



## Area Planning Committee (Central and East Durham)

**Date** Tuesday 10 April 2012  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Minutes of the Last Meeting held on 13 March 2012 (Pages 1 - 4)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central and East Durham)
  - a) 4/11/00993/FPA - Former Durham Johnston Annex, Redhills Lane, Durham (Pages 5 - 30)  
Erection of 14 no. dwellings along with associated access, roadways, parking and landscaping
  - b) 4/12/00179/FPA - Land at Stoneacre Garage, Sawmills Lane, Brandon (Pages 31 - 42)  
Use of land for car sales, car storage, and staff and customer parking
  - c) PL/5/2011/0469 - Land opposite Moor View and adjacent Ashford Grove, Thornley (Pages 43 - 52)  
Residential development comprising of 10 no. dwellinghouses
  - d) PL/5/2011/0494 - Land adjacent to Gore Hall Farm, Thornley (Pages 53 - 64)  
Outline application for residential development of 14 semi-detached/terraced dwellings
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham

29 March 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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**Contact: Jill Errington**

**Tel: 0191 370 6250**

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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 The Glebe Centre, Murton on **Tuesday 13 March 2012 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chair)**

**Members of the Committee:**

Councillors A Bell, J Blakey, G Bleasdale, P Charlton, S Iveson, R Liddle, J Moran and A Naylor (substitute for A Laing)

**Apologies:**

Apologies for absence were received from Councillors C Walker, J Bailey, J Brown, A Laing, J Robinson, K Thompson and B Wilson

**Also Present:**

A Dobie – Principal Planning Officer (Easington Area)

J Taylor – Principal Planning Officer (Durham Area)

N Carter – Legal Officer

A Glenwright – Highways Officer

**1 Minutes of the Last Meeting held on 7 February 2012**

The minutes of the meeting held on 7 February 2012 were confirmed as a correct record and were signed by the Chair.

**2 Declarations of Interest, if any**

There were no declarations of interest submitted.

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

**3a PL/5/2011/0354 - 5 Palmer Road, Peterlee, SR8 2HU  
Light Industrial Commercial Development Comprising of 37 Individual Units.**

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

The Principal Planning Officer gave a detailed presentation which included photographs of the site and advised Members of additional conditions proposed.

In response to a question the Principal Planning Officer advised that the units were for industrial use only in accordance with B1, B2 and B8 classes. Any other use would require a separate planning application for change of use.

## **RESOLVED**

That the application be approved subject to the conditions outlined in the report and to the following additional conditions:-

- '12. 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.
13. Prior to the development hereby approved being brought into use, a Travel Plan Co-ordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority. Within 6 months of occupation of 19 of the units hereby approved a final Travel Plan, conforming to the National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority and the approved final Travel Plan shall thereafter be implemented.'

### **3b PL5/2011/0421 - Blackhall Working Mens Club, Cemetery Road, Blackhall, TS27 4JG Erection of 11 No. Dwellings and Associated Works**

Consideration was given to the report of the Principal Planning Officer (Easington 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 were advised of a proposed amendment to condition 10.

## **RESOLVED**

That the application be approved subject to the applicant entering into a Section 106 agreement securing a financial payment in lieu of on site open space provision, and subject to the conditions outlined in the report, with the following amendment to condition 10:-

- '10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) located in Block A as identified on the submitted plans without the grant of further specific planning permission from the Local Planning Authority.'

**3c 4/11/00823/FPA - Former Ushaw Moor County Infants School, Temperance Terrace, Ushaw Moor, Durham, DH7 7PQ  
Erection of 29 No. Dwellings, Formation of Access and Associated Works**

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.

Councillor J Wilkinson, local Member addressed the Committee in support of the application. He welcomed the proposal to re-use previously developed land which had become an eyesore in Ushaw Moor following demolition of the school. The development would provide home ownership opportunities for families on relatively low incomes. The design of the properties would assimilate into the surrounding area and it was pleasing to note that the old Victorian wall was to be retained. The site was next to a main bus route into Durham City and was close to local facilities. The proposals would contribute towards the regeneration of Ushaw Moor.

Mr E Alder, the applicant stated that Gleeson Homes specialised in the regeneration of former colliery areas and their aim was to create sustainable communities. In response to a comment from a Member he confirmed that improvement works would be carried out to the wall and railings. The developers employed local people where possible and offered apprenticeships. They had worked closely with the Local Planning Authority in drafting the scheme and thanked Planning Officers for their professionalism.

In discussing the application reference was made to the separation distances between the northernmost properties on the site and those on Temperance Terrace. The Principal Planning Officer acknowledged that the separation distances were less than 21m as recommended in Policy Q8 of the Local Plan, however the area predominantly consisted of terraced houses which were densely arranged and closely positioned from one another. The separation distance between some of the existing properties was significantly less than between the proposed new dwellings and Temperance Terrace.

**RESOLVED**

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

- (i) the payment of a commuted sum for the provision or improvement of amenity space/play space equipment of £29,000;
- (ii) the payment of a commuted sum towards the provision of public art works of £8,551.

#### **4 Decision Update - Easington Area Office**

##### **PL/5/2011/0443 – Residential Development (outline) (resubmission) Land at Seaton Nurseries, Seaton Village**

Consideration was given to the report of the Principal Planning Officer (Easington Area) which provided an update in relation to the application for residential development at Seaton Nurseries, Seaton Village considered by the Committee on 12 January 2012.

The application had been approved subject to the ecology surveys being acceptable and that conditions be reported back to the Committee.

An updated ecology survey had been submitted which had been agreed with the Senior Ecologist subject to a condition requiring the mitigation as set out in the survey. This condition and other suggested conditions were detailed in the report.

Reference was made to the maximum number of properties proposed on the site which was less than recommended by National Planning Policy in terms of density. Members were advised that the site was outside the settlement boundary of Seaton on the edge of the village and the proposal for 6 bungalows with a substantial landscaping scheme was deemed appropriate for the location. A previous application for 33 dwellings on the site had been refused and subsequently dismissed at appeal.

#### **RESOLVED**

That the information given be noted and the conditions as outlined in the report be approved, allowing the planning permission to be issued.

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00993/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 14 no. dwellings along with associated access, roadways, parking and landscaping
<b>NAME OF APPLICANT:</b>	Bellway Homes Ltd
<b>ADDRESS:</b>	Former Durham Johnston Annex Redhills Lane Durham DH1 4SU
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of the former Durham Johnston Annex buildings and land adjacent within the Durham Johnston School site at Crossgate Moor. The annex buildings are adjacent to Redhills Lane and are vacant. Three buildings are located within the application site, the two nearest Redhills Lane are two storey buildings of part brick and part render finish with slate roofs and chimneys. A single storey building which housed an observatory is located to the rear of these. Hardstandings are located within the immediate surrounds of the buildings and access to Redhills Lane runs between the pair of two storey buildings.
2. The remains of the site comprises of grassed land with a number of trees and hedging. A lengthy stretch of hedge forms the boundary to Redhills Lane itself interspersed with trees at the eastern end of the site. A grouping of sliver birch and cherry trees surround the existing access into the site whilst another grouping of silver birch are located towards the western fringe of the site. Further trees intersperse a hedgerow that forms the northern boundary of the site.
3. Adjacent to the application site to the north and west lay school playing fields and sports courts, to the immediate east lies a small parcel of grass containing a number of trees and beyond further sports fields.

4. The site lies adjacent to a residential area with residential properties located directly opposite on Redhills Lane. The A167 Newcastle Road lies less than 200m to the west of the application site. The application site is located outside of the Durham City Conservation Area though the boundary is located just to the east. Flass Vale site of nature conservation is also located close to the site just beyond the school playing fields to the north east. The Durham Cathedral and Castle World Heritage Site is located just over 1000m to the east of the application site and sections of the Cathedral Tower can be viewed from within the application site and on neighbouring land. The site also lies in the vicinity of the Nevilles Cross Battlefield.

## The Proposal

5. This application seeks planning permission to demolish the existing buildings on site and erect 14 no. dwellinghouses. The proposed dwellinghouses are all detached properties varying from 4 to 5 bed. All accommodation is proposed on two storeys with no second floor accommodation proposed. The maximum height of the highest dwelling is 8.2m to ridge.
6. The proposed access to the site is proposed via Red Hills Lane within the same location as the existing access. The proposed access to serve the development would need to be widened and provided to an adoptable standard. The proposed development is to be served by an internal road located in the middle of the site with properties to be located to the north, south, east and west of this road.
7. The proposed dwellings vary in appearance but all utilise simple traditional architecture with the use of pitched roofs, chimneys and head and cill detailing. All dwellings are to face inwards onto the new residential development. Each property is to be served by parking spaces and garaging with a minimum of 3 spaces per property.
8. This application is being presented to Committee as it constitutes a major development proposal.

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## **PLANNING HISTORY**

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9. The application site relates only to vacant former annex buildings and adjacent parcels of land to which no planning history of relevance relates.
10. Planning permission was granted in 2007 for the redevelopment of the wider Durham Johnston School site with the demolition of existing buildings, erection of a new school and landscape remodelling.
11. Development Briefs have in the past been formed by the Council both for the redevelopment of the wider Durham Johnston School site but also this application relating to the annex buildings.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. National Planning Policy Framework
13. On March 27<sup>th</sup> 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions



to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/letternppf>

14. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.
15. *Planning Policy Statement 3 (PPS3): Housing* underpins the delivery of the Government's strategic housing policy objectives and the 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.
16. *Planning Policy Statement 5 (PPS5): Planning for the Historic Environment* replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
17. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
18. *Planning Policy Guidance Note 13 (PPG13): Transport* - seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
19. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
20. *Planning Policy Statement 23 (PPS23): 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.
21. *Planning Policy Statement 25 (PPS25): Development and Flood Risk* explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

22. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.
23. The PPS says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues and that developers should fund flood defences, where they are required because of the development.
24. The Planning Policy Statements and Planning Policy Guidance Notes above have now been cancelled and superseded by the National Planning Policy Framework coming into effect on 27<sup>th</sup> March 2012

## REGIONAL PLANNING POLICY

25. *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.
26. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
27. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
28. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
29. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
30. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
31. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
32. *Policy 30 - Improving Inclusivity and Affordability* sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.

33. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
34. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
35. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

**LOCAL PLAN POLICY:** (City of Durham Local Plan 2004)

36. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
37. *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.
38. *Policy E10 – Areas of Landscape Value* – is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
39. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
40. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
41. *Policy E18 – Sites of Nature Conservation Importance* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
42. *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.

43. *Policy E24 – Ancient Monuments and Archaeological Remains* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
44. *Policy E25 – Nevilles Cross Battlefield* seeks to protect and enhance the battlefield site through not permitting development which would adversely affect the interpretation of the battle, seeking the provision of appropriate interpretation material on the battle site and not permitting development harmful to the Conservation Area or scheduled ancient monuments and archaeological remains.
45. *Policy H2 - New Housing Development in Durham City* states that the development of previously developed, or 'brownfield' land will be permitted providing it accords with the more detailed development proposals of the Council.
46. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
47. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
48. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
49. *Policy R2 - Provision of Open Space – New Residential Development* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
50. *Policy R4 – Land Surplus to Educational Requirement* states that land within school sites surplus to requirements may be developed upon provided that the land has been demonstrated as not be required for future educational or community purposes or it will not result in the loss of recreational land of value and overall standards of open space or outdoor recreation land will not be reduced.
51. *Policy C6 – Durham Johnston Comprehensive School – Crossgate Moor Site* states that Land is safeguarded at the existing Crossgate Moor site for the development of Durham Johnston as a single site comprehensive school.
52. *Policy Q5 - Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
53. *Policy Q8 - Layout and Design Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

54. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
55. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
56. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
57. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
58. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

59. The *Highway Authority* have raised no objections to the proposed development.
60. *Northumbrian Water* have raised no objections though a condition is advised for attachment on any approval to agree the disposal of surface water from the site.
61. *The Coal Authority* have raised no objections to the proposed development.
62. *Natural England* have assessed the proposal against their standing advice and raised no objections considering that the development would be licensable.

### **INTERNAL CONSULTEE RESPONSES:**

63. *Design and Conservation* have commented on the application and though no objections are raised to residential development at the site in principle, concerns are raised with regards to the scale and design of dwellings, degree of development proposed at the site and in turn impacts upon the street scene, and longer distance impacts with reference to the setting of Flass Vale, Conservation Area and World Heritage Site.
64. *The Senior Ecologist* has raised no objections to the application though advises that the mitigation measures within the submitted ecological report are conditioned on any approval and bat bricks must be provided within the development.

65. *Environmental Health* have raised no objections but recommendations are made with regards to limiting working hours on site, dust suppression, reducing noise and vibration during the construction and prevention of burning materials on site.
66. *The Senior Low Carbon Officer* has stated that a fabric first approach is essential to achieving energy reduction and renewable technologies must be part of the overall mix in order to meet the planning obligations (10% energy reduction).
67. *Landscape* have commented on the application and several groupings of trees are considered to be of value and it is recommended that a tree preservation order is placed on those trees of value. The hedgerow bordering Redhills Lane is considered to provide a strong landscape feature. Concerns are raised over the impact of the development in long distance views. The development should be amended in such a way as to retain as many trees and landscape features as possible. Trees of particular value are considered to be the grouping around the proposed access, those to the western fringes of the site and those interspersing the hedge towards the east of the site. Concerns are raised that the proposed access will cause harm to the trees around the access and likely require removal of this grouping. A detailed landscape scheme should be devised.
68. *The Senior Tree Officer* has commented on the application and reiterates comments from *Landscape* considering that it would be appropriate to protect trees of value within the application site. Trees to be retained should be protected during construction works, a redesign of the proposal may allow for the retention of additional trees. In conjunction with the views of *Landscape* it is considered that the proposed access will cause harm to the trees around the access and likely require removal of this grouping
69. *Planning Policy* have raised no objections to the proposal considering that the land is no longer required as part of the Durham Johnston redevelopment. The site is rated as suitable and having potential for residential use in the SHLAA.
70. *Archaeology* have raised no objections to the development though a condition with regards to archaeological evaluation and mitigation should be attached on any approval.

#### **PUBLIC RESPONSES:**

71. Six letters of representation have been received in response to the Council's public consultation exercise.
72. Objection is raised to the applicant's consultation exercise which was considered to be misleading with regards to the amount of development that is proposed. The consultation letters issued by the Council were received during the holiday period, effectively reducing the consultation period. The site is considered to be mainly greenfield not brownfield. Objections are raised to the degree of tree loss and loss of sections of boundary hedge. Requests are made that additional landscaping is provided to compensate for tree loss including to the east of the application site to better screen the development.
73. The 2007 design brief for the Durham Johnston redevelopment was understood to propose the retention of an open aspect in the eastern section of the site, this development proposes dwellings in this area. Development on this eastern section of the site would result in the loss of views to the Cathedral and affect views from the Cathedral. Concerns are raised over whether adequate parking provision is proposed and the impact of the development upon highway safety. A loss of privacy and overlooking is a concern for some residents. The development would result in the loss of views across playing fields, Flass Vale and to Penshaw Monument. Further concerns

are raised over the height of the development proposed and impacts in long distance views across the City. The development would result in the loss of a parcel of land used for play by children.

74. Some objection is raised to the house design. Queries are raised as to whether services such as electrical and water supplies can cope with the new development. It is considered that the application lacks a detailed visual impact analysis. Archaeological investigations should be undertaken by a reputable organisation. One objector considers that the water supply has already been marked out and this comes to within 13 inches of their boundary wall.

#### **APPLICANTS STATEMENT:**

75. The application has been accompanied by a planning statement and design and access statement. The applicant considers that the site is located within a sustainable location and would redevelop a parcel of previously developed land that is surplus to educational requirements. The proposal has been designed with the proximity to the Conservation Area and World Heritage Site in mind. Efforts have been made to retain as many trees and landscape features as possible. The application is accompanied by supporting reports and documentation in relation to key matters such as archaeology, tree works and ecology.
76. Public consultation exercises have been undertaken prior to the applications submission.
77. Financial contributions by way of a S106 are proposed with regards to open space and public art.

*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://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00993/FPA>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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78. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, the National Planning Policy Framework (NPPF), relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon the character and appearance of the area and the World Heritage Site, impact upon the amenity of nearby occupiers, impact upon highway safety and impacts upon protected species.

#### Principle of the Development

79. Within the Local Plan, the application site is covered by Policy C6 relating to the Durham Johnston School. This policy seeks to protect land within the school grounds from non-educational development to allow for the development of a single site comprehensive school. However, since the adoption of the Local Plan the redevelopment of the site and closure of the Whinney Hill Durham Johnston site has already occurred. The land subject to this planning application has not been required for the redevelopment. Similarly Policy R4 of the Local Plan relates to educational land deemed surplus to requirements and seeks to safeguard the long term interests of the school and community by ensuring that the land is not required in the future and that levels or

outdoor recreation provision do not suffer. The Council has previously considered the long term value of the land and a development brief formed in relation to the site confirmed that the site is now surplus to requirements and suitable for redevelopment in principle.

80. Some public objection to the development considers that parts of the application site are not previously developed land. The application site boundary does include grassed areas with trees and hedgerows most notably a grassed parcel of land is located to the east of the buildings. Previously developed land comprises of buildings, the curtilage associated with buildings and any associated fixed surface infrastructure. This application site comprising in part of the annex buildings themselves, associated hardstandings and curtilage associated is considered to be previously developed land.
81. Policy H2 of the Local Plan accepts the principle of residential development on previously developed land within Durham City. National guidance contained within the NPPF and Policy 4 of the RSS also state that previously developed land is sequentially preferable for development.
82. Within the public responses received with regards to the development objection is raised to the development of the parcel of land at the east of the site with the objectors stating that the design brief for the Durham Johnston redevelopment dating from 2007 was understood to propose the retention of an open aspect in the eastern section of the site.
83. However, the most received development brief updated in 2011 specifically regarding the annex land it does not state that the easternmost sections of landscaped land cannot be considered for development. Notwithstanding this the development brief is not formally adopted policy but is intended as an aid for developers.
84. The entirety of the application site is located within the settlement boundary of Durham, located close to services, public transport routes and schools. The application site is considered to be located within a sustainable location and the proposal considered to comprise of a sustainable development in principle, in reusing previously developed land. Furthermore Planning Policy have been consulted on the planning application and no objections have been raised to the development.
85. No objections are therefore raised to the development in principle, the acceptability of the scheme considered to rest with detailed issues in accordance with Policies E3, E6, E10, E14, E16, E18, E22, E24, E25, H2, H13, T1, T10, R2, R4, C6, Q5, Q8, Q15, U5, and U8A, U11 and U14 of the Local Plan.

#### Impact upon Visual Amenity and the Character and Appearance of the Area and Impacts upon the World Heritage Site

86. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of the Durham and any impacts upon the setting of the World Heritage Site.
87. Within the Local Plan only Policy C6 relating to Durham Johnston School specifically designates the land subject to the application. However, the application site is located just outside but adjacent to the Durham City Conservation Area. Flass Vale, a site of nature conservation is also located close to the site just beyond the school playing fields to the north east. The Durham Cathedral and Castle World Heritage Site is located just over 1000m to the east of the application site and sections of the Cathedral Tower can



be viewed from within the application site and on neighbouring land. The site also lies within the boundary of the Nevilles Cross Battlefield. The application site is therefore located within a relatively sensitive wider setting.

88. Aside from Durham Johnston School the local area is predominantly residential with a mix of properties nearby largely comprising of two storey semi-detached properties and bungalows. A more recent development of townhouses with accommodation on three floors is located close by to the west at Archers Court.
89. Policy 8 of the Regional Spatial Strategy of the North East of England promotes a high quality of design and requires that all developments are sympathetic to their surroundings. The NPPF also attributes significant weight to good design considering that it is a key aspect to sustainable development and is indivisible from good planning.
90. Policies H2, H13 and Q8 of the Local Plan also identify that development will not be considered acceptable where it would have an adverse effect on the character of the surrounding area whilst Policy E14 seeks to retain trees and hedges of value where possible and replace those which are lost to development.
91. The development proposes large detached properties. Some objection to the design of the dwellings has been raised during the public consultation exercise whilst officers in Design and Conservation have also raised concerns over the amount of development, scale and detailed appearance of the proposed dwellings taking into account the local area though objections to residential development in principle at the site are not raised. The proposed development has had revisions made to the layout and house types during the course of the application predominantly to reduce the pressure on trees and the front boundary hedge and also to reduce and better break up the massing of the roofscape of the development. The development largely retains the same character from that first submitted, however.
92. Officers consider that both the layout of the development and appearance of the proposed dwellings is acceptable. The proposed house types utilise simple traditional architecture which would not appear out of place within a residential area of suburban semis and bungalows. The revised plans incorporate a mix of hipped roofs and gable ends and incorporation of chimneys, providing both variety and breaking up massing and the roofscape in longer distance views which was a request of Design and Conservation. In terms of the scale of the dwellings, the proposed dwellings are larger in floorspace than the nearest residential properties though the height of the dwellings has been kept modest with no property proposing accommodation within the roofspace. The larger detached nature of the proposed dwellings and visual impact of this must also be balanced, to a degree, against the need to provide a variety of housing options within the area, there is recognition within both the RSS and the 2008 Strategic Housing Market Assessment (SHMA) that there are areas of the County with a shortfall in the level of executive housing. This proposed development would contribute towards providing further executive housing options.
93. Officers consider that both the appearance of the dwellings and the proposed layout are sympathetic to and would adequately assimilate into the local area.
94. The impact of the development upon trees and hedgerows has been a key consideration during the course of the application. Both the Councils Senior Landscape Officer and Senior Tree Officer have identified trees of value within the application site namely the grouping interspersing the boundary hedge to Redhills Lane, the grouping around the proposed access and the grouping towards the western fringe of the site.

