



Area Planning Committee (Central and East Durham)

Date Tuesday 7 February 2012
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 10 January 2012 (Pages 1 - 8)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/11/00881/FPA and 4/11/00882/CAC - Sparks Cottage, Hall Lane, Shincliffe (Pages 9 - 24)
Demolition of existing cottage and erection of two storey dwelling
 - b) 4/11/00738/FPA - The Former Durham Light Infantryman Public House, Gilesgate (Pages 25 - 42)
Change of use of existing public house to create 5 no. apartments and erection of 8 no. terraced properties to the rear of public house with associated landscaping and highway improvement works
 - c) 4/12/00025/PNT - Land at Broomside Lane, Belmont (Pages 43 - 50)
Prior approval for siting and appearance of 14.8m high monopole with 2 no. associated equipment cabinets
 - d) PL/5/2011/0438 - Land North of Station Road and East of Salters Lane including Site of Former Fleming Hotel and Bruntons Garage, Shotton (Pages 51 - 72)
Residential development comprising 175 dwellings

- e) PL/5/2011/0473 - Hawthorn Industrial Estate, Murton (Pages 73 - 84)

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 (resubmission)

4. Appeal Update (Pages 85 - 86)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

30 January 2012

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

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

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

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 10 January 2012 at 1.00 pm**

Present:

Councillor P Taylor

Members of the Committee:

Councillors J Blakey, G Bleasdale, J Brown, P Charlton, R Liddle, A Naylor (substitute for A Laing) and J Robinson

Apologies:

Apologies for absence were received from Councillors C Walker, J Bailey, A Bell, S Iveson, A Laing, J Moran, K Thompson and B Wilson

Also Present:

J Taylor – Principal Planning Officer (Durham Area)
A Dobie – Principal Planning Officer (Easington Area)
N Carter – Solicitor
A Glenwright – Highways Officer

1 Minutes of the Last Meeting held on 13 December 2011

The minutes of the meeting held on 13 December 2011 were confirmed as a correct record by the committee and signed by the Chair.

2 Declarations of Interest, if any

There were no declarations of interest received.

With the agreement of the Committee, the order of business was amended to allow item numbered 3 (f) on the Agenda PL/5/2011/401 and PL/5/2011/402 – Hardwicke Hall Manor Hotel, Hesleden Road, Hesleden to be considered first.

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

4

- 4a PL/5/2011/401 and PL/5/2011/402 - Hardwicke Hall Manor Hotel, Hesleden Road, Hesleden
PL/5/2011 – Four Detached Residential Properties Including Private Vehicular Access Road
PL/5/2011/402 – Partial Demolition of Grade II Listed Garden Wall and Proposed Repair of Remainder, Partial Demolition of Boundary Wall and Complete Demolition of Existing Brick Shed within Curtilage of Grade II Listed Hardwicke Hall Manor Hotel in Association with Residential Development of Four Dwellings**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended refusal of the application for the reasons given.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

The Officer advised that since the report had been circulated notification had been received that the Parish Council had no views in relation to the application.

B Scorer, the applicant's agent addressed the Committee and stated that there were issues that he wished to discuss with Officers further and had asked for consideration of the application to be deferred to allow discussions to take place.

In considering the application Members considered that the request for a deferral was reasonable to allow further discussions between the applicant and Planning Officers.

RESOLVED

That the application be deferred.

- 4b 4/11/00599/OUT - Land at Langley Hall Farm, Brandon Lane, Durham
Outline Application Proposing Residential Development of up to 70 Dwellings Seeking Detailed Approval of Means of Access Only**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer advised Members that there was an error in the recommendation section of the report which should read 'the application be approved subject to the following conditions and subject to the completion of a Section 106 Obligation to secure the payment of £40,000 for public art/environmental improvements in the locality, £70,000 for the provision of recreation/play space or £1000 per unit and 23% on site affordable housing'. The Officer went on to give a detailed presentation on the main issues outlined in the

report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In discussing the application some Members were of the view that the proposal was clearly outside the settlement boundary and constituted development in the open countryside. A comment was also made that there were existing sites in other locations that had been identified for housing which should be examined prior to agreeing to developments on sites such as Langley Hall Farm. Other concerns included the increased demand on local services, increased traffic congestion on the A690 into Durham, and the single access which seemed inadequate for the number of properties proposed.

Other Members expressed their support for the application. The development offered 23% affordable housing which would help to address housing problems in the City and would bring about community benefits, including a financial contribution by the developer towards recreational facilities and public art.

Officers responded to the comments raised. The Highways Officer advised that in accordance with national guidelines issued in 2007, the access was deemed to be acceptable for the number of properties it would serve. With regard to traffic congestion the application was supported by a traffic assessment and whilst it was accepted that there would be additional vehicles on the network, the number was deemed to be relatively modest.

The Principal Planning Officer appreciated that there were undeveloped sites in other settlements, however it was unlikely that these would be delivered in the current housing market. As part of the emerging NPPF there were the beginnings of more emphasis being placed on sustainability and in certain cases a presumption in favour of sustainable development. In the opinion of Officers the site at Langley Hall Farm met this criteria as well as delivering community benefits such as affordable housing and public art.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to the applicant entering into a Section 106 Agreement to secure the following:-

- (i) The payment of £40,000 for the provision of public art/environmental improvements in the locality
- (ii) The payment of £70,000 (or £1,000 per unit) for the provision of recreation/play space
- (iii) The provision of 23% on site affordable housing.

4c 4/11/00930/FPA - Gordon Mount, 19 Crossgate Peth, Durham Resubmission of Planning Application 11/00072/FPA for the Erection of a Detached Garage and Store to Rear of the Property

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Members were advised that the consultation period for the application expired on 29 December 2011 and since the report had been circulated 3 additional letters of objection had been received, together with one letter commenting on the application. The additional representations had been considered by Officers but did not raise any new material issues. Had it been the case and the objections raised new matters which would change the Officer assessment, then the report would have been withdrawn from the Agenda.

The Officer also advised that the wording of condition 3 regarding materials was to be amended with a new condition regarding incidental use to be added.

R Cornwell, an objector addressed the Committee on behalf of six residents. He submitted 3 photographs and took Members through each. Residents considered that if approved the development would contravene saved policies E6 and E22, which sought to preserve the setting, character and appearance of the Conservation Area. The series of photographs showed the greenery and the relatively modest size of the former garage, the existing condition of the site, and how the proposed workshop would dominate the street scene.

The report made reference to a mitigating landscape scheme but residents considered that there would be little available room for planting. A trellis had been suggested to add height to the boundary wall but Officers had advised against this. The door and windows of the workshop would only be three metres from the garden of number 20 The Avenue which would affect their privacy.

Councillor N Martin spoke in support of the residents and considered that the proposed workshop would be a 'monstrous carbuncle' in an important part of the Conservation Area of Durham City. Many of the gardens further down The Avenue had trellis fencing, the design drawings did not reflect the size of the workshop, and a landscaping scheme was not feasible.

D Carter, the applicant gave a presentation to Members which included photographs. The typical streetscape of The Avenue was a combination of walls and fences of differing heights. The drawings submitted did accurately reflect the scale of the workshop, and had been designed by a professional architect, in accordance with the views of local residents and Planning Officers. The proposal was to provide parking and storage to meet the needs of his family and to ensure the security and safety of the rear of his premises.

In determining the application Members sought clarification of the materials to be used and considered that the proposed timber appearance of the garage and access gates would be acceptable and would be in character with the surrounding area.

RESOLVED

That the application be approved in accordance with the conditions outlined in the report subject to a change to condition 3 and to a new condition being added as follows:-

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the boundary wall, hardstanding, access gates, store/workshop wall 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.

New Condition: The store/workshop hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house only, and shall not be used for any trade or business purposes.

Reason: In the interests of residential amenity in accordance with Policy Q9 of the City of Durham Local Plan.

**4d 4/11/00897/FPA - 165 Gilesgate, Durham
Proposed Demolition of Existing Single Storey Flat Roof Area to Rear and Erection of Single Storey Pitched Roof Extension to Rear of Existing Dwelling**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site.

RESOLVED

That the application be approved subject to the conditions outlined in the report.

**4e 4/11/00774/FPA - Land at Woodland Terrace and College View, Esh Winning, Durham
Erection of 30 No. Dwellinghouses with Formation of New Access and Closure of Existing Access (resubmission)**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Mrs Hennigan, an objector addressed the Committee. Her main concerns were for the safety of local children who had played on the site but who now had to play in the streets. The site had been identified in the Esh Winning Masterplan to re-house

residents from The Oaks but was now surplus to requirements. There were other areas of land in Esh Winning which could be developed including a site opposite which would be available once the new school was completed.

Councillor J Wilkinson spoke at length in support of the application. In the Esh Winning Masterplan undertaken in 2007 this site was the catalyst for regeneration of the whole village. The site would benefit from HCA Funding to provide affordable homes for rent, which was much-needed. The development was adjacent to the new school and would benefit from recreational facilities such as a MUGA, library and sports hall. The site was well-situated for the village amenities and was on the main bus route into Durham City.

In considering the application Members were advised that the site formed a crucial part of Esh Winning Masterplan and would provide considerable community benefit, particularly with the provision of affordable housing. As the site had been fenced off for some time, Members acknowledged that its current amenity value was limited and that there were other open space areas near to the site. Members felt that the proposed development would enhance a barren area of land.

RESOLVED

That the application be approved subject to the conditions outlined in the report.

4f PL/5/2011/0443 - Seaton Nurseries, Seaton Lane, Seaton Residential Development (outline) (resubmission)

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site.

Mr Brooker, the applicant's agent stated that whilst outside the settlement boundary the site constituted previously developed land, having a garden centre, caravan/container storage, and car repair facilities located there. The buildings were failing and it would be financially unviable to carry out improvements. The location was sustainable, being similarly situated to other developments on greenfield sites on the edge of Seaham. There were facilities in Seaton that had not been referred to in the report and the site was on a bus route. Highways Officers had not offered any objections and whilst the ecology report had not yet been received, it was expected to confirm the findings from the previous planning application.

In deliberating the application Members were advised by the Principal Planning Officer that it was accepted that this was a long-established, previously developed site, however the current uses were appropriate to the location and were unobtrusive. There was no natural boundary to this site and if approved Officers were concerned that applications from other developers may come forward in the future, extending further into the open countryside.

Following discussion it was **RESOLVED**

That

- (i) The application be approved subject to the receipt of a satisfactory ecology report
- (ii) Officers be authorised to formulate appropriate conditions and report them back to the Committee.

The reasons for conditional approval were expressed to be that the site was not considered to be significantly separated from Seaton, was in a sustainable location and was already developed.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00881/FPA and 4/11/00882/CAC
FULL APPLICATION DESCRIPTION:	Demolition of existing cottage and erection of two storey dwelling
NAME OF APPLICANT:	Mr S Pears
ADDRESS:	Sparks Cottage, Hall Lane, Shincliffe, Durham, DH1 2SZ
ELECTORAL DIVISION:	Durham South Steven Pilkington Planning Officer
CASE OFFICER:	03000 263 264 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a single storey detached residential cottage located within Shincliffe Conservation Area. The building was constructed pre 1860 and is of symmetrical design with a footprint of approximately 13m in length by a maximum of 6m in width. The Pitched roof of the property has a maximum height of approximately 4.6m, a detached garage is located to the south of the dwelling with pedestrian and vehicular access served off Hall Lane.
2. Poplar Tree Garden Centre is located to the West of the site while open countryside is present to the south, to the North and East residential properties are located. A number of mature trees and vegetation surround the application site.

The Proposal

3. Planning Permission and Conservation Area Consent is sought for the demolition of the existing dwelling on site and detached garage and erection of a two storey dwelling house. Although procedurally these applications are dealt with separately for convenience this report assesses both applications as one.
4. The proposed replacement dwelling will have a footprint measuring a maximum of 21.5m in length by 10.6m in width, a pitched roof is proposed measuring a maximum of 9.6m from the road level. The length of the building is broken up by a series of single storey features varying in height. The dwelling will compromise 5 bedrooms with living accommodation and garaging on the ground floor.
5. The vehicular access is proposed to be amended moving approximately 15m to the north of the site, an attached double garage and hardstand is also proposed.

6. This application is reported to Planning Committee as requested by Cllr Mac Williams with relation to concerns regarding the design of the property in a Conservation Area, Highway Safety and the proposed materials.

PLANNING HISTORY

7. There is no relevant planning history to this site

PLANNING POLICY

NATIONAL POLICY

8. *National Planning Policy Framework (NPPF)* - In July 2011 The Government published the NPPF in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
9. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
10. *Planning Policy Guidance Note 2: (PPG2) Green Belts*, outlines the history and extent of Green Belts and their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use are summarised.
11. *Planning Policy Statement 3: (PPS3) Housing* sets out the Governments objectives in relation to housing, including ensuring that there is a mix and range of housing available for different members of the community.
12. *Planning Policy Statement 5: (PPS5) Planning and the Historic Environment*. Sets out the Government's planning policies on the conservation of the historic environment with a key aim of conserving heritage assets in a manner appropriate to their significance.
13. *Planning Policy Guidance Note 13: (PPG13) Transport*. This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. 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.
14. *Planning Policy Statement 23: (PPS 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.

