The building previously served as a private nursing home, with beds for 43 residents. There were originally 37 rooms, 3 shared rooms and 8 rooms with en-suite facilities.

Proposal:

- 3 It is proposed that the development would convert the existing nursing home into 5 commercial units and 11 residential units. The commercial units would be situated on the ground floor and allow for direct access from the street for potential customers. Out of the 11 apartments, 4 would be allocated to the ground floor, the remaining on the first floor. The building would be refurbished throughout with internal layout changes to suit the proposed use. The proposals also include renovating the shop fronts with new doors and window surrounds. There would be 12 off street parking spaces created in the rear yard area which would be accessed by the back lane. It is suggested that up to 20 full time jobs could be created by the development.
- 4 The application is being reported to committee as it is a major application and the Town Council have objected to the proposals.

PLANNING HISTORY

None relevant.

PLANNING POLICY

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

Planning Policy Guidance 13: Transport (PPG13) objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

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. This intended future abolition must also be given material weight in planning decision making.

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 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.

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 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.

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

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

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

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 – Objection. There are concerns that the level of parking provision is inadequate for the development.

9 INTERNAL CONSULTEE RESPONSES:

Environmental Health – no objections subject to conditions.

Highways Officer – the access and level of car parking provision is acceptable.

Design and Conservation Officer – no objections subject to conditions.

Planning Policy – no objections. This is a positive re-use of a building that will add to the residential and tourism offer in this part of Seaham.

Regeneration Officer – The regeneration are in support of the application.

10 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notice and letters to surrounding occupiers. One letter has been received from Seaham Environmental Association suggesting that particular attention should be paid to visual amenity, parking and residential amenity.

11 APPLICANTS STATEMENT:

The property forming this submission is situated in a prime sea front location at 6-10 North Terrace, Seaham. The building is currently vacant due to the demise of the previous use of a private nursing care home, with beds for 43 residents.

The site is neighboured by ground floor commercial units and first floor residential flats that continue along the whole length of North Terrace.

A key aim for the project is to assist with the regeneration of Seaham centre with the opportunity for the creation of up to 20 and potentially more jobs in the local area along with affordable housing for working professionals.

The creation of commercial units at Ground Floor level provides opportunities for a diverse range of commercial units sitting comfortably within the existing street scene and enhancing the public experience of the Seaham centre and sea front.

The overall proposals have been supported by the local conservation officer.

The Client has had extensive discussions with the local regeneration team in order to ensure the proposals for the mixed use development are in line with the Seaham regeneration plan and as a result has the full support and a welcomed approach to the re development of 6-10 North Terrace.

The proposals allow for a private car parking arrangement to the rear of 12 spaces and deemed to be an acceptable of level of space with Durham Highways Department due to numbers being consistent with the levels of car parking to existing developments in the Seaham Town Centre.

In summary the development will be a scheme that should receive the backing from the local community and authority as it will be a catalyst for the regeneration of Seaham Centre.

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relating to this application are the principle of the development, the impact on the conservation area and surrounding residents and highways issues.

12 Principle of development

North Terrace comprises of a mixture of mainly commercial and residential properties. Although the street is not designated in the Local Plan as a shopping area the site lies just outside the main town centre for Seaham and as such the terrace can be seen as a natural extension to this commercial area of the town. With regard to the commercial and retail uses proposed on the ground floor, Planning Policy Statement 4 - Sustainable Economic Development (PPS4) is most relevant. Policy EC10.1 of PPS4 states that Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. The PPS also directs Local Planning Authorities to assess proposals for economic development against five key impact considerations in determining their merits and viability these are listed under policy EC10.2 and are:

- whether the proposal has been planned over the lifetime of the development to a. limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- the impact on local employment

Policy Officers have commented that “this is a positive reuse of a prominent section of the Seaham frontage. The town is increasing in popularity stimulated by the range of regeneration projects which have been completed in recent years. North terrace now comprises an interesting selection of cafes, restaurants, bars and shops and also residential premises and the proposal will add to this offer”

Therefore it is considered that the proposal would secure sustainable economic growth and is in accordance with PPS4.

13 Impact on the conservation area and surrounding residents

The application site lies within the conservation area therefore particular consideration needs to be given to any development that may affect its character, appearance and setting.

Local plan policy 22 provides guidance relating to the Council's expectations for development within conservation areas, more generic design and layout considerations are outlined in policy 35. It will be important, given the sensitivities governing development in conservation areas that structural alterations to the buildings concerned are in general conformity with the guidance provided in these policies, particularly policy 22.

Although outside the local shopping centre the terrace does benefit from a range of uses and it is not considered that this particular use would be detrimental to the character of the area. The proposal would attract customers to the locale and more importantly would ensure the continued use of the premises in this very prominent location. It is considered that the proposals would result in an enhancement to the conversation area especially when in comparison to the current empty and vacant building.