95. The revisions to the proposal during the course of the application have in part been sought to reduce impact on trees and hedging within the site. The revised layout proposes access to all properties via the single internal access road. Previously, some individual accesses were proposed to properties that would cause the loss of sections of hedgerow onto Redhills Lane that forms an important landscape feature and loss of trees within this boundary. This impact has now been avoided with the revised plans. Properties at the eastern and western ends of the site have been adjusted in location and re-orientated so as that there is reduced need to remove trees in these areas with a grouping of mature trees on the western fringe of the site also capable of retention. Within the submitted application 6 no. trees within the application site would be required to be lost as a result of the development including two mature trees adjacent the proposed access. The application proposes the retention of other trees on site including 3 mature trees to the west of the access road. The Councils Senior Landscape Officer and Senior Tree Officer have concerns that the impact of the proposed access would cause harm to these trees and result in root severance notwithstanding mitigating protection measures that could be undertaken. The application does propose their retention and conditions can be attached to any approval to ensure protection of these trees in order to mitigate impact. It must also be considered that an existing hardsurfaced access lies within the same location as the proposed access and the trees have remained and withstood this impact. Discussions have been held with the Highway Authority and it has been agreed that provided several dropped kerbs for pedestrian access are provided around the site the proposed footpath adjacent to the trees around the access can be omitted which would ease impact further. In addition a condition can be placed on the approval which seeks to ensure that a special access road construction, though still to adoptable standards is undertaken, again to reduce impact on the trees. Through these measures the trees can be provided with the best protection against harm through the development though the longer term concerns of the impact from landscape colleagues is acknowledged.
96. It is proposed that on any approval conditions be attached to agree final submission of the works to/removal of trees required on site and agreement reached over any protection measures or special construction requirements.
97. Another key consideration of the development is the longer distance impact of the proposal including impacts on views from and in relation to the setting of the World Heritage Site.
98. Policy E3 specifically relates to the World Heritage Site and its protection, Policy E10 relates to designated Areas of High Landscape Value of which nearby Flass Vale is one and development that would have an unacceptable impact upon this landscape should be resisted. Though the application site is not within the Durham City Centre Conservation Area it is located adjacent to the boundary and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that the special character, appearance and setting of Conservation Areas are preserved. Policies E6 and E22 of the Local Plan relate to Conservation Areas.
99. Policy E3 seeks to safeguard long distance and local views to the Castle and Cathedral. The justification to this policy considers that the surrounding green and wooded hills, ridgelines and green fingers of land which penetrate the City form a setting for the Cathedral and Castle and this includes Flass Vale close by to the application site. The consideration of the impact of the development upon the setting of the World Heritage site and in longer distance views more generally is stressed by the Councils Landscape and Design and Conservation teams as well of some public respondents.
100. Officers have viewed the application site from the Cathedral Tower and in addition it is noted that in some longer distance such as Whinney Hill the application site and World

Heritage Site appear in the same view. A point raised within the comments submitted from Landscape. However, officers do not consider that the nature and scale of the development would be harmful to the setting of the World Heritage Site. An increase in build is proposed from the present annex buildings. However, it is not considered in key long distance views that this would be overly apparent or harmful. When atop of the Cathedral Tower the application site can be viewed although it is not prominent and despite the increase in build it is not considered that the proposed development would appear unduly prominent. When viewed from the Cathedral Tower the application site and proposed development would appear very much subservient to the broader Durham Johnston redevelopment and also become part of the wider residential framework.

101. Turning to the detailed design, the proposed development now incorporates the use of some hipped roofs and chimneys and these will contribute to the breaking up of the massing of the roofscape in longer distant views. The development will require the devising of a detailed landscaping scheme and it is proposed that this is included as a condition on any approval which is standard practice. Officers have also been discussing with both asset management and the developer the prospect of bolstering the line of trees located outside the application site to the east. This land is owned by the Council and therefore the Council have control over the land. It is considered that the landscape scheme submitted by the applicant can and should make provision for some additional planting in this area. This would bolster screening from the longer distant views in the context of Flass Vale and the setting of the World Heritage Site and compensate for some of the tree loss within the site as a result of the development. Such a request was made by a respondent to the public consultation exercise.
102. On balance, taking into consideration the scale and nature of the development of 14 no. dwellings, retention of a number of trees within the site and provision of further landscaping to bolster screening officers consider that long distance views of the site, impact upon Flass Vale and more widely the impact on World Heritage Site the Conservation Area would not be harmful and their setting preserved.
103. Some views of the Cathedral itself are available from the Durham Johnston School site and this includes from within the application site itself. Policy E3 states that local views of the World Heritage Site should also be safeguarded. From some sections of the site the existing annex buildings and landscaping block views to the Cathedral but in some locations particularly the eastern fringes of the application site views through trees to the Cathedral particularly when leaves are off trees during the winter months are available. Some public objection to the proposal makes reference to such views and objection is raised in part to the proposed development on the easternmost sections of the application site due to the loss of specific views to the Cathedral.
104. Officers have considered the impact of the development on these views from within the site. From a site visit it could be seen that the better views of the Cathedral in the immediate vicinity are from the land to the east of the application site on the embankment adjacent to the football pitches and also to the north of the application site adjacent to the enclosed sport courts. Such views for individuals within the school grounds will remain available as they are outside of the application site. Only more glimpsed views through landscaping which largely encloses the application site are available from within the site itself. Some of these views as presently available would be lost due to the siting of proposed dwellings with the eastern sections of the application. However, a judgement must be made as to whether these glimpsed and distant views of sections of the Cathedral are of such merit as to warrant protection and refusal of the application. Officers do not consider that refusal would be justified. The views from within the application site are not available to the wider public as such but only to those once within the school grounds. Since the annex buildings have been vacant, the application site itself is largely fenced off and locked from public access. The existing

vehicular access to Redhills Lane is gated and locked. The site is therefore not in a location readily available to the public in the first instance.

105. Furthermore the views from within the application site to the Cathedral are more obscure than those available just a few metres away but outside the application site and these views would remain available.
106. On balance officers consider that the views of the Cathedral from within the site are neither of the quality nor are of ready availability to raise significant objection to the application having regards to Policy E3 of the Local Plan.
107. Subject to the appropriate use of final materials, hard and soft landscaping which can be agreed by way of condition, the proposed scale, design and impact of the development is considered to be appropriate in the area and the development is considered to accord with Policies E3, E6, E10, E14, E22, H2, H13, Q5 and Q8 of the Local Plan. Removal of permitted development rights for enclosures to the front of the dwellings to maintain the open feel proposed is also recommended.

#### Impact upon Residential Amenity

108. Policies Q8 and H13 of the Local Plan seek to ensure that the amenities of neighbouring residents and land users are preserved through new developments.
109. Policy Q8 of the Local Plan provides advice on the layout of residential development and provides separation distances guidance seeking to ensure that the residential amenity of all occupiers is retained through a development. This guidance states that from a window to a single storey gable 6m separation should be maintained and to a two storey gable 13m should be maintained. This is to ensure that adequate outlook is retained for occupiers and that one development is not too overbearing upon another. In terms of privacy Policy Q8 advises that 21m should remain between the main facing windows.
110. Some representations from residents residing in properties on Redhills Lane have raised objections on the grounds of impact upon residential amenity, namely loss of privacy.
111. However, the proposed dwellings would be located at distances from existing properties on Redhills Lane that accords with the guidance within Policy Q8 of the Local Plan. The occupier of No. 13 Redhills Lane has objected to the proposal but the nearest element of the closest proposed property is located 21.4m from the windows within the side elevation of No. 13. The occupier of No. 13 has raised objection of overlooking of land and garden areas as well. However, the nearest property has a side elevation without main habitable windows located at first floor which could provide the best views over garden easing concerns. Furthermore several mature trees are located between No. 13 and the proposed development which would further reduce the prospect of overlooking and indeed the impact of the scale of the dwellings.
112. The occupiers of No. 24 Redhills Lane have also raised objection with regards to matters of privacy, however, the nearest elements of the nearest property within the proposed development, plot 12 is some 24m away in excess of the 21m required between main facing windows within Policy Q8. Separation distances to all other properties on the adjacent Redhills Lane exceed the guidances within Policy Q8 of the Local Plan and no objections are raised by officers with regards to loss of privacy, light or outlook.

113. Within the application site itself those properties to the eastern and western ends of the development, plots 1-3 and 9-12 fully adhere to the separation requirements contained within Policy Q8 of the Local Plan. Within the central sections of the site involving plots 4-8 and 13 and 14, window to window distances below that of 21m as prescribed within Policy Q8 of the Local Plan are proposed with some distances falling to a 16m separation. However, it must be noted that these relationships are those within the application site itself and prospective occupiers will be able to form a view on whether such a relationship is adequate to them as individuals. Overall the relationships between properties on the site as a whole are considered to be adequate by officers and do not warrant refusal of the planning application. The relationships to the existing residents in the area, as described above fully adhere to the requirements of Policy Q8 of the Local Plan so existing residents upon which the proposal would develop alongside would not be harmed through a loss of amenity or privacy. Officers do consider, however, that permitted development rights for some extensions and alterations to the proposed properties should be removed via condition so that the Local Planning Authority can retain control over such future works.

#### Highways Issues

114. Policy T1 of the Local Plan seeks to ensure that new developments are not harmful to highway safety whilst Policy T10 seeks to limit parking provision to encourage alternative modes and transport and reduce the land take of development.
115. Matters of highway safety and the adequacy of parking provision are matters raised within points of objection by some local residents.
116. The Highway Authority have commented on the revised layout and no objections to the development have been raised. The parking levels proposed are considered to be acceptable. Officers concur with these views. It is not considered that the proposed development by reason of the location of access, number of dwellings or levels of parking would cause a detriment to safety.
117. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan.

#### Impact upon Protected Species

118. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
119. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained

120. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
121. The application has been accompanied by an ecology report comprising of an extended phase 1 habitat survey and protected species surveys. The submitted report confirmed that a bat roost is located within the single storey building on site whilst evidence that bats have been present in the remaining two buildings is also presented.
122. No evidence was found that any other protected species are present within the site. A bat roost is within the site and would be affected by the development, however, a Natural England license will need to be obtained prior to works commencing on site. The submitted report proposes mitigation measures.
123. The Council's Senior Ecologist has commented on the application and no objections have been raised though the mitigation measures suggested within the submitted report are recommended to be conditioned on any approval in addition the proposed bat bricks and slates should be shown on plan and again this could be conditioned.
124. Natural England have been consulted on the application and have considered the proposal against their standing advice. The proposed mitigation measures are considered to be proportionate. The proposals are considered by Natural England to comply with article 12(1) of the Habitats Directive or would be licensable.
125. Officers concur with these views and consider that despite a bat roost being found within the building that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable. It is considered that the development would comply with article 12(1) of the Habitats Directive and that a license would be granted by Natural England if application be made, with the development being for reasons of overriding public interest and the submissions demonstrating that there is adequate mitigation possible and no satisfactory alternatives.
126. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy E16 of the Local Plan and Policy 33 of the RSS.

#### Other Issues

127. Consultation has been undertaken with Archaeology and careful consideration has been given with regards to archaeological requirements taking into consideration proximity to the Nevilles Cross Battlefield site. Policy E24 of the Local Plan seeks to prevent damage to archaeological remains and preserve them wherever possible in situ whilst Policy E25 refers specifically to Nevilles Cross Battlefield and seeks to protect the interpretation of the battle and seeks the provision of appropriate interpretation material on the battle site.
128. Archaeology have recommended that trial trenching is undertaken. In this instance based upon the levels of knowledge of archaeological remains in the area it is considered that significant remains will unlikely be impacted upon and therefore matters of archaeology can be adequately covered by suitably worded conditions attached to any approval.
129. Some public objection to the application considers that the development would result in the loss of an area of playspace for children. However, the application site is not a parcel formally laid out for play purposes, though it is possible that children and young people enter parts of the site to play. The design brief updated most recently in 2011

established that the land within the application site was surplus for any educational or recreational purposes in accordance with the requirements of Policies C6 and R4 of the Local Plan. As a result no objections are raised to the loss of the land to redevelopment purposes.

130. Furthermore in accordance with the provisions of Policy R2 of the Local Plan the application is being accompanied by a S106 agreement proposing a financial contribution of £14,000 towards the improvement of play and recreational facilities in the area.
131. Some public objection raise concerns as to whether services and utilities can cope with the additional homes. The occupier of No. 13 Redhills Lane has stated that they have noted markings indicating the water supply as being within very close proximity to their property. Northumbrian Water have submitted comments on the application and no objections are raised in principle. Details of surface water disposal are sought by Northumbrian Water and can be conditioned in accordance with Policy U8a of the Local Plan. With regards to the proximity of any works to boundaries with neighbouring residents or the needs for any rights of access relating to this, this is essentially a civil matter which must be resolved between the parties. Officers do not consider that the the provision of another 14 no. dwellings within the area would cause any demonstrable harm to the provision of adequate services in the area.
132. Local Plan Policy U11 relates to contaminated land on development sites. The application has been accompanied by a geo-environmental assessment. No comments have been received from Environmental Health with regards to the specific content of the report but a condition can be attached to any approval requiring that a scheme to cater with any potential site contaminants is agreed.
133. Environmental heath do consider that there is the potential for noise disturbance during works and it is recommended that a condition restricting working hours is attached to any permission. The working methods and use of plant and machinery should be in accordance with BS5228 Noise and Vibration Control on Construction and Open Sites. It is also recommended that a condition be attached requiring the submission of a dust assessment and controlling methods. All waste material must be disposed of in the correct and proper manner and the burning of any materials on site shall be prohibited.
134. Officers consider that a condition could be attached to any approval limiting the hours at which works can occur, this is a standard condition of larger scale developments.
135. The Councils Senior Low Carbon Officer considers that the submission lacks detail on the manner in which energy efficiency measures will be incorporated into the development however does state that the fabric first approach as suggested by the applicant's supporting documentation is essential to achieving energy reduction. Policy 38 of the RSS seeks to ensure that within all major development proposals a 10% energy efficiency reduction is achieved. The Local Planning Authority has a standard condition which can be attached to any approval to ensure that such a scheme is devised and this condition is recommended for attachment on any approval.
136. The Coal Authority has been consulted on the application and no objections have been raised.
137. Some public objection to the proposal is aimed at both the allegedly misleading leaflet distributed through the developers public consultation exercise which indicated a smaller development site as well as objection to the Councils own public consultation exercise due to letters being issued during the holiday period. No comment can be made on the consultation exercise of the applicant. With regards to the Councils public consultation

exercise letters were issued as soon as possible following the validation of the planning application, which is the standard approach. It is not possible for the Council to control when an applicant may submit an application for consideration and therefore in turn control at what times of the year public consultation exercises are undertaken.

138. Some public objection relates to the loss of views across playing fields, Flass Vale and also a long distance view of Penshaw Monument. Officers have entered the property No. 24 Redhills Lane and assessed these views. However, these views are essentially private views from private property not views of wider public value and as a result it is not considered that significant weight can be attributed to any obscuring of these views through the development.
139. In addition to the proposed financial contribution of £1000 per dwelling for the provision of new or improved play and recreation space the applicant also proposes a financial contribution of £26,000 towards public art in accordance with Policy Q15 of the Local Plan.
140. As the development proposes 14 no. dwellings affordable housing is not being proposed and as the number of units falls beneath the 15 dwelling threshold as informed by the SHMA and officers do not consider there is any policy basis to request affordable homes on the development.

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## **CONCLUSION**

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141. This proposal seeks to erect 14 no. executive homes on a parcel of land that is previously developed land and land located within Durham City close to other residential property, services, schools, public transport links and the City Centre. The proposal is considered to constitute sustainable development.
142. The proposed dwellings are all detached and relatively large properties but would, it is considered, acceptably assimilate into the local area which includes a mix of housing types and does not exhibit particular uniformity nor outstanding vernacular. Key to the determination of the application is the impact of the development in the longer distance views, its relationship with the World Heritage Site, nearby Flass Vale and City Centre Conservation Area. Some trees within the development site would be lost to the development though others retained. A landscaping scheme agreed via a condition can provide some compensation and provide further screening to reduce impact of the development in the longer distance views and impact on this part of the Durham inner bowl. On balance despite some concerns from both internal consultees and public respondents, officers consider that impact would remain acceptable and that harm would not occur with the setting of the World Heritage Site and Conservation Area preserved.
143. The development would not cause harm to the residential amenity of neighbouring residents with distances to properties on Redhills Lane are in excess of the requirements of Local Plan guidance.
144. No harm to highway safety is considered to occur and matters of ecology, archaeology, land contamination and drainage have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.
145. Financial contributions are proposed with regards to public art and provision of play and recreational space via a S106 agreement.



146. The application has been assessed against the provisions of the Development Plan and other material planning considerations throughout its consideration. Recently on the 27<sup>th</sup> March the NPPF has emerged in its final form and Planning Policy Statements and Planning Policy Guidance Notes which have been material planning consideration within the consideration of the application up until that date have now been replaced. The NPPF establishes a presumption in favour of sustainable development and this is considered by the NPPF as being a golden thread to be considered in all planning decisions. The proposal is considered to be sustainable development and is not considered to conflict with its provisions and guidance.
147. On balance approval of the application is recommended.

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## **RECOMMENDATION**

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

- the payment of a commuted sum for the provision or improvement of amenity space/play space equipment and;
  - the payment of a commuted sum for public art works.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

SK-300  
SK-301  
2077-P-00- REV A      received 21<sup>st</sup> March 2012  
196-BEL-100J  
196-BEL-200D  
S3628  
S3650A  
L5945  
L5767  
L6344                      received 23<sup>rd</sup> March 2012  
ARB/CP/574/AIP  
ARB/CP/574/TPP      received 27<sup>th</sup> March 2012

Reason: To define the consent and ensure a satisfactory form of development having regards to Policies E3, E6, E10, E14, E16, E18, E22, E24, E25, H2, H13, R2, R4, T1, T10, C6, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, roofing and hardsurfacing materials have been submitted to and

approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

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

4. Prior to the commencement of development precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies E6, E22, H13 and Q8 of the City of Durham Local Plan 2004.

5. No works relating to the erection of the dwellings within the application site shall commence until additional planting of trees and/or shrubs has occurred on the parcel of land which immediately abuts the application site to the east. The provision of such landscaping shall accord with a scheme that has been first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works. The scheme shall include details of species, sizes, numbers and densities and contain a future maintenance plan. 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.

Reason: In the interests of visual amenity and provision of adequate landscaping having regards to Policies E6, E22, H13, Q5 and Q8 of the City of Durham Local Plan 2004.

6. The hereby approved development shall be carried out in accordance with a scheme of landscaping within the application site to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The landscaping scheme shall also clearly indicate those existing trees and hedges to be retained through the development. The works agreed shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. 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, either planted through the scheme itself or existing on site shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the provision of an adequate landscaping scheme in accordance with Policy Q5 of the City of Durham Local Plan 2004.

7. Notwithstanding the information submitted within the application, no development shall commence until a precise schedule of works to trees and hedges within the application site including any felling, lopping, topping or pruning has been first submitted to and then approved in writing by the Local Planning Authority. Furthermore no construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges to be retained are protected by the erection of fencing comprising of a vertical and horizontal

framework of scaffolding, well braced to resist impacts and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005 and in accordance with a plan to be first submitted to and then agreed in writing by the Local Planning Authority. Said protection shall remain for the entirety of the development works.

Reason: In the interests of the protection of trees and visual amenity having regards to Policy E14 of the City of Durham Local Plan.

8. No development shall commence until precise details of a ground protection method utilised for scaffolding adjacent to the plot 1 dwelling has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the agreed scheme.

Reason: In the interests of the protection of trees and visual amenity having regards to Policy E14 of the City of Durham Local Plan.

9. Notwithstanding the details submitted with the application no pedestrian footpath shall be provided to the western side of the access road adjacent to plot 1. A series of dropped kerbs within the application site and adjacent to Redhills Lane to the east of the vehicular access shall be provided prior to the occupation of the dwellings in accordance with a detailed scheme to be first submitted to and then agreed in writing by the Local Planning Authority.

Reason: In the interests of the protection of trees on site and to ensure adequate pedestrian movement in accordance with Policies E14 and Q8 of the City of Durham Local Plan 2004.

10. No development shall commence until a scheme for the special construction of the access road between plots 4 and 14 to mitigate impact on adjacent trees shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of the protection of trees on site in accordance with Policies E14 of the City of Durham Local Plan 2004.

11. No development approved by this permission shall be commenced until:
  - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of 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: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

12. No development shall take place unless in accordance with the mitigation detailed within the section E of ecology report "A Wildlife Survey and Extended Phase 1 of Durham Johnston School, Redhills Lane, Durham" by E3 Ecology. In addition prior to the commencement of development full detailed plans indicating the location of the proposed bat bricks and bat slates shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the agreed details.