15. *Planning Policy Statement 25: (PPS25) Planning and Flooding.* Requires consideration be given to run off and discharge of foul and surface water from a development site.

REGIONAL PLANNING POLICY

16. 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.
17. 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.
18. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
19. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
20. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
21. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
22. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
23. *Policy 7 – Connectivity and Accessibility* –Aims to reduce the need to travel particularly by the private motorcar.
24. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings
25. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
26. *Policy 32 - Historic Environment:* Seeks to preserve and enhance the historic environment
27. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
28. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

LOCAL PLAN POLICY:

29. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
30. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
31. *Saved policy E21 – Historic Environment* - requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site
32. *Saved Policy E22 - Conservation Areas* - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
33. *Saved Policy H3 – Residential development in larger villages* - Sets out that development on previously developed land will be considered acceptable within the Development limits of Shincliffe Village.
34. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.
35. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
36. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
37. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
38. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
39. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
40. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
41. *Saved Policy U7 – Pollution* - Sets out that planning permission will not be granted for developments on land affected by land contamination or pollution.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *The Highways Authority* – Offers no objections to the scheme and considers there to be no material increase in highway traffic relative to the existing users of the Lane. A check of the DCC road accident database highlights that no accidents have been recorded on Hall lane or its junction with High Street in the last five years.

INTERNAL CONSULTEE RESPONSES:

43. *Design and Conservation* – Overall consider the demolition of the existing dwelling appropriate due to its limited architectural quality and previous modifications. Following design amendments to the replacement building it is considered that the proposed dwelling will be sympathetic to the character of the area and represent a high quality of design.
44. *Ecology* – Considers the methodology and conclusions of the bat risk assessment sound but recommends conditions in relation to the mitigation measures.
45. *Arbrocultural Officer* – Advises that the findings of the Arbrocultural Impact Assessment are sound, but the protection measures proposed should be secured by condition. Minor pruning of tree 5A will be required but this will not affect the overall character of the tree.

PUBLIC RESPONSES:

46. Neighbouring residents have been notified by individual notification letters, site notice and press notice, to date 27 letters of objection have been received in relation to both applications. A petition of 12 signatures has also been received, while objections have also been submitted from the City of Durham Trust and Shincliffe Parish Council.
47. Following the receipt of amended plans an additional consultation exercise has been carried out, which at the time of writing this report has not expired. Any new representations will be verbally updated to members at committee.
48. The objections received to date have been summarised to issues below and are addressed in turn within the main body of the report:-
- Over development of the plot
 - Loss of an attractive building
 - Appearance of the replacement building, overly modern and excessive in height
 - Impact on the wider countryside and views of the Conservation Area
 - Errors have been included in the Heritage Statement
 - Loss of privacy and amenity
 - Loss of highway safety
 - Principle of the demolition of th building within the Conservation Area, existing building should be extended
 - Design does not reflect the adjacent properties
 - Impact on adjacent Listed Buildings
 - Existing building has historical significance
 - New build does not enhance Conservation Area
 - Demolition of the building would set an undesirable precedent

- Impact on surrounding trees

APPLICANTS STATEMENT:

49. The current property is in a state of disrepair and requires significant upgrade to make it habitable while not providing an appropriate level of accommodation. The building has limited architectural merit and does not contribute to the wider conservation area. Existing vegetation will be retained which screens the development and a change in levels helps offset the impact on neighbouring residents.

50. The proposed dwelling is sympathetically designed and will enhance the area.

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00881/FPA>

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00882/CAC>

PLANNING CONSIDERATIONS AND ASSESSMENT

51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised.

Principle of development

52. The application site is located within the defined settlement limits of Shincliffe Village, within these defined settlement limits saved policy H3 of the Durham City Local Plan identifies that residential developments are permitted providing that the site is classed as previously developed land.

53. Previously the site would have been considered previously developed land, due to being located in the curtilage of a residential garden. However the definition of previously developed land has since been amended to exclude private residential gardens, based on this new definition parts of the new dwelling are located on green field land. However the demolition of the dwelling and erection of the proposed property will not result in a net increase of dwellings on the site. Furthermore the site is located within the defined settlement limits of Shincliffe and therefore within easy reach of the amenities provided as well as being accessible to the town centre.

54. Overall it is considered that although part of the dwelling would represent development on a Greenfield Site, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national and development plan policies. Issues regarding the detailed impact of the development are set out below.

Impact on Heritage Assets.

55. Planning Policy Statement 5: Planning for the Historic Environment requires that The Authority considers development proposals in relation to the significance of Heritage Assets. In this instance the Heritage Assets identified are the Shincliffe Conservation area and the existing building, including any historical significance associated with it. In addition to policies at a national level, saved policies E21, E22 and E23 of the Local Plan seeks to preserve the setting, appearance and character of conservation areas and that of listed buildings. This is replicated at a Regional Level in policy 32 of

the RSS identifying that developments should seek to preserve and enhance the historic environment.

56. The building is believed to be constructed circa 1861, with a small rear extension added between 1919 and 1940. Two rooms are present internally separated either side of a central entrance. The building is simply built in English Garden Wall bond with a plane Welsh slate roof. After visiting the site it is apparent that the extensions to the south and rear have significantly enlarged the cottage in a relatively unsympathetic manner. It is also noted that the principle external features of the building, its front windows, appear to be a later alteration, rather than being original. PPS5 sets out a presumption in favour of the conservation of heritage assets and that any substantial harm or total loss requires clear and convincing justification. This is replicated in policy E22 of the Local Plan, which identifies that the demolition of buildings which contribute to the character of Conservation Areas will not be permitted. Significant objections have been received in relation to this issue, indeed an application for the building to be listed has been submitted to English Heritage outlining historical links with George Sparks a prominent mine owner and engineer in the area.
57. Significant consideration has been given to the proposed demolition of the building in conjunction with colleagues in the Design and Conservation Section. However in this instance it is reluctantly considered that existing building despite being of some character is not of sufficient architectural merit or significance to resist its demolition, subject to the erection of a suitable replacement. While it is acknowledged that the property has historical links to a notable mine owner from the area. It is not considered that these links or indeed the significance of George Sparks gives sufficient special protection. This view was also taken by English Heritage when deciding to reject a recent application for listing.
58. Furthermore it is considered that the principle character of the Conservation Area relates mainly to the main highway running through the village, Low Road and High Street. The application site has a limited relationship with these areas being located on the village fringes amongst lesser quality developments, including the garden centre and a group of unsightly flat roofed garages. It is also considered that the relationship with a nearby listed building Old England is marginal, despite being of a similar size.
59. With regard to the suitability of the replacement building and its relationship with the Heritage Assets identified, while taking into account representations received, based on the advice of the Design and Conservation officer it is considered that the building would not detract from the character or appearance of the Conservation Area. Although the building will represent a significant increase in terms of scale and footprint of the existing property, it is not considered disproportionate to the size of the plot. This is principally due to the re-orientation of the building with the gable facing out onto Hall Lane. The mass of the dwelling is also considered to be successfully mitigated through the use of single storey elements of varying height and half dormer windows. The ridge height of the building (9.6m) would remain lower than that of a larger two storey building to the north of the site (House Cowdray approx 10.3m) and that of Wood View due to a level difference.
60. The council's Design and Conservation Officer also advises that the property utilises appropriate fenestration details including sash style windows, conservation roof lights, chimney detailing while incorporating a traditional 45 degree roof pitch. It is proposed the building will be rendered with a brick course at a lower level with a slate roof, this mix of materials is also considered appropriate and is relatively common in the Conservation Area, while it is accepted that there is a mix of building

materials and architectural styles. Solar panels are proposed to the rear of the property; however their impact is considered an acceptable balance between retaining the character of the area and promoting wider sustainability objectives.

61. Overall the demolition of the existing building is considered appropriate and the proposed replacement is considered a suitable replacement. However in order to control the final appearance of the development it is recommended to attach conditions to control the materials to be used and window detailing.

Landscape and Trees

62. Concerns have been raised by objections on the impact of the development most notably on two mature trees adjacent to the site. Policy E13 of the Local Plan requires that development protect significant vegetation on the site, accordingly the applicant has commissioned an Arbocultural Impacts Assessment. In considering the assessment and the impact on adjacent trees the councils Arbocultural officer considered that the development will not have an adverse impact subject the mitigation measures proposed. While it is acknowledged that pruning works to an adjacent mature Oak tree will be required, these are not considered to be significant and will retain the character of the tree.
63. Objections have been raised in relation to the impact of the development on the openness and visual amenity of the wider area, which is designated Green Belt, when viewed externally and internally from the village. Consideration is required to be given to this matter as set in Planning Policy Guidance note 2 which seeks to preserve the visual amenity and openness of the Green Belt. However it is considered that the building will not create an incongruous feature as it will set against the backdrop of existing developments when viewed external to the site while existing vegetation also helps assimilate the building into the landscape. When viewed from inside the village existing vegetation helps create a definitive boundary to the open countryside. Due to the importance of this landscaping it is recommended to attach conditions to ensure its protection through a landscaping plan, while accepting that the applicant will look to formalise a garden area.

Impact on privacy and amenity of neighbouring land users

64. Objections have been raised regarding the potential to adverse impact on the amenity of neighbouring residents, principally in relation to the scale of the building. Saved policy Q8 of the Local Plan requires development associated with residential developments to give consideration to the privacy and amenity of neighbouring residents.
65. In considering this issue and visiting the site, while the concerns of local residents are appreciated and duly noted it is considered that on balance a significant adverse impact will not arise. While it is acknowledged that the ridge height of the dwelling will be significantly greater than that of the existing, a minimum separation distance of approximately 28m will be evident to that of 7 Wood View (in excess of the 21m advocated in the Local Plan). This impact is further mitigated by a maximum level change of approximately 1.7M between the application site and the terrace of Wood View, although this levels off to the most southern part of the site. The proposed building is also partially screened by two mature trees adjacent to the site. Also material to this is the amount of amenity space available to the residents of 7 Wood View which is relatively substantial. Velux roof lights serving a bedroom, storage area, bathroom and a single en-suite window will face back towards Wood View, however given the nature of these windows and rooms along with the separation distance a significant loss of privacy is not expected to arise.

66. Overall, while the property would be visible from the residential dwellings of Wood View it is considered that the separation distances and on site characteristics would ensure that an adverse loss of privacy and amenity would not arise for neighbouring residents. However it is recommended to restrict permitted development rights of the property and limit working hours on site.

Highway Safety

67. The existing property is served from a single vehicular access to a detached garage, it is proposed that this access would be altered to serve a new double attached garage. Concerns have been raised from neighbouring residents on grounds of highway safety, particularly as no footpath is present linking the dwelling to the main highway of High Street. However in considering this issue and having regard to policy T1 and T10 of the local plan which seeks to maintain highway safety and to ensure that sufficient in-curtilage parking is provided on site the Highway Officer raises no objections. This is principally as it is considered that the scheme will not result in any material impact in terms of traffic generation of Hall Lane relative to existing neighbouring uses, including the garden centre. The Councils Road accident database also identifies that there have been no recorded accidents on Hall Lane or its junction with High Street within the last 5 years. Any construction traffic would have a responsibility to not block the highway, enforced under separate legislation and the Highways Authority.

Ecology

68. Planning Policy Statement 9 (PPS9) requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. Given the nature of the property and its proposed demolition the applicant has undertaken a Bat Risk Assessment which concludes that the potential for bats using the site was low. It was however acknowledged that the foraging habitat in the immediate vicinity is of medium quality but is unlikely to impact on the foraging patterns of bats. Habitat enhancement features including additional roosting is however suggested. The findings of the report and the methodologies utilised has been verified by the Councils Ecology Officer. Overall the granting of Planning Permission would not constitute a breach of the Conservation (Natural Habitats, &c.) Regulations 1994

Other Issues

69. Policy 35 of the RSS and PPS25 require consideration be given to issues regarding flooding particularly from surface water run off. No details have been submitted in relation to the proposed means of drainage from the site and as the proposal will increase the amount of hardstanding and potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with waste water and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3.
70. Objections have been raised in relation to the potential to set a precedent for the demolition of buildings in the Conservation Area, however each application must be assessed on its own merits.

CONCLUSION

71. The proposed development has been considered against the above policies and is considered to have an acceptable impact on the street scene of Hall Lane while protecting the character, appearance and setting the Shincliffe Conservation Area, subject the conditions set out below. The scheme is also considered to protect the privacy and amenity of neighbouring residents and highways while remaining an appropriate location for residential development.
72. In relation to the objections received, while the concerns of local residents are appreciated and duly noted, it is considered in this instance that they are not sufficient to warrant refusal of the application
73. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

RECOMMENDATION

That the application 11/00881/FPA 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- Imposition to be required 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:-

Site Location Plan, Received 9th November 2011

Proposed Elevations, Drwg No, 11 45 01 H, Received 20th January 2011

Proposed Site Plan, Drwg No, 11 45, Received 20th January 2011

Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting of the Shincliffe Conservation Area, and to accord with policies, E21, E22, H13, Q8, of the Durham City Local Plan and Policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development here by approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of the render and its finish.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Shincliffe Conservation Area and in accordance with the provisions policies E21 and E22 of the Durham City Local Plan and policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

4. Notwithstanding the submitted plans full details (including x-sections) and materials and colour of all windows, doors and roof lights at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that windows and doors have a recess of at least 100mm from the

outer face of the wall. The development shall be carried out in accordance with the approved details and shall be retained in perpetuity.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Shincliffe Conservation Area and character of the Listed Buildings and in accordance with the provisions of polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

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, the scheme shall provide and detail for:-
- The planting of trees and / or shrubs (including species, sizes, numbers and densities),
 - The provision of screen fences or walls,
 - Any 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.
 - Full details of any hard standing proposed
 - The retention and protection of existing vegetation on site.