The Conservation Officer is in support of the application subject to conditions controlling details of design. Therefore it is considered that the proposals are in accordance with Planning Policy Statement 5 – Planning for the Historic Environment and saved Local Plan Policy 22.

The residential properties that are situated within the terrace will be used to some levels of noise and disturbance, which would normally be expected given that there are other restaurants and bars within the area. The applicant has not specified the proposed opening hours for the commercial and retail units however there are other businesses within the street that open until midnight. In order to protect residential amenity it is considered that a condition restricting opening hours inline with similar businesses within the terrace would be required. Given that there are residential properties proposed a condition has been recommended restricting the opening hours to from 8am until 11pm which is considered to be reasonable in this instance. In addition, any hot food which may be prepared on the premises would require appropriate ventilation and extraction systems which should also be conditioned. On this basis, it is not considered that the proposals would lead to loss of residential amenity that should warrant refusal of planning permission.

14 Highways Issues

The property is well located on the edge of the main Town Centre and as such benefits from the main Town centre car parks, as well as the sea front car park to the north of the Marquess Point development located opposite North Terrace. The needs and requirements of the public and private transport options have been carefully considered. The rear of the property is to be used to accommodate 12 off street car parking spaces. Public transport is very good within the area with several bus stops within a 200m radius and also Seaham train station being only 0.4miles away. The property is in a prime location with a number of shops, restaurants, banks and the town centre that are only a very short walk away.

The Highways Officer has confirmed that the level of car parking provision is acceptable and has no objections to the proposals. It is therefore considered that the proposal accords with saved policy 36 of the District of Easington Local Plan.

15 Other Issues

Council policy requires any residential development involving ten dwellings or more to make a financial contribution toward the provision or upgrading of off site play facilities where none are provided on site. In this instance therefore, an approval of planning permission should be subject to the applicant entering into an agreement to secure a financial contribution toward off-site play space.

With regard to the Town Councils concerns regarding a lack of parking provision, the Highways Officer has confirmed that the level of proposed off-street parking is acceptable. Furthermore, the current 37 bedroom care home only has 3 off street parking spaces and could potentially generate more traffic than 11 apartments with 12 off street parking spaces.

CONCLUSION

- 16 Overall the development is considered to be acceptable and should not unduly impact upon surrounding residential properties, the conservation area, and would not prejudice highway safety due to the imposition of conditions. The proposals would result in bringing a vacant building back into use in a prominent part of the Conservation Area and would contribute toward the ongoing regeneration of Seaham.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Location Plan AL (90) 1000, Existing Site Plan AL (90) 0100, Proposed Site Plan AL (90) 0200 Rev A, Existing Ground Floor AL (0) 0100, Existing First Floor AL (0) 0200, Existing Second Floor AL (0) 0300, Proposed Ground Floor AL (0) 0400, Proposed First Floor Plan AL (0) 0500, Proposed Second Floor Plan AL (0) 0600 Rev A, Existing Elevations AL (0) 0010 Rev A, Proposed Elevations AL (0) 0020 Rev A, Existing Roof Plan AL (27) 0100, Proposed Roof Plan AL (27) 0200 Rev A
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.
3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the ground floor of the premises shall be used for A1, A2, A3, A4 and B1(a) uses only and for no other purpose, including any other activity within the same class of the schedule to that Order.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
4. The ground floor units shall not be open for business outside of the hours of 0800 hours to 2300 hours on any day of the week.
Reason: In the interests of preserving the amenity of residents in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

5. Prior to the commencement of any use involving the sale of hot food, details of fume extraction that accords with current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be installed prior to the use commencing and shall be operated at all times when cooking is being carried out on the premises.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
6. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
7. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors shall be submitted to and approved in writing by the Local planning authority. The windows shall be installed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
8. Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed shopfront, to include all pilasters, fascias, corbels, leadwork and weathering drawn at a scale of 1:20 shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
9. Prior to the commencement of the development details of litter bins to be provided outside the premises shall be submitted to and approved in writing by the Local planning authority. The litter bins shall be provided in accordance with the approved details prior to the use commencing.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV22 - Preservation and Enhancement of Conservation Areas
DISTRICT OF EASINGTON LOCAL PLAN	ENV24 - Development Affecting Listed Buildings and their Settings
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
PLANNING POLICY STATEMENT/GUIDANCE	PPS5 - Planning for the Historic Environment
PLANNING POLICY STATEMENT/GUIDANCE	PPG13 – Transport
REGIONAL SPATIAL STRATEGY	Policy 1 - (North East Renaissance)
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
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)

2. In particular the development was considered acceptable having regard to consideration of issues of the impact on the conservation area and setting of a listed building, impact on the street scene and surrounding occupiers and highways issues.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses