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

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

Reason: In the interests of residential amenity having regards to Policies Q8 and H13 City of Durham Local Plan 2004.

14. No development shall commence until details of the disposal of foul and surface water have been submitted to and agreed in writing by the Local Planning Authority in conjunction with Northumbrian Water.

Reason: To prevent pollution of the water environment and in the interests of appropriate drainage of the site in accordance with Policy U8A of the City of Durham Local Plan 2004.

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

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

16. No development shall take place until the implementation of a programme of archaeological work in accordance with a mitigation strategy document, including a timetable for the investigation has been submitted and agreed 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;
- 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 Policy E24 of the City of Durham Local Plan as the site is deemed to be of archaeological interest.

17. Prior to the occupation of the dwellings 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.

Reason: To comply with Policy E24 of the City of Durham Local Plan as the site is deemed to be of archaeological interest.

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

Reason: To maintain the character of the scheme and to protect the privacy and amenity of residents, in accordance with Policy Q8 of the City of Durham Local Plan 2004.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific planning permission from the Local planning authority.

Reason: To maintain the character of the scheme and in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed development is considered to be an acceptable development in principle reusing, in part, previously developed land within an existing settlement for residential purposes. No objections are raised with regards to the impact of the development upon visual amenity and the setting of the World Heritage Site and Conservation Area, the amenity of neighbouring occupiers, highway safety, archaeology or harm to protected species. The application has been accompanied

by a S106 agreement proposing contributions towards public open space and public art. The application is considered to accord with the requirements of Policies E3, E6, E10, E14, E16, E18, E22, E24, E25, H2, H13, R2, R4, T1, T10, C6, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. Due regard has also been given to the discharge of obligations required by the Conservation of Habitats and Species Regulations 2010 and due weight attributed to the National Planning Policy Framework.

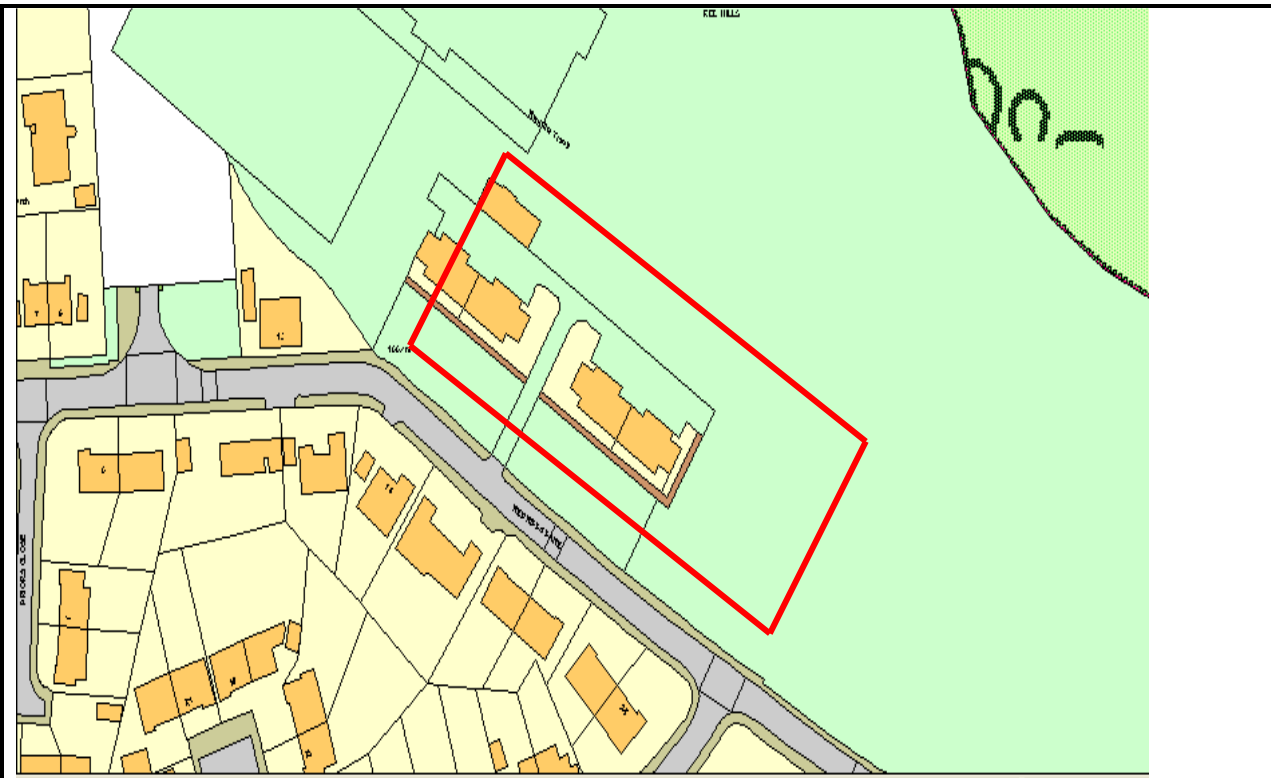
2. More specifically, the principle of the development of the parcel of largely previously developed land within a sustainable location was considered acceptable in principle. The design and layout of the development, degree of trees loss and prospect for compensatory landscaping has been considered and no significant harm to the immediate area of more widely the World Heritage site and setting of the Conservation Area are considered to occur.
3. Public objection to the proposal relates to loss of a view, the impact upon residential amenity, scale and design of the development, loss of children's play space, impact upon utilities and services, impact upon the World Heritage Site, content of the application, consultation exercises and highway safety. All these matters are made reference to within the public responses and planning consideration sections of this report with none of the issues raised considered to cause degrees of harm that would warrant refusal of the application.


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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans and supporting documentation  
Submitted Design and Access Statement  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
Planning Policy Statements 1, 3, 5, 9, 23 and 25 and Planning Policy Guidance Note 13  
Responses from The Highway Authority, Coal Authority, Northumbrian Water, Natural England  
Internal consultee responses  
Public responses  
Planning Circulars 11/95  
National Planning Policy Framework



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Erection of 14 no. dwellings along with associated access, roadways, parking and landscaping</p>	
	<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>
	<p><b>Date</b> 10<sup>th</sup> April 2012</p>	<p><b>Scale</b> 1:1250</p>

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	4/12/00179/FPA
FULL APPLICATION DESCRIPTION:	Use of land for car sales, car storage and staff and customer parking
NAME OF APPLICANT	Stoneacre, Mr S Forweather
ADDRESS:	Land at Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Sinead Turnbull Planning Officer 0191 301 8745 <a href="mailto:sinead.turnbull@durham.gov.uk">sinead.turnbull@durham.gov.uk</a>

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## 1.0 DESCRIPTION OF THE SITE AND PROPOSALS

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### CONTEXT

1. The application site constitutes an area of grassed open space which fronts onto Sawmills Lane. At either side and to the rear of the open space is a car garage, where cars are both retailed and repaired. The application site also includes the land to the rear of the area of open space, which is currently utilised by the garage. The inclusion of this land to the rear would allow the site to be constructively reconfigured.
2. There are a number of semi-mature trees within the site. Residential properties are sited opposite the application site. Opposite the garage there are a number of parking bays, which form part of the highway and are therefore available for use by anyone. The existing business has very little formal parking for either staff or customers', as a result of this; a situation has arisen whereby both staff and customers are parking on the side of the road adjacent to the garage.

### PROPOSAL

3. Planning permission is sought for the change of use of open space to form land for car sales, car storage and staff and customer parking. The open space would be combined with land to the rear which is currently utilised by the garage for storage/service/ MOT parking. Cars for sale and customer parking would be to the front of the site while staff and additional customer parking along with parking bays for storage/service/MOT would be located to the rear of the site. The application also includes an area for loading and unloading of vehicles. The application includes a 6 metre landscape strip to the front of the site to soften the appearance of the development within the streetscene.

4. A previous application, referred to in the planning history section below, was dismissed by the planning inspectorate due to the detrimental impact on the visual amenity of the street scene. The inspectors report made reference to the lack of landscaping to the front of the site. This revised application includes a 6 metre landscape strip to the front of the site to address the planning inspector's reasons for the dismissal of the application.
5. This application is being reported to planning committee at the request of the divisional Councillor for Brandon.

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## **2.0 PLANNING HISTORY**

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6. APP/X1355/A/11/2163091 Appeal in respect of non-determination of application 11/00352/FPA Appeal Dismissed.
7. 11/00352/FPA Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding (resubmission).
8. 4/10/00865 Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding Withdrawn 1/3/2011.
9. 4/07/00894 Erection and display of internally illuminated totem sign Invalid Return.
10. 4/01/00933 Erection and display of internally illuminated pylon sign Approved 1/2/2002.
11. 4/99/00535 Erection and display of illuminated pylon sign and internally illuminated panel sign Approved 7/2/1999.
12. 4/97/00546 Erection and display of 1 no. externally illuminated fascia sign 1 no. free standing internally illuminated pylon sign 1 no. menu sign and 1 no. non illuminated directional sign Approved 28/11/1997.

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## **3.0 PLANNING POLICY**

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### **NATIONAL POLICY**

13. National Planning Policy Framework
14. On March 27<sup>th</sup> 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

15. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the Planning System.
16. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* sets out the Government's objectives for achieving sustainable economic growth. Local authorities are required to assess the existing and future supply of land available for economic development, ensuring that existing site allocations for economic development are reassessed. Site allocations should not be carried forward where there is no reasonable prospect of their take up. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered.
17. *Planning Policy Guidance 13 (PPG13): Transport* sets out the Government's objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. Local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.
18. The Planning Policy Statements and Planning Policy Guidance Notes above have now been cancelled and superseded by the National Planning Policy Framework coming into effect on 27<sup>th</sup> March 2012

## **REGIONAL POLICY**

19. *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.
20. *Policy 4: The Sequential Approach to Development:* Sets out the prioritisation for site selection and directs development to the most sustainable locations.
21. *Policy 8: Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
22. However, The Secretary of State for Communities and Local Government's letter dated 27<sup>th</sup> May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils.

## **LOCAL PLAN POLICY**

23. *Policy E5A Open Spaces within Settlement Boundaries* Seeks to protect valuable open spaces which contribute to the character and amenity of the area.
24. *Policy EMP11: Employment within Settlement Boundaries but Outside Designated Sites* seeks to protect the amenity of neighbouring occupiers, the character and

appearance of the area and should not result in an increase in traffic generation to the detriment of local amenity and highway safety.

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

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

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### **3 CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. *The Highway Authority* – Highways comments have not been altered as a result of the revised scheme. The previous comments still apply and are summarised below:

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

#### **INTERNAL CONSULTEE RESPONSES:**

31. *Environmental Health* – Environmental Health comments have not been altered as a result of the revised scheme. Any lighting should face in on the site.
32. *Landscape Section* – A revised landscaping scheme would be required, to include more suitable plant species and reference to protection of existing planting.