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 order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Shincliffe Conservation Area and visual amenity of the wider Green Belt in accordance with the provisions of polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

6. Notwithstanding the provisions of Class A,B,C,D,E and F of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of the character, appearance and visual amenity of the Shincliffe Conservation Area and amenity of neighbouring land users, in accordance with saved polices E21, E22 and Q8 of the Durham City Local Plan and policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though

working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

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

Reason: In the interest of the adequate disposal of surface water in accordance with Planning Policy Statement 25 and Policy 35 of the North East Regional Spatial Strategy

9. No development shall commence until an Arbocultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), construction details of the proposed foundations, details of storage areas, location of service runs and details of the constriction of areas of hard standing. The development shall be carried out in accordance with the approved details.

Reason: To protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

10. All pruning works required to Tree 5a identified in the Arbocultural Implications Assessment received 25th January 2012 shall fully detailed and submitted for approval to the Local Planning Authority, prior to the development commencing. Works to the tree shall only be carried out in accordance with the approved details.

Reason: to protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

13. Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment and a scheme of dust suppression shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works.

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

14. No development shall commence unless in accordance with the mitigation detailed within the protected species report 'Sparks Cottage, Shincliffe, Bat Risk Assessment Report, received 4th November 2011 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Planning Policy Statement 9, policy E16 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

That the application 11/00882/CAC be **APPROVED** subject to the following conditions;

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 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Site Location Plan, Received 9th November 2011

Proposed Elevations, Drwg No, 11 45 01 H, Received 20th January 2011

Proposed Site Plan, Drwg No, 11 45, Received 20th January 2011

Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting of the Shincliffe Conservation Area, and to accord with policies, E21, E22, H13, Q8, of the Durham City Local Plan and Policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

3. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

Reason: In the interests of the appearance and character of the Conservation Area in accordance with policy E22 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

74. The proposed development has been assessed against policies E14, E21, E22, H13, Q8, T1 and T10 of the Durham City Local Plan and Policies 1, 8 and 32 of the Regional Spatial Strategy for the North East of England and is considered acceptable particularly in relation to the principle material considerations relation the impact of the development on the character appearance and setting of the Shincliffe Conservation Area, amenity of adjacent landusers and highway safety.
75. In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify approval of the application given the residential nature of the development and its location and screening afforded from the street scene.
76. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval. A copy of the officers Committee Report is available on request.

BACKGROUND PAPERS

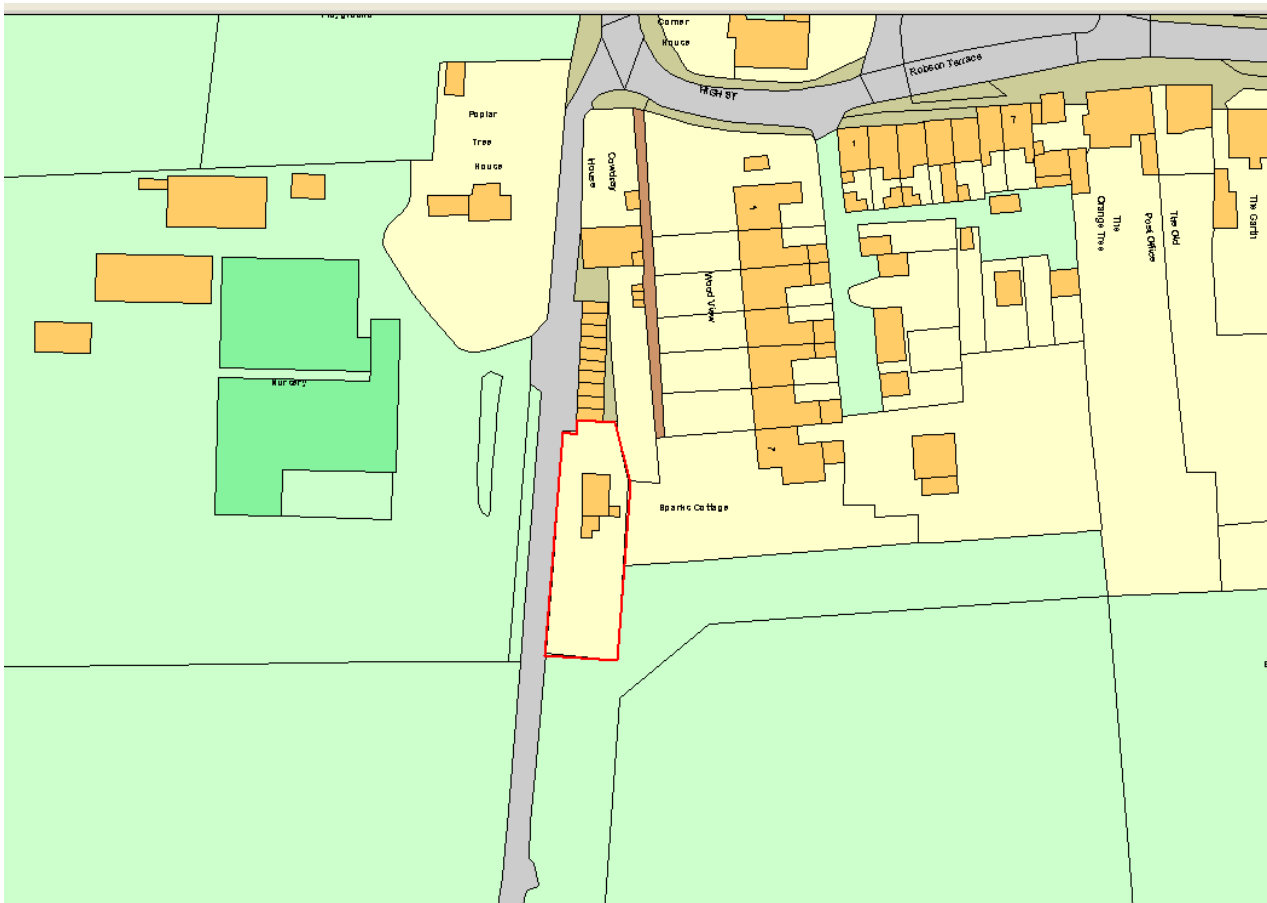
Submitted Application Forms and Plans

Design and Access Statement

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

City of Durham Local Plan 2004

Planning Policy Statements and guidance 1, 3, 5, 13, 23 and 25
Response from Highway Authority
Response from Design and Historic Environment Section
Public Consultation Responses



Planning Services

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Comments

Date 26th January 2012

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00738/FPA
FULL APPLICATION DESCRIPTION:	Change of use of existing public house to create 5no. apartments and erection of 8no. terraced properties to the rear of public house with associated landscaping and highway improvement works.
NAME OF APPLICANT:	Enterprise Inns PLC
ADDRESS:	The Former Durham Light Infantryman Public house, 110 – 111 Gilesgate, Durham Dh1 1JA
ELECTORAL DIVISION:	Gilesgate Steven Pilkington
CASE OFFICER:	Planning Officer 03000 263 264 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a former public house located in the Gilesgate Area of Durham City. The Public house comprises a two-storey building with a series of single storey off shoots to the rear. A tarmac parking area is located to the north with a large grassed area to the rear.
2. Further to the North and East the residential properties of Green Lane and McNally Place back onto the application site, separated by a mature 3m high hedgerow. To the south a mixture of residential and commercial properties fronting on to Gilesgate Bank are present, along with the their rear gardens to the west of the site. Vehicular access serves the development to the south, taken directly from Gilesgate Bank.

The Proposal

3. Planning permission is sought for the change of use of the existing public house to form 5no. dwellings, minimal external alterations are proposed however existing windows in the front elevation will be altered along with the demolition of a flat roofed extension to the rear. Windows will also be created in the side elevation of an existing single storey offshoot. The apartments will be two bed-roomed with access principally taken from the rear.
4. It is also proposed to erect 8 new residential dwellings, these will take the form of terraced properties located in two blocks of development measuring 20m in length by a maximum of 10.4m in width. The properties will measure 8.2m in height and be of a relatively traditional appearance with sash style windows, a first floor bay window

feature and individual chimneys. To the rear each property will have a two storey off shoot and a grassed garden.

5. It is proposed that the development will be served by 18 parking spaces taken of a widened access way. A turning head will also be located on the access road, which would be offered up for adoption by the Highways Authority.
6. This application is reported to Planning Committee due to its classification of a major application.

PLANNING HISTORY

7. Planning permission was granted for extensions and alterations to the building in 1997 to facilitate a kitchen extension and the provision of a beer garden.

PLANNING POLICY

NATIONAL POLICY

8. National Planning Policy Framework (NPPF) - In July 2011 The Government published the NPPF in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
9. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
10. *Planning Policy Statement 3: (PPS3) Housing* sets out the Governments objectives in relation to housing, including ensuring that there is a mix and range of housing available for different members of the community.
11. *Planning Policy Statement 5: (PPS5) Planning and the Historic Environment.* Sets out the Government's planning policies on the conservation of the historic environment with a key aim of conserving heritage assets in a manor appropriate to their significance.
12. *Planning Policy Guidance Note 13: (PPG13) Transport.* This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. 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.
13. *Planning Policy Guidance 17: (PPG17) Sport and Recreation:* Sets out the Government objectives to provide for recreation and sporting open space. Within new residential development proposals should seek to provide for open space and

where necessary planning obligations should seek to address local deficiencies in the quantity and quality of open space, sporting and recreational land.

14. *Planning Policy Statement 23: (PPS 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.
15. *Planning Policy Statement 25: (PPS25) Planning and Flooding*. Requires consideration be given to run off and discharge of foul and surface water from a development site.

REGIONAL PLANNING POLICY

16. 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.
17. 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.
18. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
19. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
20. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
21. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
22. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
23. *Policy 7 – Connectivity and Accessibility* –Aims to reduce the need to travel particularly by the private motorcar.
24. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings
25. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
26. *Policy 28 – Gross and Net Dwelling Provision* – Sets the targets for dwelling provision for each Local Authority in the North East.
27. *Policy 29 – Delivering and Managing Housing Supply* – Sets targets for development of Brownfield sites as well as minimum density targets.

28. *Policy 30 – Improving Inclusivity and Affordability* – Requires that development proposals make provision of for a range of dwelling type and size while making provision for affordable housing.
29. *Policy 32 - Historic Environment:* Seeks to preserve and enhance the historic environment
30. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
31. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

LOCAL PLAN POLICY:

32. *Saved Policy E6- Durham City Centre Conservation Area* - states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
33. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
34. *Saved Policy E21 – Historic Environment* - requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site
35. *Saved Policy E22 - Conservation Areas* - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
36. *Saved Policy H2 – New Housing development within Durham City* - Sets out that development on previously developed land will be considered acceptable within the Development limits of Durham City on previously Developed land.
37. *Saved Policy H10 – Backland Development* – sets out that backland development will only be permitted where a safe satisfactory means of access can be provided, the amenity of new and existing dwellings are not adversely affected and it is in keeping with the character, density and scale of surrounding developments.
38. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.
39. *Saved Policy C9 – Loss of an existing Community Facility* – Sets out that where development proposals result in the loss of an existing community facility (including a Public House) permission will only be granted where it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility in the areas and an equivalent facility is available in the area.

40. Saved Policy T1 – General Transport Policy – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
41. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
42. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
43. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
44. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
45. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
46. *Saved Policy Q15 – Art in Design* – Identifies that the councils will seek to ensure that provision is made for artistic elements in the design of developments and where appropriate seek the provision of 1% of development costs for offsite are provision.
47. *Saved Policy U7 – Pollution* - Sets out that planning permission will not be granted for developments on land affected by land contamination or pollution.
48. *Saved Policy U11- Contaminated Land* – Require development proposals to assess the level of land contamination and take appropriate mitigation measure to deal with any contamination.
49. *Saved Policy R2 – Provision of open space* – Sets out that development proposals should make provision for the open space and sporting within developments, or alternatively make a contribution to off site provision where appropriate.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

50. *The Highways Authority* – Consider that in principle the layout of the development and the intensification of the access is acceptable subject to full engineering details of new access road. As the site will be required to be offered up for adoption discussions will need to be held with the councils Adoption Manager. This may involve relatively minor tweaks to the layout of the internal access road

INTERNAL CONSULTEE RESPONSES:

51. *Design and Conservation* – Overall offer no objections to the scheme but encourage improvements to the landscaping of the site.
52. *Ecology* – Offer no objections to the scheme
53. *Environmental Health* – Raise no objections but outline that the development will be located in close proximity to an Air Quality Management Area. It is also recommended to restrict working hours on site while requiring a dust suppression scheme to be submitted.
54. *Arbrocultural Officer* – Offers no objections to the scheme subject to the incorporation of appropriate root protection measures.
55. *Archeological Officer* – The submitted Archeology report satisfactorily appraises the likelihood of assets being located to the rear of the site, a watching brief condition is however recommended should significant service runs be required to the front.
56. *Landscape Officer* – Offers no objections to the scheme, but considers that the footpath access to the gardens should be made of a porous material and that the hedgerow should be protected during construction. A landscaping scheme should also be submitted as controlled by condition.