#### **PUBLIC RESPONSES:**

33. *Brandon and Byshottles Parish Council* – The proposals will not alleviate parking problems associated with the parking of vehicles on Sawmills Lane. The proposal for the landscaping will have little or no effect on the streetscene and visual amenity of the area.

34. The application has been advertised by a site notice and neighbour consultation letters. Fourteen objections have been received and a petition with 59 signatures objecting to the proposal has also been received. The objections made are as follows

- Increased business and traffic
- Concerns for highway safety
- All parking would be used for car sales
- Lighting columns should face in on the site to avoid light pollution
- Would be detrimental to the street scene
- The business should move to another site

#### **APPLICANTS STATEMENT:**

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

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

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

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

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

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

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*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.chester-le-street.gov.uk/publicaccess/> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.*

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#### **4 PLANNING CONSIDERATIONS AND ASSESSMENT**

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41. 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 main planning issues in this instance relate to the need for the development, principle of the development, impact on the visual amenity of the area,

impact on the living conditions of neighbouring properties and concerns raised by objectors.

42. The application has been revised to include a 6 metre landscaping belt to the front of the site, to improve the appearance of the development within the streetscene, this revision is based on the inspectors reason for dismissal of the previous application 11/00352/FPA which was as follows:

*'The open space is a positive element in the street scene. It would be possible to mitigate its loss by reducing the area available for car parking and retaining an effective landscaped strip between the car parking/display area and the road. However the present scheme does not do this and would result in a visually intrusive development which would cause substantial harm to the well landscaped residential surroundings.*

*On balance I find that, in relation to the present proposal, the benefits associated with reduced pressure on on-street parking and with improving the efficiency of the existing business do not outweigh the harm caused to the character and appearance of the street scene. The proposal would thus be contrary to the provisions of Local Plan Policy EMP11 and to the high quality design objective of PPS4'.*

### The Need for the Development

43. In order to fully assess this proposal, the context in which this application has arisen must be set out.
44. There is an existing situation on Sawmills Lane where staff and customers relating to the Stoneacre Garage have been parking along the side of the road, causing an obstruction in the highway and reducing safety of pedestrians and motorists using Sawmills Lane. It is therefore considered that the proposed development has arisen out of a need to address the parking issue.
45. The solution to this problem as proposed by the garage is to incorporate an existing area of open space into the site to provide additional space for the parking of vehicles and for loading and unloading.
46. The breakdown of the proposed car parking on the application site would be as follows:

Table 1 Proposed parking

	Type of parking bay	Number of spaces
	Staff	15
	Customer	22
	Storage/Service/MOT	30
	Car sales	27
Total		94

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

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

Table 2 Existing parking

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

47. Durham County Council have also made progress to address the parking issues on Sawmills Lane by painting double yellow lines on Sawmills Lane last year.
48. The site history verifies the existence of on street parking problems on Sawmills Lane. The history of the site indicates that parking problems on Sawmills Lane are caused by staff and customers of Stoneacre garage not having adequate parking provision on the site.
49. The local planning authority has worked with the business to achieve the best improvements to the site which can realistically be achieved. A number of amendments to the original proposal have been made including incorporating customer parking into the site frontage, addressing residents concerns that customer parking must be visible and incorporating a 6 metre landscaping belt into the site frontage to lessen the impact of the development on the streetscene.
50. Policy H13 of the City of Durham Local Plan states that 'Where established non-residential uses exist adjacent to housing areas, appropriate measures will be taken where possible to overcome the annoyance or disturbance which they cause.' It is considered that the proposed development combined with the double yellow lines on Sawmills Lane shall go a considerable way towards alleviating the problem.
51. The garage has stated that they do not intend to increase car sales; the works are to improve the site and address the parking problems on Sawmills Lane. The site location plan submitted with the application indicates that the vehicles for sale located to the rear of the site shall be brought to the front of the site onto the existing open space area. This will then render land to the rear available for staff and customer parking. The Planning Inspector was satisfied that the proposal would not allow for the intensification of the business and that a condition restricting the use of parts of the appeal site to customer and staff parking would be both valid and enforceable. Therefore whilst the reconfiguration of the area would lead to a more visible sales area most of the net gain in parking area would not increase vehicle display/storage capacity.

52. The proposed development is considered to be in accordance with policies Q2 and T1 of the City of Durham Local Plan.

#### Principle of the Development

53. The garage is an existing well established business and as stated previously the local planning authority has no powers to force the relocation of the business.
54. The application site is located within the limits to development for Brandon as identified by the City of Durham Local Plan 2004. The site is located in a primarily residential area and is not allocated for any specific use.
55. The general principles of sustainable development support proposals which direct new development to those areas best able to support it in terms of accessibility. The National Planning Policy Framework is pro-growth through a presumption in favour of sustainable development, it is considered that this proposal accords with this underlying principle.

#### Impact on the Visual Amenity of the Area

56. The application site is an area of open space between garage buildings with car storage to the rear. There are a number of trees within the site and along the boundaries. The site does offer some amenity value to the area; however this must be balanced with the need to address the problem of on street parking in the area. It is considered that the visual amenity of the area would be greatly improved by removing cars which now park on the side of the road to parking bays on the application site. It is also considered that the addition of a 6 metre landscaping belt to the front of the site would address the concerns of the Inspector by providing an attractive landscaping strip between the car display area and the road to mitigate the impact of the development on the character and appearance of the streetscene.
57. A number of trees will be felled as a result of the development, these trees are not protected nor in a conservation area. They do offer some amenity value to the area however on balance the amenity value of creating additional parking on the site would be of such a benefit to the area that it is considered to outweigh the amenity value of these trees. Additional planting will be incorporated into the site to soften the appearance of the development, to include trees.
58. Further details are required in relation to the lighting columns and for the formal setting out of the car park, however the general principle of these elements of the scheme are considered to be acceptable and the details shall be secured by suitable planning conditions.
59. The development is considered to be in accordance with policies E5A, E14, EMP11 and Q3 of the City of Durham Local Plan 2004.

#### Impact on the living conditions of neighbouring properties and concerns raised by objectors

60. Previously concerns have been raised by the occupiers of neighbouring properties regarding the impact of the development on highway safety, the appearance of the development and potential increased pollution and noise disturbance.
61. The primary concern for residents relates to highway safety. There is a current situation whereby cars park at the side of the road adjacent to Stoneacre garage causing an obstruction in the highway and a negative impact on the amenity of occupiers and users of Sawmills Lane.



62. The application has put forward a proposal which would go a considerable way to alleviating the problem of on road parking on Sawmills Lane. It is therefore considered that the proposed development would be in accordance with policies T1, Q2 and H13 of the City of Durham Local Plan 2004.

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## 5 CONCLUSION

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63. The current situation is that there is no defined parking on the site for staff or customers. This is a situation that needs to be addressed with some urgency. The garage is an established business, which has reached the capacity of the site. The local planning authority have no powers to move the business off the site, therefore we must approach the problem by working with the business to achieve the best improvements possible in response to resident's concerns.
64. This application proposes to resolve parking issues on Sawmills Lane by increasing staff and customer parking from 0 spaces to 25 spaces and by changing the use of an area of open space to the front of the site to allow for the parking of vehicles. The Highways engineer has responded positively to the proposal deeming this number of spaces adequate provided it is a condition of any planning permission that they are clearly marked and utilised only for the purposes identified.
65. A number of the sales staff utilise sale vehicles for commuting to and from work, therefore this also reduces the number of staff parking spaces required.
66. The area of open space is not of such high amenity value to warrant the refusal of this application on the basis of its visual amenity. A balanced view must be taken to assess the benefits of the change of use over the loss of the open space and the positive mitigation proposed through the landscaping belt.

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## 6 RECOMMENDATION

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**That the application be APPROVED subject to the following conditions:**

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

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

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

Plan Ref No.	Description	Date Received
	Site Location Plan	16/2/2012
1078-11-002 REV J	Proposed Site Plan	16/2/2012
1201.01	Planting Plan	16/2/2012

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

3. Notwithstanding the submitted plans, a parking layout at a scale of 1:50 shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The parking layout shall provide 13 staff car parking spaces, 22 customer car parking spaces, 38 storage/service/MOT car parking spaces and 33 car sales parking spaces. The parking layout shall also include details of the means of demarcation of the parking spaces and details of any associated demarcation signage. The submitted scheme shall then be fully implemented in accordance with the approved plans prior to the first use of the development and shall thereafter be maintained in accordance with the agreed scheme.

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

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

*Reason: In the interests of the visual amenity of the area and to comply with policies H13 and Q3 of the City of Durham Local Plan 2004*

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

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

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## **7 REASON FOR THE DECISION**

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- 8.1 This decision has been taken having regard to the National Planning Policy Framework , policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 and policies E5A, E14, T1, Q2, Q3 and H13 therein.
- 8.2 The scheme would involve development within the settlement limits of Brandon, which is considered to be a sustainable settlement in accordance with policy Q2 of the City of Durham Local Plan and accords with the National Planning Policy Framework.