PUBLIC RESPONSES:

57. Neighbouring residents have been notified by individual notification letters, site notice and press notice to date no letters of objection have been received.

APPLICANTS STATEMENT:

58. The site was previously used as a public house for many years, with the grassed area to the rear forming part of its curtilage and reserved as possible expansion of the pub business. The pub has been closed for over two years and despite being on the market for sale as a licensed pub as an ongoing use there has been no interested purchasers. An alternative use is therefore sought.
59. The proposed development will closely match the scaled of existing terraced housing found in Gilesgate and elsewhere within the Conservation Area of the City. The development will replicate similar fenestration details, including sash windows, bay window detailing, brick work and slate roofs. The proposed access road will be offered up for adoption by the Highway Authority.

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00738/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised.

Principle of Development

61. The application site is located within the defined settlement limits of Durham City, as set out on the Local Plan Proposals Map. Policy H2 of the Local Plan sets out that

small scale residential development will be acceptable within these settlement limits providing the site is classed as previously developed land.

62. Part of the application site has been developed, including the existing public house building on site and existing hard standings. However part of the development will be located on a green undeveloped area to the rear of the pub. Although it could be argued that this forms part of the curtilage of the pub it is accepted that this element has the characteristics of a green field site.
63. Policy H2 identified that development will only be considered acceptable on Greenfield sites. However notwithstanding this, since the adoption of the Durham City Local Plan there has been a shift on the focus of previously developed land to an assessment of the overall sustainability of a site. This is embodied in the Draft National Policy Framework (NPF) which focuses on a presumption in favour of sustainable development. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services and amenities of Gilesgate and the wider Durham City Centre.
64. Saved Policy C9 of the Local Plan sets out that where development proposals result in the loss of an existing community facility (including a Public House) permission will only be granted where it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility in the areas and an equivalent facility is available in the area.
65. The applicant has stated that the property has been for sale for the past two years in its current use. However no information has been submitted to verify this or to establish that the business is not financially viable. However in taking a pragmatic approach, it is appreciated that traditional public houses have been operating under difficult circumstances in the current economic situation. After visiting the site it is noted that the property would require significant modifications and upgrades to be brought back into use at a viable level. Furthermore there are three pubs within a 200m distance of the application site serving the local population, while the wider Durham City is readily accessible. The loss of the public house is therefore not considered to affect the vitality or sustainability of Gilesgate.
66. Overall on balance although the previously developed nature of the site is debatable, it is considered that the application would provide for development located within a sustainable location which given its scale and land availability in the Durham City Area would not materially impact on the focus of development on Previously Developed Land or wider regeneration initiatives. The principle of development is therefore considered acceptable subject to further detailed analysis of the proposal.

Impact on Visual Amenity of Conservation Area

67. Planning Policy Statement 5: Planning for the Historic Environment requires that The Authority considers development proposals in relation to the significance of the Heritage Assets. In this instance the Heritage Assets identified are the wider Durham City Conservation Area and the Street Scene of Gilesgate. Saved policies E6, E21 and E22 of the Local Plan seek to preserve the setting, appearance and character of conservation areas, particularly Durham City Centre. This is replicated at a Regional Level in policy 32 of the RSS identifying that developments should seek to preserve and enhance the historic environment.
68. The character of the Durham City Conservation Area in the immediate area is defined by a mixture of two storey buildings fronting on to Gilesgate Bank. To the rear of these properties Burgage style plots have historically been present, and still in

existence at no. 103-107 Gilesgate. There is a mix of architectural styles in area but predominantly buildings are two storey terraced properties built in the middle 18th to the early 19th Century. Although Burgage plots have historically been present to the rear of buildings a number of 'back land developments' have been constructed, notably at Chapple Mews. Three streets that run at 90 degrees to the main highway are also present on the north side of Gilesgate Bank, including West View, Magdalane Street and Wynyard Grove.

69. The proposed new build properties will take the form of two blocks of development running at a 90 degree angle to the highway of Gilesgate Bank. The terraced blocks will be relatively traditional in appearance but will feature a floating bay window at a first floor level on the front elevation. A two storey mono pitched roof off shoot to the rear is also proposed. The fenestration details will include wooden sash windows, wooden bay window detailing and with individual chimneys. It is also proposed to remodel and extend the existing parking area to provide a new access and 18 parking spaces with areas of landscaping surrounding the site.
70. In assessing the impact of the proposed development, both new build and the conversion works on the Heritage Assets identified, it is considered that the scheme would not detract from the character or appearance of the street scene or Conservation Area. This is because the proposed new build development is considered to reflect the character, form and scale of other developments in the area. While replicating the linear arrangements of adjacent burgage plots. The conversion works to the existing building are also considered appropriate, retaining existing key features such as the entrance doorway and the removing two disproportioned windows in the front elevation. No objections have been raised from the Council Design and Conservation Section. It is however considered appropriate to control the finer details of the materials to be used in construction of the dwellings, the landscaping of the site, particularly the hard standings.
71. Overall in considering the impact of the development on the street scene of Gilesgate Bank and the wider Conservation Area against the above planning policies, it is considered the development would have an acceptable impact. The scale and massing of the building are also considered commensurate with other developments within the area. Subject to appropriate conditions the development is considered acceptable, preserving the character of the Conservation Area in line with policies E6, E21 and E22 of the Local Plan.

Trees

72. Saved Policy E14 of the Local Plan requires development proposals to protect adjacent vegetation. As mentioned above the hedgerow encompassing the site helps to protect the amenity of neighbouring residents and also helps to assimilate the development into its surroundings. Consideration has been given to the impact of the development on the hedgerow and some significant trees to the northern boundary, to which the Arboricultural officer offers no objections subject to the installation of protection measures as detailed by condition below.

Impact on Amenity of Neighbouring Land Users

73. The development site is surrounded by residential properties on all four sides, consideration of the impact on these properties and other land users is required under policies H13 and Q8 of the Local Plan.
74. After reviewing the submitted plans and visiting the site it is considered that the separation distances evident on site, 23m to the properties to east served off Green

Lane and 22m to a rear extension at no.103 -106 Gilesgate are sufficient to prevent a loss of privacy or create an overbearing effect. These separation distances are in excess of the minimum 21m separation distance as advocated in the Local Plan. A mature hedgerow bordering the rear 103-107 Gilesgate also helps to screen direct views into rear gardens. In relation to the proposed parking areas, these are not considered to give rise to a significant loss of amenity given the estimated traffic generated, particularly in comparison to the potential generation of the Public House if operational.

75. The submitted plans indicate that a bin store for the apartments will be located to the most eastern boundary of the site however concerns are raised regarding the proximity of this store to existing houses (6.5m) which although screened by a mature hedgerow could cause a loss of amenity. It is considered that a suitable place could be found within the development to accommodate this and therefore in order to address this issue it is recommended that a separate condition be attached to agree this at a later date.
76. Given the proximity of the development to neighbouring land users it is recommended by to attach conditions limiting the working hours on site and to require a scheme of dust suppression to be submitted as advised by the Environmental Health Department. The Environmental Health Department have also identified that the development site lies in close proximity to an Air Quality Management Area, although this is not sufficient to warrant refusal of the application it is recommended that this be brought to the applicant's attention by way of informative.
77. Overall subject to the recommended conditions, it is considered that the development would not have an adverse impact on the privacy and amenity of neighbouring residents over and above the existing arrangements on site.

Impact on Highway Safety

78. Policy T1 of the Durham City Local Plan requires all developments to protect highway safety while providing sufficient in-curtilage parking provision. The current access arrangements to the public house consist of a single vehicular access served off Gilesgate Bank. It is proposed to increase the width of this access to 4.5m, with a 6m curb radii. Internally to the site a new access road serving the dwellings will be created along with a turning head and provision made for 18 car parking spaces.
79. Consideration of these issues have been given by the Councils Highway Officer, who considers that the proposed access arrangements increasing the width of the access to 4.5m with a 6m junction radii acceptable. The proposed parking provision is also considered appropriate to serve the development, particularly considering its central location. The proposed highway will be required to be offered up for adoption by the Highways Authority, it is therefore envisaged that minor alterations may be required to the final details of the internal layout to suit specific specifications. It therefore recommended that a condition be placed on approval of the application requiring a final parking and highway layout with full construction specifications to be agreed in conjunction with the Highways Authority.

Ecology

80. Planning Policy Statement 9 (PPS9) requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In screening this application the councils Ecology Officer advises that the scheme is unlikely to affect ecological interest, namely bats at the proposed works do not alter

the roof structure. It is however recommended to put an informative on approval of the application outlining the applicant's responsibility to contact Natural England in the unlikely instance bats are found on site. Overall the granting of Planning Permission would not constitute a breach of the Conservation (Natural Habitats, &c.) Regulations 1994

Planning Obligations

81. Saved Policy Q15 identifies that the council will seek to ensure that provision is made for artistic elements in the design of the development and where appropriate seek the provision of 1% of development costs for offsite provision. In this instance the development costs are estimated to be in the region of £650,000 which under the terms of the policy would amount to a fee of £6500. Based on the cost of other art installation projects, including procurement, design and manufacture, £6000 would not deliver any meaningful installation. In this instance officers have taken the view that should a full landscaping be submitted incorporating artistic features it would satisfy policy Q15. It is envisaged that higher quality road surfacing would be utilised, while decorative railings used to enclose private areas and imaginative planting.
82. The Local Plan through saved policy R2 requires developments of 10 or more dwelling to make a contribution to off site sporting and recreation provision. This is of particular importance in this instance given the limited amenity space associated with the 5no. Apartments which would be largely forced to rely upon existing facilities in the area. Accordingly the applicant has submitted a draft section 106 agreement for the payment of £10,000 for offsite play provision equating to £1000 per dwelling (8) and £500 per apartment (4 newly created). It is recommended that planning permission be granted subject to entering into this agreement.

Other Issues

83. Policy 35 of the RSS and PPS25 require consideration be given to issues regarding flooding particularly from surface water run off. No details have been submitted in relation to the proposed means of drainage from the site and as the proposal will increase the amount of hardstanding and potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with waste water and surface run off utilising soakaways where appropriate.
84. Planning Policy Statement 23 requires that development proposals consider the potential of contaminated land affecting development proposals, this is also replicated at a local level in policies U7 and U11 of the Local Plan. Accordingly the applicant has submitted a Contaminated Land Desk top Study, although no comments have been received from Environmental Health in relation to this, the report suggests that there is a low risk of contaminates being present that would preclude the development. However in taking a risk based approach it is considered that the standard condition in relation to land contamination is placed on the application requiring a more detailed site investigation.
85. Issues regarding land stability are also material planning considerations, however the submitted land contamination report highlights that there are unlikely to be any issues in relation to land stability. The site also lies outside Coalmining Referral Area.
86. Although the applicant has outlined sustainable energy production measures on site in order to secure this, as required by policy 38 of the RSS and wider sustainable development objectives it is recommended to attach a condition to ensure 10%

renewable energy generation is provided for the development, to details to be submitted and approved in writing.

87. An Archaeological Evaluation has been taken of the site as required by Planning Policy Statement 5, this evaluation has focused on the rear of the development site where the most substantial of the ground works are to be located. It was identified that there was no archaeological resource found at the site. The Councils Archaeological Officer agrees with the findings and methodologies of this report but suggests a watching brief condition should substantial works be proposed to the front of the site.

CONCLUSION

88. The proposed development has been considered against the above policies and is considered to have an acceptable impact on the Durham City Conservation Area and local Street Scene, while being considered an appropriate location for development. The scheme is also considered to protect the privacy and amenity of neighbouring land users while protecting highway safety. Contributions have also been secured through a section 106 agreement in relation to the provision of off site sporting and recreation facilities.
89. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval subject to entering into a S.106 agreement

RECOMMENDATION

90. That the application be **APPROVED** subject to entering into a section 106 agreement to secure the following:-

- The contribution of £10,000 for off-site play provision

And subject to the following conditions:-

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

Reason- Imposition to be required 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:-

Site Location Plan, received 7th September 2011

Proposed Site Layout, Drwg no. E/12/02 Rev F, Received 19th December 2012

Proposed Sectional Elevation, Drwg no. E/12/08 Rev A, Received 7th September 2011

Proposed Elevations, Drwg no. E/12/07 Rev B, Received 7th September 2011

Proposed Elevations, Drwg no. E/12/06, Received 7th September 2011

Proposed Floor Plans, Drwg no. E/12/05, Received 7th September 2011

Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting Durham City Conservation Area, and to accord with policies, E6, E14, E21, E22, H13, Q8, T1 and

3. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Durham City Conservation Area and in accordance with the provisions polices E6, E14, E21, E22 and Q9 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

4. Notwithstanding the submitted plans full details (including cross-sections) and materials and colour of all windows, doors and roof lights at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that windows and doors have a recess of at least 100mm from the outer face of the wall. The development shall be carried out in accordance with the approved details and shall be retained in perpetuity.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Durham City Conservation Area and character of the Listed Buildings and in accordance with the provisions polices E21, E22 and E23 of the Durham City Local Plan and Policy 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

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, the scheme shall provide and detail for:-
- The planting of trees and / or shrubs (including species, sizes, numbers and densities),
 - The provision of screen fences or walls,
 - Any 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.
 - Full details of any hard standing proposed

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 order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Durham City Conservation Area and to mitigate the loss of existing trees on site in accordance with the provisions polices E6, E14, E21, E22, Q15 and Q9 of the Durham City Local Plan and Policy 32 (Historic Environment) of the North East of England Regional Spatial Strategy

6. Notwithstanding the provisions of Class A,B,C,D,E and F of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved and any buildings, including sheds,

garages and glass houses to be erected within the curtilage of the dwellinghouse shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of the character, appearance and visual amenity of the Durham City Conservation Area and amenity of neighbouring land users, in accordance with saved policies E21, E22 and Q8 of the Durham City Local Plan and policies 8 and 32 of the Regional Spatial Strategy for the North East of England.

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

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

Reason: In the interest of the adequate disposal of surface water in accordance with Planning Policy Statement 25 and Policy 35 of the North East Regional Spatial Strategy

9. No development shall be commenced until:

a) the application site has been subjected to a detailed site investigation report for the recording and investigation of any possible contamination and has been submitted to and approved by the LPA;

b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

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

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

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

Reason: In accordance with the aims of Planning Policy Statement 23

10. No development shall commence unless in accordance with the mitigation proposed in the Arbocultural Implications Assessment, received 5th January 2010 including the

installation of tree protection measures in accordance with BS 5837 (Trees in relation to construction),

Reason: To protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with polices E14, E21, E22 and Q8 of the Durham City Local Plan and Polices 8 and 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

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

Reason - In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.

12. Notwithstanding the submitted information, prior to the commencement of the development details of a revised position of the proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store(s) shall be constructed and made available for use prior to the first occupation of the apartments herby approved.

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

13. Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment and a scheme of dust suppression shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with the approved details for the duration of the building works.

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

14. Notwithstanding the submitted information, no development shall commence until full specifications and construction details of the amended means of access and final highway layout has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Councils Highway Authority. The amended access shall provide for a minimum width of 4.5m and a curb radii of 6m while providing designation of privately owned areas. The approved highway layout and access shall be implemented on site prior to the first occupation of the dwelling and apartments herby approved.

Reason: To ensure satisfactory entry and exit from the onto the wider highway network and in the interests of highway safety in accordance with policy T1 and T10 of the Durham City Local Plan

15. No development within 20m of the public highway 'Gilesgate', including highway improvement works or service runs shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of works, investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii., Post-fieldwork methodologies for assessment and analyses.
 - iv., Report content and arrangements for dissemination, and publication proposals.
 - v., Archive preparation and deposition with recognised repositories.
 - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

Reason: To comply with policy E24 of the City of Durham Local Plan due to the sites archaeological interest and lack of investigation to the front of the property

16. Notwithstanding the submitted information, no development shall commence until scheme for the provision of onsite public art has been submitted to and improved in writing with the Local Planning Authority. The approved scheme shall be installed onsite in accordance with the approved information before the first occupation of the dwellings hereby approved.

Reason: In order to comply with policy Q15 of the Durham City Local Plan

REASONS FOR THE RECOMMENDATION

1. The proposed development has been assessed against polices E6, E14, E21, E22, H13, Q8, Q15, R2, T1 and T10 of the Durham City Local Plan and Polices 1, 2, 3, 4, 6, 7, 8, 24, 28, 29, 30, 32, 33 and 35 of the Regional Spatial Strategy for the North East of England and is considered to be acceptable, having regard to all other material considerations. In particular the key material planning considerations relating to the principle of development, layout and design, residential amenity and highway safety were considered acceptable given the attached conditions and merits of the application.
2. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval. A copy of the officers Committee Report is available on request.

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 2004
Planning Policy Statements and guidance 1, 3, 5, 9, 13, 23 and 25
Response from Highway Authority
Response from Design and Historic Environment Section
Response from the councils Archaeological Officer
Public Consultation Responses

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00025/PNT
FULL APPLICATION DESCRIPTION:	Prior approval for siting and appearance of 14.8m high monopole with 2 no. associated equipment cabinets
NAME OF APPLICANT:	Vodafone UK
ADDRESS:	Land At Broomside Lane, Belmont, Durham
ELECTORAL DIVISION:	Gilesgate Steven Pilkington Planning Officer
CASE OFFICER:	03000 263 264 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of grassed highway verge adjacent the adopted Public Highway Broomside Lane, Belmont. The site is surrounded by commercial units to the north while residential properties lie to the south across the adopted highway Broomside Lane.

The Proposal

2. In accordance with Part 24 of Town and County Planning (General Permitted Development) Order 1995, prior approval in terms of siting and appearance is sought for the erection of a 14.8m high telecommunications monopole with associated equipment cabinets. The monopole, to be shared between two networks, and equipment cabinet would be positioned against a 1.4 m high wooden boundary fence within an area of narrow highway verge adjacent a the public highway.
3. The proposed mast would measure some 0.275m in diameter with a 0.49m shroud at a height of 12.1m extending up to a maximum of 14.8m in height, containing 6no. antennas. The equipment cabinets would measure 1.8m in length by 0.75m in width with a maximum height of 1.7m. A second cabinet would measure 0.2m by 0.2m at a height of 0.8m above ground level is also proposed
4. This application is reported to Planning Committee due to its potentially controversial nature and the scheduling of planning committee limited by the need to determine within the 56 day period.

PLANNING HISTORY

5. There is no specific planning history to this site however permission was refused in 2001 for the erection of a phone mast adjacent 1 to 2 Peel Avenue Gilesgate (11/00012/PNT) and at the Travellers rest Public House on Broomside Lane (11/00185/PNT)
6. These applications were refused principally due to the residential character of the area and the visual appearance of the mast.

PLANNING POLICY

NATIONAL POLICY

7. National Planning Policy Framework (NPPF) - In July 2011 The Government published the NPPF in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
8. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
9. *Planning Policy Guidance 8: (PPG8) Telecommunications*, gives guidance on planning for telecommunications development, including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, polls and overhead wires. The PPG sets out planning policies on telecommunications, including: environmental considerations, such as mast and site sharing and design issues, health considerations and public concern; and pre-application discussions and public consultation

REGIONAL PLANNING POLICY

10. 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.
11. 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.
12. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
13. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings.

LOCAL PLAN POLICY:

14. *Saved Policy U1 Telecommunications* – Sets out that in considering applications for telecommunications equipment the council will grant planning permission where the benefits arising for the development would outweigh any environmental damage.
15. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance 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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *The Highways Authority* – Consider that the location of the mast is unlikely to have an impact on highway safety given that it is set back from the highway and does not interfere with site visibility lines or highway signage. (verbally)

INTERNAL CONSULTEE RESPONSES:

17. *Arbrocultural Officer* – Raises concerns in regards to the proximity of surrounding trees and damage caused during construction.

PUBLIC RESPONSES:

18. Neighbouring residents have been notified by individual notification letters and site notice to date three letter of objection have been received in relation to the mast's proximity to residential properties and encouraging other locations and options such as mast share. However this consultation period has yet to expire, indeed will still be open at the time of the Planning Committee Meeting. Members are therefore requested to make a determination on this application in principle and to agree that if any new material issues are raised then these be reported to the Chair and Vice Chair with officer's recommendations for their final determination on the application.

APPLICANTS STATEMENT:

19. The proposed site has been identified as the most suitable option that balances operational need of increased 3G coverage with local planning policies and national planning guidance. A number of alternative sites have been considered for different technical and environmental reasons. The vegetation adjacent the site screens the development and assimilates the mast into the landscape.

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=12/00025/PNT>

PLANNING CONSIDERATIONS AND ASSESSMENT

20. This application has been submitted in accordance with Part 24 of the General Permitted Development Order (GPDO). This procedure allows telecommunication operators to utilise permitted development rights to undertake development without formal planning permission. For certain types of development such as in this

instance; undertakers are required to inform the Local Planning Authority prior to carrying out the works. On notification the LPA are required within 56 days to advise whether their Prior Approval is required for the siting and appearance of the proposed development.

21. In this instance due to the prominent location and it is considered appropriate to require prior approval of the siting and appearance of the mast and cabinet, the applicant has been advised of this. These issues are addressed below having regard to the aforementioned planning policies.
22. Policy U1 of the Local Plan states that the Council will consider proposals for telecommunications developments favourably where the benefits arising from the proposals outweigh any environmental damage. The policy also states that regard should be had to the specific operational requirements of the operator; the significance of the proposal as part of the national network; alternative sites; shared use of equipment; and, the relationship between the equipment and its surroundings.
23. The applicants have submitted supporting technical information detailing the extent of and levels of 3G coverage in the surrounding areas as existing and as proposed. At present 3G coverage is limited in the surrounding area, largely being unavailable to the south of the proposed mast site. The erection of the proposed mast would result in significantly improved 3G coverage for the residential housing development to the south with modest improvements to the industrial estate to the north.
24. In terms of alternative sites, the applicants have provided details of sites discounted, a total of 21 alternatives. The alternative sites are largely clustered along Broomside Lane, in the vicinity of the application site and around the northern end of Dragonville Industrial Estate. However the sites around Dragonville have largely been discounted due to the location of residential properties, highway safety issues and for technical reasons. On paper it is considered that the proposed area adjacent to the industrial estate would provide for a suitable location. However as pointed out by the objectors it would be logical to set the mast inside of Broomside Industrial Estate. Consideration of this has been given by the applicant, however alternative sites in the immediate vicinity of the mast have been discounted for technical reasons or because the land owner was unwilling to agree the siting of a mast.
25. Therefore in considering the visual impact of the mast on the surrounding area and after visiting the site, it is identified that Broomside Lane provides a natural separation of the residential area of Gilesgate Moor to the South and Broomside Industrial Estate to the North. This is reinforced due to the width of the highway and the presence of highway verge which is partially lined by mature vegetation. It is therefore considered that when travelling up and down the highway the mast would not create an incongruous feature. Although the mast would project above the trees adjacent to the site they would largely screen its view and that of the proposed cabinets.
26. Views of the mast would however be visible from the residential properties to the south of the site, although this would be at a minimum distance of 56m. The mast would also be set against the vegetation and against the backdrop of the industrial estate. It is therefore considered that on balance, while the concerns of the objectors are fully appreciated, the siting and appearance of the mast in this respect is considered acceptable.
27. Concerns have been raised by the council's Arboricultural Officer with relation to the potential impact on trees which are sited directly behind the application site, with particular reference to the siting of the streetworks cabinet and any foundations

required. However in giving this issue some consideration the suitability of the site outweighs the potential impact on these trees, particularly given their maturity and their density and absence of any special protection. Furthermore, it has been identified by the applicant that there are service runs within the highway verge to which the mast would be sited. The size of the base cabinet is not likely to require any significant foundation works while the presence of the service runs indicated intrusion already below ground. It is also worth bearing in mind that the apparatus is well outside the canopy of the tree, further reducing the potential for root damage. Unfortunately the nature of this application precludes the Authority attaching conditions in relation to a construction and root protection methodology. On balance it is not considered to refuse the application on these grounds.

28. Neighbouring residents have raised concerns regarding the sighting of the mast and the potential impact on highway safety, distracting motorists and creating a hazard adjacent to the highway. However no objection has been received from the Councils Highway officer given the mast location on this highway verge set back from the carriageway further than adjacent lampposts

Other Issues

29. Concerns have been raised in relation to health grounds, however PPG8 at paragraphs 29 and 30 in particular set out that whilst health considerations can in principle be material considerations in determining applications for prior approval, whether such matters are material in a particular case is ultimately a matter for the courts, it is for the local planning authority to determine what weight to attach to such considerations in any particular case. However, the Governments firm view is that the planning system is not the place for determining health safeguards, and as such it remains the Governments responsibility to decide what measures are necessary to protect public health. If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure, as is the case here, it should not be necessary for the local planning authority to consider the matter further.
30. As an aside Members will be aware that should the application not be determined within the 56 day prior notification period then the operator automatically has deemed consent to erect the mast regardless of whether thereafter the application was then determined. This is because unlike other planning application prior approval is a procedure enshrined within the Permitted Development Order, and in effect the Local Planning Authority are commenting on permitted development.

CONCLUSION

31. The proposed development has been considered against the above policies and the siting and appearance of the mast is considered to have an acceptable impact on the visual amenity of the surrounding area, the residential amenity of neighbouring residents while safeguarding highway safety.
32. In relation to the objections received in this instance these are not considered sufficient to refuse the application given the demonstrated need for the mast and its location, offset from the residential environment.
33. There are no material considerations which indicate a decision should be otherwise and therefore it is recommended that prior approval is granted.