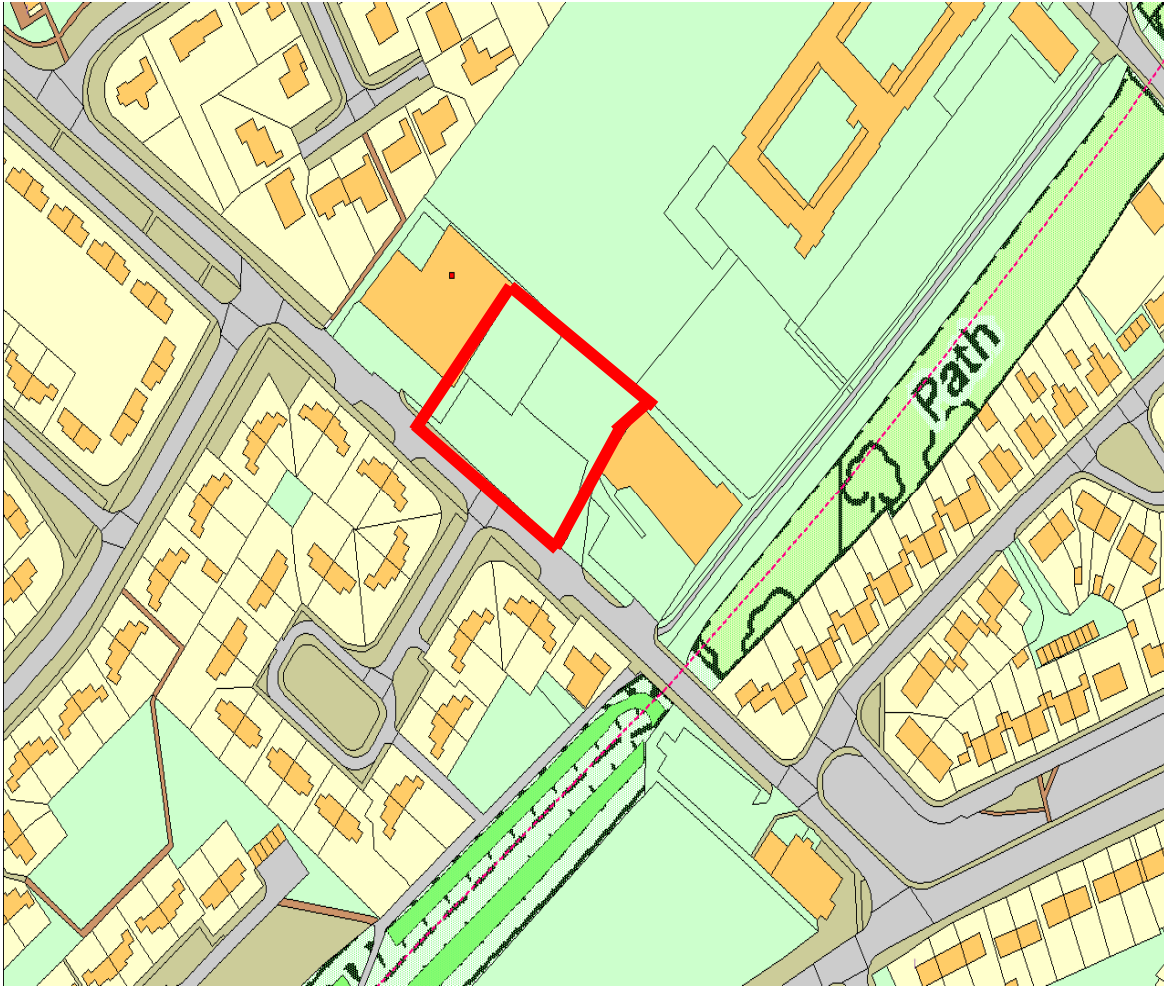
- 8.3 The proposal would have a positive effect on highway safety at Sawmills Lane by significantly the numbers of vehicles parked on the highway in accordance with policy T1 of the City of Durham Local Plan 2004.
- 8.4 The proposal would not result in an unacceptable loss of an area of open space in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

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## **8 BACKGROUND PAPERS**

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Application files, consultation responses, The City of Durham Local Plan 2004, Regional Spatial Strategy (RSS), National Planning Policy Framework



**Planning**

**Services**

Land at Stoneacre Garage, Sawmills Lane,  
Brandon, Durham

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**Comments**

Use of land for car sales, car storage, staff and customer parking

**Date** 10<sup>th</sup> April 2012

**Scale**

1:2500

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	PL/5/2011/0469
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING OF 10 NO. DWELLINGHOUSES
NAME OF APPLICANT SITE ADDRESS	JOHN HARE ARCHITECT LAND OPPOSITE MOOR VIEW & ADJACENT ASHFORD GROVE, THORNLEY
ELECTORAL DIVISION CASE OFFICER	THORNLEY Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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1. **Site:** The site is located at the east end of Hartlepool Street, within the settlement of Thornley, lying to the east of Moor View and to the south of Ashford Grove. The settlement boundary of Thornley follows the south and east boundaries of the application site. Thornley itself is an elevated settlement with a history as a mining community being close to Wheatley Hill within the previous District of Easington.
  - 1.1 The site is a small "L" shaped parcel of land of about 2,284 square metres and which wraps around the side and rear of properties on Ashford Grove but with the main site boundary facing onto Moor View. The entire site area is generally overgrown with its previous domestic garden and bungalow layout being totally lost under rough grass and shrubs. The bungalow and other garden buildings were evidently demolished some years ago.
2. **Proposal:** This proposal seeks outline planning permission for the construction of 10 no. dwellings accessed directly from Moor View along with details of layout and scale; design and landscaping would be reserved matters should the application be approved.
  - 2.1 The application is being reported to Committee as it is a major development.

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### PLANNING HISTORY

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3. None relevant

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## **PLANNING POLICY**

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### **4. NATIONAL POLICY:**

#### **4.1 National Planning Policy Framework**

4.2 On March 27<sup>th</sup> 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/letternppf>*

### **5. REGIONAL PLAN POLICY**

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

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

5.3 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.

5.4 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.

- 5.5 Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
- 5.6 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.
- 5.7 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.
- 5.8 Policy 39 - Seeks to generate at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.
- 5.9 The above policies are not considered to conflict with the NPPF.
- 6. **LOCAL PLAN POLICY:**
  - 6.1 District of Easington Local Plan
  - 6.2 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.
  - 6.3 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.
  - 6.4 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.
  - 6.5 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
  - 6.6 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.
  - 6.7 The above policies are not considered to be out of date or to conflict with the NPPF.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **7. STATUTORY RESPONSES:**

7.1 Northumbrian Water – no objections subject to surface water drainage condition

7.2 Environment Agency – no objections, informal advice offered

### **8. INTERNAL CONSULTEE RESPONSES:**

8.1 Planning Policy – no objections

8.2 Environmental Health – no objections subject to conditions relating to construction hours

8.3 Archaeology – no objections

8.4 Ecology – no objections

8.5 Tree Officer – some concerns relating to loss of trees

### **9. PUBLIC RESPONSES:**

9.1 The application has been advertised by way of a press notice, site notice and individual letters to residents. One objection has been received which raises concerns relating to access and drainage.

### **10. APPLICANTS STATEMENT:**

10.1 Contact and discussions were held with the Central and East Durham Area Office Planning Department representatives over a period of time leading up to the preparation of the scheme design. Discussions were also held with the Highways Engineer enabling the site layout to be amended in order to comply with his requirements. The Senior Planning Officer dealing with the enquiry was happy to “confirm that the proposals are considered acceptable in principle and that there are no significant planning concerns regarding the scale and layout of the development.”

*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=116546>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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11. As this application seeks outline planning permission with only appearance and landscape being reserved matters, the main planning considerations are therefore the principle of the development in terms of accordance with planning policy, the layout of the development and impact on surrounding occupiers and the street scene, highways issues, other site specific issues and public responses.

### **12. Principle of the development and planning policy**

12.1 The proposed development is considered to be in keeping with the National Planning Policy Framework (NPPF).



- 12.2 At the time of the application submission, the NPPF was in draft form and thus the application was initially considered against Planning Policy Statements, namely PPS1: Delivering Sustainable Development and PPS3: Housing, these required a sequential approach to the identification of housing sites, which prioritised land in sustainable urban areas. Having re-assessed the application against NPPF, it is Officer's view that the application accords with its aims of sustainable development as the site is within a predominantly residential area, which is situated within the settlement boundary of Thornley.
- 12.3 The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a sustainable site situated within the settlement of Thornley, it is considered to accord with the general principles of RSS in terms of a sequential approach for development. The aims of this policy are reflected in the NPPF, therefore the potential abolition of Regional Strategies would not affect the outcome of this application.
- 12.4 The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.
- 12.5 Policy 67 of the Local Plan, although dated, is still considered relevant and broadly in accordance with the NPPF. The policy states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although the application site is greenfield, it is considered that the site is in a sustainable location within the settlement boundary and therefore meets the aims and objectives of Policy 67 if not the letter of it. However, in any event, greater weight must be afforded to the NPPF than Policy 67 and it is considered that the proposal satisfies the criteria of sustainability in the NPPF.

### **13. Layout, impact on surrounding occupiers and the street scene**

- 13.1 This application is for outline approval only with appearance and landscaping being the only matters reserved. The applicant has submitted a layout plan showing 10 no. dwellings. In all instances, the distancing standards would be adequate and would therefore protect the privacy of existing and future occupiers. The layout of the development is constrained by the shape of the site which is an L-shape and constrained by the existing properties and land outside of the settlement boundary. The proposed layout of the dwellings is guided by the need for adequate access, parking, amenity space and privacy distances. As such, it is considered that the proposals are acceptable in terms of layout, the impact on the street scene and surrounding occupiers in accordance with saved local plan policy 35 and the aims of the NPPF. With regard to the tree officer's comments regarding the three mature trees on the site, it is considered that the proposed development of an existing,

largely untidy site with housing far outweighs the need to protect these particular trees. Furthermore, in order to mitigate this, a landscaping condition should be imposed.

#### 14. **Highways Issues**

14.1 The highways officer suggested amendments during the application process which the applicant has adhered to. On this basis the highways officer has no objections subject to a condition requiring an appropriate visibility splay.

#### 15. **Site specific issues**

15.1 In terms of childrens play space, saved policy 66 of the local plan states that “developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site”. As such, the applicant has agreed to enter into a Section 106 legal agreement to secure a financial contribution for the provision or improvement of off-site play areas.

15.2 Policy 39 of the Regional Spatial Strategy seeks to generate at least 10 percent of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20 percent of regional consumption by 2020. As such, an appropriate condition should be imposed.

#### 16. **Public responses**

16.1 One objection has been received from a member of the public. The concerns raised are regarding the access arrangements and drainage. Both the highways officer and Northumbrian Water have no objections to the proposals subject to conditions. Therefore, it is not considered that the objections raised should warrant refusal of planning permission.

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## **CONCLUSION**

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17. In conclusion, it is considered that the proposal is in accordance with the National Planning Policy Framework and the relevant regional and local planning policies which do not conflict with the framework. The location of the proposed development is considered sustainable as it has good access to community facilities such as shops, schools and public transport. In addition it is not considered that there would be any adverse impact on the street scene or surrounding occupiers. On this basis it is considered that the proposals are in accordance with the National Planning Policy Framework and other material planning considerations including regional and local plan policies which are not in conflict with the framework.

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## **RECOMMENDATION**

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

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

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- a) the expiration of five years from the date of this permission; or
- b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site Location Plan Drwg No 304-10, Proposed Site Layout Drwg No 304-20a

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.

4. 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 part 10 of the National Planning Policy Framework.

5. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with part 11 of the National Planning Policy Framework..

6. No development shall commence until such time as a scheme showing the necessary junction sight visibility splays onto the C65 Moor View has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved visibility splays shall be provided before the first dwelling is occupied and shall be retained in perpetuity while the development exists.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

7. Notwithstanding the submitted plans, the front elevations of plots 1 to 4 must face onto the C65 Moor View.

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 and part 7 of the National Planning Policy Framework..

8. Construction work shall not take place on site outside the hours of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1200 hours on Saturday and not at all on Sundays and 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 and part 11 of the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until:

a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment . Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.

b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.

c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.

d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.

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

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 part 11 of the National Planning Policy Framework.