RECOMMENDATION

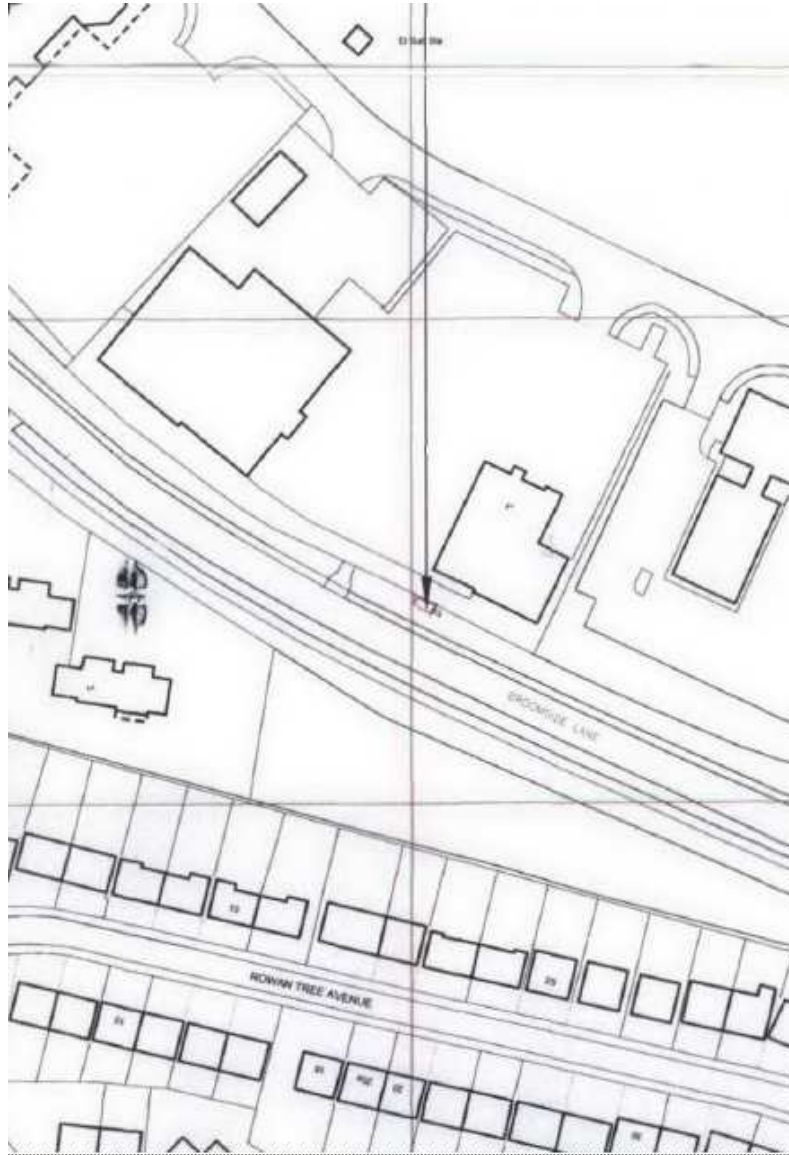
34. That prior approval be granted subject to:
1. no new material considerations being raised by the expiry of the consultation period;
 2. or should any new material objections be received by the expiry of the consultation period delegation be given to the Chair and Vice Chair to determine the application.

REASONS FOR THE RECOMMENDATION

1. The proposed development has been assessed against policies H13 and U1 of the Durham City Local Plan and Policies 1 and 8 of the Regional Spatial Strategy for the North East of England and the siting and appearance of the mast is considered to be acceptable, having regard to all other material considerations.
2. In particular the key material planning considerations with relation to the appearance of the mast on the visual amenity of the surrounding area, residential amenity and highway safety.
3. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval. A copy of the officers Committee Report is available on request.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Technical Information
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements and guidance 1 and 8
Response from Highway Authority
Response from the councils Archaeological Officer
Public Consultation Responses



Broomside Lane, Phone Mast Location
12/00025/PNT



Planning Services

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Comments

Date 7th February 2012

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	PL/5/2011/0438
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 175 DWELLINGS
NAME OF APPLICANT SITE ADDRESS	PERSIMMON HOMES LAND NORTH OF STATION ROAD & EAST OF SALTERS LANE, INCLUDING SITE OF FORMER FLEMING HOTEL & BRUNTONS GARAGE, SHOTTON
ELECTORAL DIVISION CASE OFFICER	SHOTTON Barry Gavillet 03000261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site extends to approximately 5.3 hectares and occupies land on the north side of Station Road, Shotton, County Durham. The site previously contained a petrol garage and associated buildings as well as a Public House, which have all since been demolished, this part of the site remains derelict and unsightly. The site also extends northwards into greenfield land; as a result, the site is a mix of both brownfield and greenfield land. The settlement boundary of Shotton runs through the site, and as such the site is part within and part outside of the settlement boundary. There are no specific landscape designations associated with the site.
- 2 Recent residential development exists beyond the south eastern site boundary and a disused railway line, which forms a recreational route, abuts the north eastern boundary. A linear development of traditional 'Aged Miners' Homes' abuts the western edge of the site along Salter's Lane; further residential development containing a mix of terraced and semi detached units exists to the south. Beyond the northern boundary is open countryside which is split between a tree plantation to the west and agricultural land to the east.

Proposal:

- 3 This application proposes 175 residential dwellings, 20% of which would be affordable housing in the form of social rented properties and discounted sale. Initially the application proposed 204 dwellings however this number has been reduced after negotiations with officers.
- 4 The development would comprise a mix of two, three and four bedroom dwellings and would include bungalows as part of the affordable housing offer. There would be a variety of house types, all with off street parking in the form of integral and detached garaging along with front and rear gardens. Towards the centre of the site a 'village green' space would be created and enclosed by traditional iron railings. The dwellings surrounding the village green would be 'village' housetypes with traditional features such as traditional paneled front and garage doors and canopies over the main entrances. To the front of the site, dwellings would be two and a half storeys in height in order to create a strong frontage and attractive entrance. Dwellings would be constructed of traditional brick and render with tiled roofs, boundary enclosures would be constructed of brick pillars and timber fencing.
- 5 Vehicular access into the site would be achieved directly from Station Road through the provision of a new roundabout which forms the southern site boundary.
- 6 This application is being reported to committee as it represents a major proposal.

PLANNING HISTORY

PLAN/2004/0880 – Bruntons Garage, Residential Development, Withdrawn - 2004
PLAN/2005/0106 - Bruntons Garage, Residential Development, Approved - 2005
PLAN/2008/0163 – Bruntons Garage and Fleming Hotel, 34 Dwellings, Withdrawn - 2008

PLANNING POLICY

NATIONAL POLICY:

- 7 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.
- 8 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.
- 9 Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 10 Planning Policy Guidance 13's (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.

- 11 Planning Policy Guidance 17 (PPG17) sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.
- 12 The emerging National Planning Policy Framework (NPPF), currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

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>

REGIONAL PLAN POLICY

- 13 *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.*
- 14 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 by making Orders under Section 109 of the Localism Act 2011. Both the RSS and the stated intention to make the necessary Orders are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant.
- 15 Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
- 16 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.
- 17 Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
- 18 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.

- 19 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.
- 20 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.
- 21 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.
- 22 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.
- 23 Policy 33 - Seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species
- 24 Policy 38 - Sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

District of Easington Local Plan

- 25 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.
- 26 Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
- 27 Policy 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.
- 28 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.
- 29 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

- 30 Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
- 31 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

STATUTORY RESPONSES:

- 32 Highways Agency – no objections
- 33 Natural England – no objections
- 34 Northumbrian Water – no objections
- 35 Durham Constabulary – no objections. Informal advice offered

INTERNAL CONSULTEE RESPONSES:

- 36 Highways Officer – no objections. Layout amended as a result of highways comments and conditions required regarding traffic calming measures.
- 37 Design Officer – no objections. Advice offered relating to layout and design of scheme.
- 38 Landscape Officer – no objections. Advice offered relating to landscaping scheme.
- 39 Tree Officer – no objections. Condition suggested in order to protect existing trees during construction.
- 40 Archaeology Officer – no objections subject to trial trenches and recording scheme being carried out.
- 41 Planning Policy – no objections. Benefits of the scheme outweigh any policy concerns
- 42 Environmental Health – no objections. Conditions suggested relating to construction hours. Initial concerns related to aircraft noise from the nearby airfield, however it has not been necessary to carry out further works in this regard as it is not an issue which only relates to this site. Moreover, noise levels would be acceptable with regard to Planning Policy Statement 24 – Planning and Noise.
- 43 Ecology Officer – no objections subject to appropriate mitigation and off site ecological works being carried out

PUBLIC RESPONSES:

- 44 The application has been advertised by way of press notice, site notice and letters to individual occupiers.
- 45 Twelve letters have been received from members of the public, 8 objections, 2 letters of support and 2 letters with general comments.
- 46 The main reasons for objection are an increase in vehicular traffic, the scale of the development, the lack of facilities in the village, an adverse impact on wildlife, potential problems with flooding and that the development would lead to a decrease in house prices.

APPLICANTS STATEMENT:

- 47 This development offers the opportunity to create a new sustainable residential development within Shotton Colliery. The proposals for 175 units across a mix of two, three and four bedroom properties including 20% affordable housing provides an excellent range and choice of dwellings to satisfy local need not only in the immediate locality but also the wider County Durham area.
- 48 We have engaged with the Council throughout the planning process and are satisfied that the scale and form of development, as well the proposed housing mix is appropriate within this locality. The proposals will redevelop a part brownfield and part greenfield site on the edge of the settlement, creating a new, attractive residential development for the town.
- 49 The site is highly sustainable in relation to local amenity with open space and recreational facilities, health care services and local schools within close proximity of the development. Furthermore, existing public transport routes directly adjacent to the site entrance provide frequent services to key retail and employment opportunities within Shotton town centre and the neighbouring settlements. The investment opportunity associated with new development will help sustain and retain existing services within Shotton Colliery.
- 50 Public consultation on the proposed plans was overwhelmingly positive, with a high majority of local support for the scheme who welcomed not only the provision of new housing within the locality, but also the potential for wider investment benefits for Shotton.
- 51 Finally, the impacts of development have been mitigated in a comprehensive planning gain package including improvements to local infrastructure, education facilities, off-site sports provision, funds for the refurbishment of Shotton Colliery Community Centre as well as procuring 20% on site affordable housing amounting to 35 new affordable homes for Shotton. Collectively, the planning gain package is in excess of £2 million which will help integrate the development into the community.

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=116238>

PLANNING CONSIDERATION AND ASSESSMENT

52 The main planning considerations relating to this application are the relevant planning policies, affordable housing, design and layout of development, highways issues, community benefits, other issues and consultation responses.

Planning Policy

53 From a planning policy perspective, it is considered that the key issues in relation to this application are:

- a) the extent to which the proposed development accords with the development plan for the area;
- b) the extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3: *Housing* (PPS3), with particular regard towards delivering:
 - (i) high quality housing that is well-designed and built to a high standard;
 - (ii) a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;
 - (iii) a sufficient quantity of housing taking into account need and demand and seeking to improve choice;
 - (iv) housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;
 - (v) a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate; and,
- c) Availability and suitability of any sequentially preferable sites in the same locality; and,
- d) Whether the site should be released for housing development, having regard to the housing land supply situation in the former Easington area.

54 For the purposes of clarity the application site can be considered in two parts, the smaller area which fronts onto Station Road and which is enclosed by the northern settlement boundary is previously-developed land and comprises an area of hard-standing following the demolition of the Fleming Hotel. The development of this portion of the application site for housing is relatively straightforward as it accords with saved Policy 67 (Windfalls) of the local plan on account that the site comprises a previously developed site within the settlement boundary of Shotton.

- 55 The larger area, shown without any designation in the local plan, is greenfield land and lies beyond the settlement boundary. This element of the application must be considered as development in the countryside, in terms of saved Policy 3. This states that “Other than specifically allowed for by other policies, development in the countryside will not be approved”.
- 56 Taking this into consideration, it is clear that there is a significant proportion of this proposal which is in conflict with the Easington Local Plan element of the development plan. Consequently, for this application to be considered favourably in its entirety there will need to be other material considerations which override the normal presumption against development outside of the settlement envelope.

Compliance with the Regional Spatial Strategy (RSS)

- 57 The RSS remains part of the development plan for the time being following the CALA Homes High Court decision. The Government had argued that the High Court decision changed little, and that its intention to revoke them was a material consideration which LPA’s needed to take account of. The court of appeal has added further clarity by declaring that the proposed abolition of the strategies is not a material consideration in plan-making. It said the intention must be viewed in the context of both the Localism Bill (now Act) and the need to undertake strategic environmental assessment of the effects of revoking the strategies. It held that significant weight could only be attached to the intention in exceptional cases and, even then, very clear and cogent reasons for doing so should be given. In view of this, it is clear that the RSS remains a key component of the development plan and should be afforded significant weight in the determination of this application.
- 58 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.
- 59 The locational strategy for the north east 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.
- 60 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.
- 61 As part of the on-going production of ‘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 Shotton is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities, and developing housing within the settlement would be sustainable development.

- 62 Secondary settlements are going to be a focus for significant development over the plan period. The 'Policy Directions' version of the County Durham Plan (May 2011) sets out the Council's proposal for 350 net new dwellings to be developed in Shotton up to 2030. This application proposal for 175 dwellings represents a significant proportion of the proposed housing allocation for Shotton. In view of this, careful consideration needs to be given as to whether there are any sequentially preferable sites located within the settlement boundary which should be brought forward for development before this site.

Sequential Approach

- 63 In identifying land for development, LPA's 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. A phasing approach to development should be adopted (Policy 5), with sites released in accordance with the sequential approach.
- 64 Whilst these policies are primarily aimed at plan-making, these 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.

Alternative Sites

- 65 The SHLAA for County Durham identifies one other 'Suitable' site within Shotton. This site at Windsor Place has in part been developed out, the remainder of the site was subject to a formal planning application in 2008 (PLAN/5/2008/0082). The SHLAA indicates this site has a capacity of around 86 units. Whilst it could be argued that granting permission to the application site could undermine the prospect of this allocated site (within the settlement boundary) from coming forward for development, it is necessary to consider whether that site is actually deliverable in the short-term. It is a Council owned site which is programmed for disposal in 2012/13. Taking this into consideration it is unlikely to be in a position to deliver housing until 2013/14 at the earliest, so whilst this site may be better located than the application site, it is not in a position to make a tangible short-term impact on housing delivery.
- 66 Having established the above position regarding alternative sites, it is considered that the release of this site in advance of the production of the County Durham Plan will not compromise the ability to make real choices in the refinement of the plan. To elaborate, whilst 175 units accounts for 50% of the proposed housing allocation for Shotton (Policy Directions Paper, May 2011), given how there are issues regarding the short-term deliverability of alternative SHLAA sites within the settlement, it is not considered that the release of this site now will impede the Council as it develops its preferred options as to where new housing will go throughout the County. In addition, it is important to remember that the housing targets in the Plan will be floor targets, rather than ceilings.

Compliance with PPS3: Housing - 5 year housing land supply

- 67 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 (Para 36).
- 68 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 the Government has completed a strategic environmental assessment of the effects of revoking the strategies.
- 69 The RSS requires the (former) Easington District to provide 4,015 net new dwellings from 2004–2021 at an average of 235 units per annum (370 for the period 2004-11, 215 for 2011-16 and 70 for 2016-21). This figure should be treated as a floor target, so represents the minimum number of dwellings which must be provided.
- 70 During the first 7 years of the RSS period (2004 - 2011) there were 2,102 (net) new dwellings completed in the Easington area. This represents a cumulative shortfall of 488 dwellings against the RSS target for that period (2,590 dwellings). It is important to point out that this performance is influenced by 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.
- 71 The undersupply over the first 7 years of the RSS has to be added to the target for the next 5-years. Therefore the revised 5 year land supply requirement for the Easington area is as follows:
- RSS requirement 2011 - 2016 is 1,075 dwellings
 - Shortfall from 2004 - 11 against RSS requirement of 2,590 dwellings is 488 dwellings
 - Revised 5-year housing requirement for 2011 – 2016 is 1,563 dwellings
- 72 The County Durham SHLAA indicates that 1,229 dwellings could potentially be built in the next 5 years (2011 – 2016) within the Easington area. This is 334 dwellings fewer than the revised 5-year target requires. Consequently the Easington area fails to meet its 5 year housing supply, as required by PPS3 (para 54). It is important to clarify that the figure of 1,229 dwellings includes 40 units from the application site. Whilst the SHLAA trajectory is not definitive and does not specify when a scheme will come forward for development, it is apparent that releasing this land now will enable this scheme to make a more telling contribution towards delivering housing units in the next 5 years.

73 Paragraph 71 of PPS3 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*”. Para 69 of PPS3 advises that in deciding planning applications, LPAs should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

74 Assessing this proposal against the above criteria, it is considered that permitting housing on this land would deliver housing which is both high quality, and of a good mix meeting the requirements of all sectors of the community. For example bungalows are provided for the elderly, and family housing with rear gardens will be delivered. The scheme comprises an efficient use of land, and it is considered acceptable to deliver this level of housing within a village identified as a secondary settlement within the Council’s settlement study. Whilst another site within the settlement has been identified, it is clear that it will not become available for a number of years, and unlikely to deliver units in the short-term.

Draft National Planning Policy Framework (NPPF)

75 The NPPF represents a fundamental reassessment of both the overall direction and the detail of the planning system in England, intended to support economic recovery and play a key role in delivering the government’s localism agenda. The draft NPPF is the outcome of a review of planning policy, designed to consolidate policy statements, circulars and guidance documents into a single concise Framework. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible.

76 At the heart of the new system is a new ‘presumption in favour of sustainable development’. The Framework requires proposals for ‘sustainable development’ to be approved “unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits”. Since the NPPF was issued for consultation, there have been numerous applications called-in by the Secretary of State (SoS) for determination. Tellingly all decision letters have advised that: “*The Government published a consultation draft National Planning Policy Framework on 25 July 2011. Whilst the SoS has had regard to this document in his determination of this case, as it is for consultation and is subject to change, he has given it little weight*”.

77 It is important to clarify that these comments have been prepared in the context of the draft NPPF, however, given the statement by the SoS, the weight to be attached to it needs to be qualified accordingly. The emerging County Durham Plan recognises the need to make available land that is genuinely attractive to the development industry, that will help to generate growth in our underperforming economy and that gives the opportunity to generate appropriate Community Infrastructure Levy (CIL). As such the plan proposes new development in the most buoyant towns in the County, with green belt releases and positive encouragement of appropriate housing types. This approach was adopted prior to the Government launching the Localism initiative and as such Officers fully embrace the emerging planning approach. Officers positive approach to delivering growth in the County must be balanced against the requirement to deliver sustainable mixed communities in the right locations, and schemes which deliver a full raft of community benefits. Schemes which are approved in advance of the Council introducing a CIL charging schedule must be expected to deliver the same level of community benefits as those which will contribute to a CIL. This scheme proposes a raft of community benefits which can be summarised as follows:

- On site affordable housing
- Contribution towards off site recreation space;
- Contribution towards a refurbishment of the community centre;
- Contribution towards shop front improvements; and,
- Contribution towards a school classroom extension.

78 It is considered that these represent significant benefits which can be afforded significant weight in the determination of this application, and that this scheme broadly accords with the draft NPPF.

Affordable Housing

79 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.

80 The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 20% affordable housing across the former Easington area (on sites of 15 or more dwellings), while PPS3 (Para 29) makes plain the importance of the SHMA in setting targets. The SHMA therefore provides the justification for seeking 20% affordable housing provision on this unallocated site..

81 The applicant has agreed to provide 20% affordable housing as part of its scheme, with a split of 50:50 between social rented and intermediate housing. Whilst this represents a deviation from the recommendations within the SHMA (which advocates 80% social rented and 20% intermediate housing), it is, after all only a starting point for negotiations and Housing Strategy Officers have confirmed that they are satisfied with this proposal in light of the wider benefits brought about through the delivery of affordable housing. In view of this, it is considered that the contribution this scheme will make toward meeting the housing needs of all sectors

of the community should be afforded significant weight in the determination of this application.

Design and layout of development

- 82 The proposed dwellings are all of traditional brick and tile construction, with vertical emphasis fenestration and feature window sills and heads, all with private rear garden areas and off-street parking. A condition to require a detailed schedule of bricks and tiles to be used on the development should be imposed to ensure these are suitable and take account of the materials in the locality. Details of acceptable boundary and plot-division fences form part of the application and thus a condition is not required to control these details, however, in order to ensure that the development retains its open plan appearance, permitted development rights should be removed to ensure no boundary enclosures are erected to the fronts of properties.
- 83 At the detailed level, the houses will be simple in form and appropriate in scale, with detailing drawn from the local context and vernacular. There is widespread use of brick within the immediate locality; accordingly the main walling materials should be brick and render, and colours and textures would be chosen to reflect these characteristics. However individual dwellings will incorporate additional features or contrasting materials to create focal points. For example, the dwellings surrounding the village green would be 'village' housetypes with traditional features such as traditional paneled front and garage doors, canopies over the main entrances and the use of traditional iron railings.
- 84 The development site is both brownfield and greenfield in nature, the southern portion of the site previously contained a petrol garage and associated buildings as well as a Public House which have since been demolished. As a result, there are no existing on site buildings or structures which would restrict the layout of the development, furthermore, the site is not restricted by topography. Consequently, this has allowed for the formulation of an attractive, coherent development.
- 85 The main vehicular arterial route through the development has been designed to maximise residential accessibility. Neighbourhood streets are fed from the distributor road into residential areas containing shared surfaces as well as private drives for dwelling access. Neighbourhood streets would primarily link together the residential areas feeding into shared surface areas and private drives to provide access to housing units.
- 86 The creation of a 'village green' concept within the centre of the site would create a significant new public space which would provide the focal point of the development. Residential 'village' housetypes would front onto the open space accessed via private drives to create an attractive streetscene. Furthermore, these dwellings would be positioned to ensure maximum natural surveillance of this area.
- 87 This form of development in terms of scale, design and layout is considered to be entirely appropriate for this particular location. Furthermore, permitted development rights for the site would also be removed in order to ensure that the development retains its open plan appearance and the appropriate level of off-street parking is retained.

Highways issues

- 88 Both the Highways Agency and the Council's Highways Officers have been consulted due to the scale of the development and the potential for the development to impact on both the A19 and the local highway network.
- 89 The Highways Agency have assessed the impact of the proposals on the A19 and have concluded that the increase in traffic at junctions from the A19 is lower than the threshold which would cause concerns, therefore the Highways Agency have no objections to the proposals.
- 90 The Highways Officers have assessed the proposals in terms of the local highway network and parking provision within the proposed development. Amendments to the layout plans have been made in accordance with requirements from the Highways Officer and therefore there are no objections raised. However, conditions are required which ensure that traffic calming measures are implemented within the site and speed limit signage along the B1280 and the C15 roads is erected to ensure highway safety. In addition, the parking provision within the proposed development has been deemed acceptable. In order to ensure that this level of off-street parking provision is retained, another condition should be used to ensure that the garages within the development are not subsequently converted into living accommodation.

Community benefits

- 91 The principles of a Section 106 legal agreement have been agreed with the applicant in order to offset the impacts of the proposals on the local community. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. The applicant has agreed to make a number of contributions towards local facilities and community infrastructure as follows:
- A financial contribution toward off site recreation space of £500 per dwelling.
 - A financial contribution toward the refurbishment and extension of the local community centre.
 - A financial contribution toward the extension or addition of local school classrooms.
 - A financial contribution toward shop front enhancement schemes within Shotton Centre. In lieu of on site retail which was not considered a viable or appropriate alternative by Officers or the applicant.
 - A contribution toward ecological enhancements to the adjacent Hart to Haswell Local Wildlife Site.
- 92 The formula for these financial contributions would be based upon the increase in the population of Shotton as a result of the development. For example, if the development results in a 14% increase in the population of Shotton, then 14% of the total cost of the community centre works would be provided.
- 93 In addition to the above it is considered that the 20% affordable housing offer on site, including bungalows, would be of significant benefit to the local community.

Other issues

- 94 During the application process Archaeology Officers recommended that the applicant submitted a report to show that the archaeological potential had been assessed prior

to the application being determined. The applicants undertook this report and the results showed a potential for prehistoric archaeology. As such, the Archaeology Officers have no objections to the proposals subject to conditions requiring trial trenching taking place during the development along with the recording of any finds for historic records.

- 95 Ecology Officers have confirmed that the submitted ecology survey adequately assesses the area in respect of protected species and habitats and that it is sufficient to inform the application. However, conditions have been requested which would mitigate the loss of any ecological habitats. This would include retention of hedgerows and landscape planting. In addition it has been requested that the developer funds some additional habitat improvement works along the adjacent Hart to Haswell Local Wildlife Site in part compensation for the loss of the meadow. The developer has agreed to these proposals.

Consultation responses

- 96 With regard to consultation responses from members of the public, it is not considered that the issues raised would warrant refusal of planning permission. Issues such as traffic generation, the scale of development, ecology and flooding have all been assessed by the relevant officers and external consultees who have concluded that these issues are all acceptable, subject to certain conditions being imposed. The issue relating to a decrease in house prices is not a material planning consideration which would have any weight in the determination of any planning application.

CONCLUSION

- 97 It is considered that the contribution the proposed scheme would make to addressing the housing supply in the (former) Easington area is a significant factor in favour of the application. Whilst another site in Shotton has been identified within the SHLAA, it is not considered that it is deliverable in the short-term. It is also considered that the current application site's release will not undermine the integrity of the emerging plan as it is developed. It is therefore considered that the proposal accords with the objectives in PPS3 and RSS policies 4, 6, 10 & 29 to locate housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The proposal will help ensure the creation of sustainable communities, and development which meets the housing needs of all sectors of the community. In addition the benefits to the community in terms of affordable housing, contributions towards recreation facilities, shop front enhancements, community centre improvements, education and ecology are all significant benefits for the residents of Shotton.

RECOMMENDATION

- 98 That the application be **APPROVED** subject to the applicant entering into a Section 106 legal agreement and 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 References; Location Plan ref SS-000, Layout Plan ref SS-0001 rev D, Landscaping Plan ref C-786-01 Revision A, Typical Single and Double Garage Details ref SGD-01 rev B, Bungalow 2B3P-WD01,Chedworth CD-WD01, Cherryburn CY-WD01, Crathorne CR-WD01, Hanbury HB-WD01, Hatfield HT-WD01, The Moulton ML-WD01, Roseberry RS-WD01, Rufford RF-WD01, Souter SU-WD01, Winster WS-WD01, Souter (village) SU-WD05, Winster (village) WS-WD06, Chedworth (village) CD-WD06, Cherryburn (village) CY-WD06, Roseberry (village) RS-WD06, Hanbury (village) HB-WD06, The Moulton (village) ML-WD06, Crathorne (village) CR-WD06

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 (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected beyond the forwardmost wall of any dwelling that fronts onto a highway.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

4. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with 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.
 - d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
 - e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority

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. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO₂ reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

8. Construction works or deliveries shall not take place outside the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 13.30 on Saturdays and not at all on Sundays or Bank Holidays.

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.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with a tree constraints plan in accordance with BS.5837:2005 to be submitted and approved in writing by the Local Planning Authority.
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.
10. No dwellings shall be occupied until a travel plan has been submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to encourage sustainable means of travel in accordance with Planning Policy Guidance note 13 - Transport and saved policy 36 of the District of Easington Local Plan.
11. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
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.
12. Notwithstanding the provisions of the Town and country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the proposed garaging facilities shall at all times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
13. Prior to the occupation of the first dwellinghouse a traffic calming scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented on completion of the surface course to the carriageways within the development.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
14. Prior to the occupation of the first dwellinghouse a scheme showing traffic calming features on the B1280 Salters Lane and the C15 complete with supporting speed limit signage on the B1280 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented no later than the occupation of the 50th dwelling within the development.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with the approved strategy,
 - ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
 - iii) Measures to ensure the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
 - iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
 - v) notification in writing to the County Durham Archaeology Section of the commencement of archaeological works and the opportunity to monitor such works.
 - vi) Post-fieldwork methodologies for assessment and analyses.
 - vii) Report content and arrangements for dissemination, and publication proposals.
 - viii) Archive preparation and deposition with recognised repositories.
 - ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications. The development shall then be carried out in full accordance with the approved details.

Reason: To comply with PPS5 as the site is deemed to be of archaeological interest.

16. Prior to the first dwellinghouse being occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within 6 months of the date of completion of the development hereby approved by this permission

Reason: To comply with policy PPS5 to make the information as widely accessible to the public as possible.

17. No development shall take place unless in accordance with the mitigation detailed within section D4 of the protected species report "An extended phase 1 and protected species survey of land off Salters Lane, Shotton Colliery" by E3 Ecology Ltd, received on 13th October 2011.

Reason: To conserve protected species and their habitat in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
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DISTRICT OF EASINGTON LOCAL PLAN

DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE
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ENV03 - Protection of the Countryside
ENV17 - Identification and Protection of Wildlife Corridors
GEN01 - General Principles of Development
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites
PPG13 - Transport
PPG17 - Planning for Open Space, Sport and Recreation
PPS3 - Housing
PPS7 - Sustainable Development in Rural Areas
Policy 1 - (North East Renaissance)
Policy 2 - (Sustainable Development)
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)
Policy 33 - (Biodiversity and Geodiversity)
Policy 38 - (Sustainable Construction)
Policy 4 - (Sequential Approach)
Policy 6 - (Locational Strategy)
Policy 7 - (Connectivity and Accessibility)
Policy 8 - (Protecting and Enhancing the Environment)

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, residential amenity, highway safety, ecology, archaeology, drainage and other environmental issues.
3. Objections to the proposals were not considered sufficient to warrant refusal of planning permission.

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
- Draft NPPF
- Consultation Responses



Planning Services

Proposed **RESIDENTIAL DEVELOPMENT**
COMPRISING 175 DWELLINGS at LAND
 NORTH OF STATION ROAD & EAST OF
 SALTERS LANE, INCLUDING SITE OF
 FORMER FLEMING HOTEL & BRUNTONS
 GARAGE, SHOTTON PL/5/2011/0438

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Comments

Date 2 August 2011

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	PL/5/2011/0473
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 (RESUBMISSION)
NAME OF APPLICANT SITE ADDRESS	DURHAM COUNTY COUNCIL HAWTHORN INDUSTRIAL ESTATE, MURTON
ELECTORAL DIVISION CASE OFFICER	MURTON Barry Gavillet 03000261958 barry.gavillet@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

PL/5/2011/0325 – 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 - Withdrawn

PLANNING POLICY

NATIONAL POLICY:

- 7 Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 8 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.
- 9 The emerging National Planning Policy Framework (NPPF), currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

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>

REGIONAL PLAN POLICY:

- 10 *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.

- 11 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 weight can now be attached to this intention.
- 12 Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 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.

- 21 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.

LOCAL PLAN POLICY:

District of Easington Local Plan

- 22 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.
- 23 Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
- 24 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.
- 25 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.
- 26 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.
- 27 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

STATUTORY RESPONSES:

- 28 Highways Agency – no objections to suggested conditions

INTERNAL CONSULTEE RESPONSES:

- 29 Highways Officer - no objections to suggested conditions

PUBLIC RESPONSES:

- 30 The application has been advertised by way of site notice, press notice and letters to surrounding occupiers.
- 31 One letter has been received on behalf of Dalton Park who operate the factory outlet shopping centre to the north. They were initially concerned that the northbound slip road onto the A19 had not been assessed. However, they are now satisfied that the wording of the new conditions is acceptable.

APPLICANTS STATEMENT:

- 32 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.
- 33 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 not 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.
- 34 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=116628>

PLANNING CONSIDERATION AND ASSESSMENT

- 35 As this application seeks to vary a condition relating to the timing of highways improvement works, the only planning considerations are the highways issues.
- 36 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.

Highways Issues

- 37 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.
- 38 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.
- 39 Both the Highways Agency and the Council's Highways Officer agree that this variation of the original condition is acceptable.

CONCLUSION

- 40 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.
- 41 The variation of the condition requiring highways improvement works will give more flexibility to enable the applicant to carry out the works when the current financial climate improves and work begins on site.

RECOMMENDATION

- 42 That the application be **APPROVED** subject to the following 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. The following levels of development shall not be exceeded until such time as the highway works shown on the Jacobs Babbie drawing number 10780/P/T/01 Rev B are constructed and open to traffic to the satisfaction of the Local Planning Authority in consultation with the Highways Agency, to ensure the satisfactory operation of the A19/A182/B1285 junction.
Maximum permissible levels of development:
 - 10,567 m2 Gross Floor Area [GFA] of Use Class B1; with
 - 33,852 m2 GFA of Use Classes B2/B8.
 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. Prior to the first occupation of any building on the Hawthorn Industrial Estate (former Hawthorn Colliery Site) the highway works shown on the Jacobs Babbie drawing number 10780/P/T/02 Rev A are to be constructed and open to traffic to the satisfaction of the Local Planning Authority.
Reason: To ensure the satisfactory operation of the B1285/A19 Northbound Merge junction.

REASONS FOR THE RECOMMENDATION

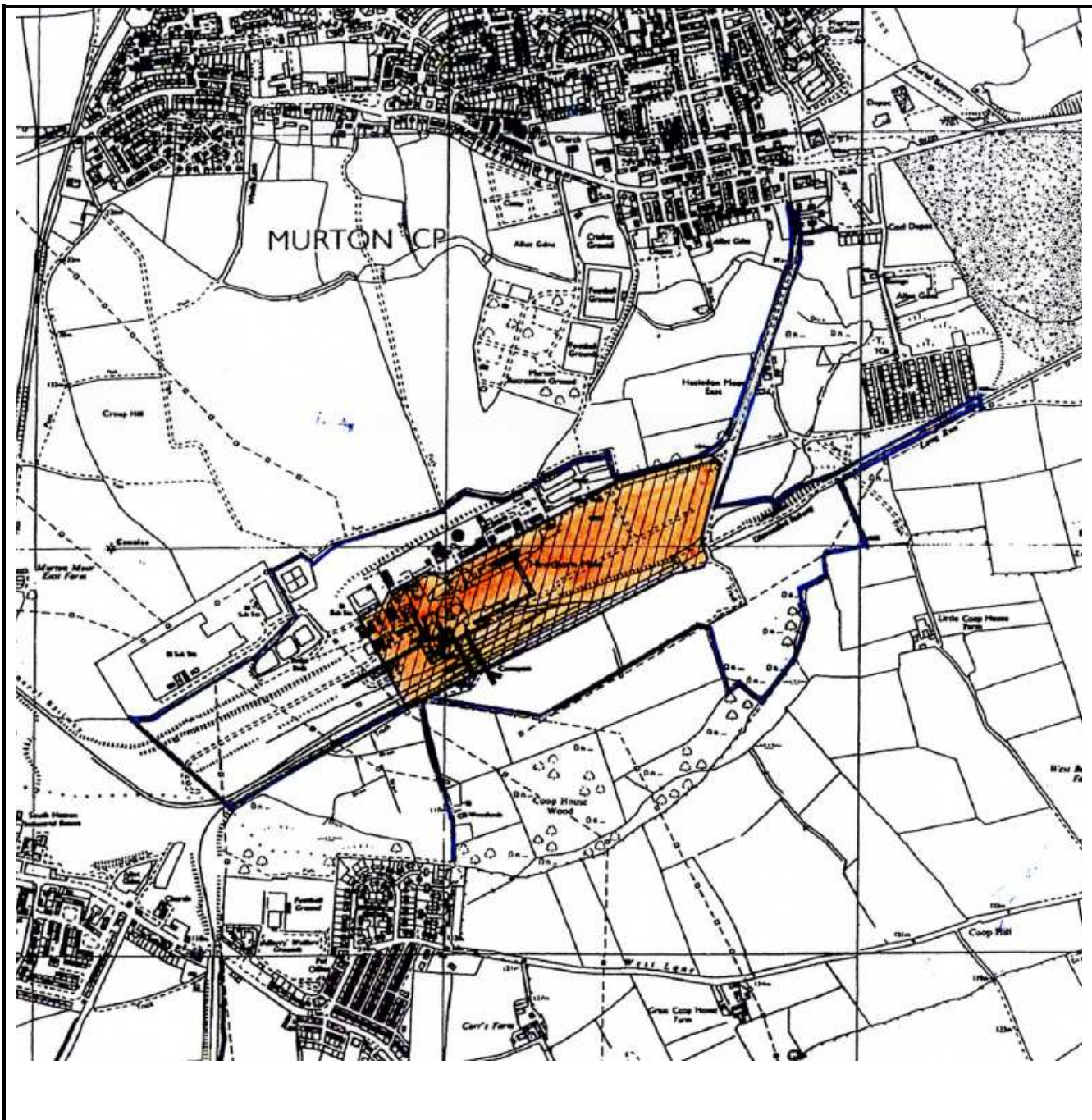
1. The development was considered acceptable having regard to the following development plan policies:

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
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)
DISTRICT OF EASINGTON LOCAL PLAN	TAC74 - Footpaths and other public rights of way

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
- Consultation Responses



Planning Services

Proposed **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 (RESUBMISSION) at HAWTHORN INDUSTRIAL ESTATE, MURTON PL/5/2011/0473**

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Comments

Date 7 February 2012

Scale

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Planning Services

COMMITTEE REPORT**APPEAL UPDATE****Appeal by Mr J Collard and Ms E Jameson
Site at Plot 2 Littlethorpe Farm, Littlethorpe, Easington, SR8 3UD
Planning Reference PL/5/2011/0208**

An appeal was lodged against the Council's refusal for the erection of a detached dwelling and private garage at the above site.

The Inspectorate considered that the proposed dwelling by reason of its design and external materials would not reflect the character or appearance of approved buildings, resulting in an unduly prominent and incongruous development that would be out of character with the development as a whole.

The appeal was therefore dismissed.

Recommendation:

That the report be noted.

**Appeal by Wilbury Developments Ltd
Site at Fernhill, Crossgate Moor, Durham
Planning Reference- 4/11/00535/FPA**

An appeal was lodged against the Council's refusal of the erection of three detached dwellings with attached garages.

The Authority considered that the proposed dwellings constituted inappropriate development in the green belt which was not outweighed by other considerations that would amount to the very special circumstances necessary to justify the development.

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that the harm by reason of inappropriateness, the adverse effect on the openness of the green belt and the conflict with policies which seek to limit new housing in sites within settlement boundaries and avoid such development in the countryside would not clearly be outweighed by other considerations. Very special circumstances to justify inappropriate development within the green belt did not therefore exist. The proposed development would therefore conflict with PPG2 and Policies E1, E7 and H5 of the Local Plan.

The appeal was therefore dismissed.

Recommendation:

That the decision be noted.

**Appeal by Mr Roger Lindley
5 North Side, Shadforth, Durham, County Durham, DH6 1LJ
Planning Reference- 4/11/00315/FPA**

An appeal was lodged against the Council's refusal of an application for the demolition of an existing double garage and erection of two storey detached dwelling with associated garage and detached garage for existing dwelling on land to the rear of 5 North Side, Shadforth.

The Local Planning Authority considered that the proposed dwelling constituted residential development on a parcel of greenfield land in the countryside without any adequate demonstration of exceptional circumstances for the development. In addition objection was raised on the grounds of the submission of an inadequate flood risk assessment.

The appeal was dealt with via written representations. The Planning Inspector considered that following the submission of additional information the matters of flood risk were resolved. However, the inspector considered that the location of the development was unacceptable representing an encroachment into the countryside which could set a precedent for other developments. Shadforth was considered by the inspector to be a small village with limited facilities. The development was considered to cause substantial harm to local and national spatial planning policies which seek to guide development to sustainable locations and to protect the countryside.

The appeal was therefore dismissed.

Recommendation:

That the decision be noted.