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## **REASONS FOR THE RECOMMENDATION**

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

### NATIONAL PLANNING POLICY FRAMEWORK

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN

ENV18 - Species and Habitat Protection  
ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
GEN01 - General Principles of Development  
HOU67 - Windfall housing sites

REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY

Policy 2 - (Sustainable Development)  
Policy 24 - (Delivering Sustainable Communities)  
Policy 3 - (Climate Change)  
Policy 39 - (Renewable Energy Generation)  
Policy 4 - (Sequential Approach)  
Policy 8 - (Protecting and Enhancing the Environment)

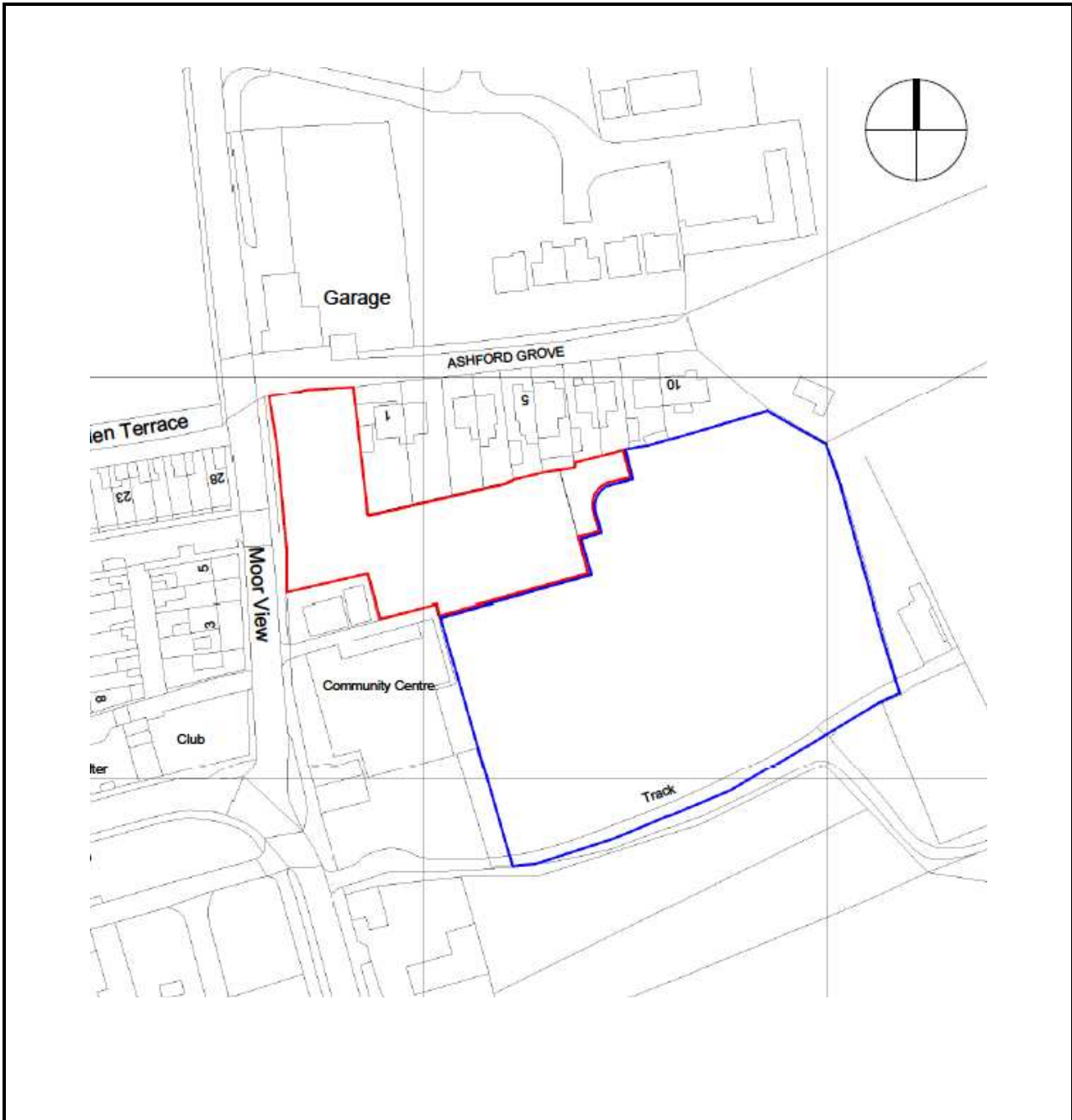
2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, layout of development, amenity of neighbours and highways issues.
3. The grounds of objection were not considered sufficient to lead to reasons for refusal, as the issues regarding highways and drainage were considered satisfactory by the local planning authority in consultation with the relevant statutory consultees.

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## **BACKGROUND PAPERS**

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- 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
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

Proposed **RESIDENTIAL DEVELOPMENT**  
**COMPRISING OF 10 NO.**  
**DWELLINGHOUSES** at **LAND OPPOSITE**  
**MOOR VIEW & ADJACENT ASHFORD**  
**GROVE, THORNLEY PL/5/2011/0469**

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**Comments**

**Date** 10<sup>th</sup> April 2012

**Scale**

## Planning Services

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	PL/5/2011/0494
APPLICATION DESCRIPTION	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 14 SEMI DETACHED/TERRACED DWELLINGS
NAME OF APPLICANT SITE ADDRESS	PF TRADING NORTH EAST LTD LAND ADJACENT TO GORE HALL FARM, THORNLEY
ELECTORAL DIVISION CASE OFFICER	THORNLEY Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSAL

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1. **Site:** The application relates to a site situated within Thornley, at the top of a small hill, north of Gore Hall Farm. The site is bounded to the north and east by existing housing.
  - 1.1 The application site extends to approximately 0.39 ha. The site forms a roughly rectangular grassed area of land, which is currently un-maintained and displays evidence of anti-social behaviour, such as fly tipping and fires. The site undulates, rising from the entrance of the site on the western boundary towards the eastern end of the site, which is the highest and flattest part.
  - 1.2 Prior to the development of existing housing to the north of the site, which was built between 1970 and 1979, the site was used as part of an agricultural unit.
2. **Proposal:** Outline planning consent with all matters reserved is sought for residential development on the land adjacent to Gore Hall Farm, Thornley. The indicative layout submitted with the application includes a total of 14no. dwellings. The application site already has an extant outline planning consent for 5 no. dwellings.
  - 2.1 This application is being reported to Committee as it is a major development.

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## PLANNING HISTORY

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3. Outline planning permission (all matters reserved except access) was granted in January 2009 for 5no. dwellings.

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## **PLANNING POLICY**

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### **4. NATIONAL POLICY:**

#### **4.1 National Planning Policy Framework**

4.2 On March 27<sup>th</sup> 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/letternppf>*

### **5. REGIONAL PLAN POLICY:**

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

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

5.3 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.

5.4 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.

- 5.5 Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
- 5.6 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.
- 5.7 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.
- 5.8 Policy 39 - Seeks to generate at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.
- 5.9 The above policies are not considered to conflict with the NPPF.

## 6. **LOCAL PLAN POLICY:**

- 6.1 District of Easington Local Plan
- 6.2 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.
- 6.3 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.
- 6.4 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
- 6.5 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.
- 6.6 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.
- 6.7 The above policies are not considered to be out of date or to conflict with the NPPF.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **7. STATUTORY RESPONSES:**

7.1 Environment Agency – no objections

7.2 Northumbrian Water – no objections subject to surface water drainage condition

### **8. INTERNAL CONSULTEE RESPONSES:**

8.1 Highways – Technical issues raised with relation to the indicative layout plan, however these could be addressed at the reserved matters stage.

8.2 Archaeology – no objections subject to condition relating to archaeological surveys and recording.

8.3 Environmental Health – no objection, however construction hours should be controlled.

### **9. PUBLIC RESPONSES:**

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

9.2 Four letters of objection have been received by members of the public which include concerns relating to loss of privacy, loss of light, anti-social behaviour and that the access is dangerous.

### **10. APPLICANTS STATEMENT:**

10.1 Outline planning consent is sought for residential development on the land adjacent to Gore Hall Farm, Thornley. The indicative layout submitted with the application includes a total of 14no. dwellings. The application site already enjoys extant outline planning consent for 5no. dwellings.

10.2 Whilst the development proposals are relate to what is effectively a Greenfield site, the proposals are considered to be wholly acceptable taking into considered PPS3 (Housing), the Minsiterial Statement on Planning for Growth and the emerging National Planning Policy Framework and the extant outline approval.

10.3 In light of the above planning, design and access statement, the principles and indicative details of the proposed development of this small Greenfield site within Thornley's development limits should be deemed acceptable.

10.4 In light of the information contained within this report we would politely request that the Council support these outline proposals.

*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=116855>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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11. As this application seeks outline planning permission with all matters reserved, the main planning considerations are therefore the principle of the development in terms of accordance with planning policy, the indicative layout of the development and impact on surrounding occupiers and the street scene, highways issues, other site specific issues and public responses.
12. **Principle of the development and planning policy**
  - 12.1 The proposed development is considered to be in keeping with the National Planning Policy Framework (NPPF).
  - 12.2 At the time of the application submission, the NPPF was in draft form and thus the application was initially considered against Planning Policy Statements, namely PPS1: Delivering Sustainable Development and PPS3: Housing, required a sequential approach to the identification of housing sites, which prioritised land in sustainable urban areas. Having re-assessed the application against NPPF, it is Officer's view that the application accords with its golden thread of sustainable development as the site is within a predominantly residential area, which is situated within the settlement boundary of Thornley.
  - 12.3 The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a sustainable site situated within the settlement of Thornley, it is considered to accord with the general principles of RSS in terms of a sequential approach for development. The aims of this policy are reflected in the NPPF, therefore the potential abolition of Regional Strategies would not affect the outcome of this application.
  - 12.4 The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.
  - 12.5 Policy 67 of the Local Plan, although dated, is still considered relevant and broadly in accordance with the NPPF. The policy states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although the application site is greenfield, it is considered that the site is in a sustainable location within the settlement boundary and therefore meets the aims and objectives of Policy 67 if not the black letter of it. However, in any event, greater weight must be afforded to the NPPF than Policy 67 and it is considered that the proposal satisfies the criteria of sustainability in the NPPF.

### **13. Layout, impact on surrounding occupiers and the street scene**

13.1 This application is for outline approval only with all matters reserved, including layout. However, the applicant has submitted an indicative layout showing 14 no. dwellings. In almost all instances, the distancing standards would be adequate and would therefore protect the privacy of existing and future occupiers, this includes the residential development to the south of the site which benefits from planning permission but has not yet commenced. Notwithstanding this, the final layout would be assessed at the reserved matters stage should this application be approved. The layout of the development is constrained by the shape of the site which is long and narrow and therefore the layout of the proposed dwellings is guided by the need for adequate access, parking, amenity space and privacy distances. As such, it is considered that the proposals are acceptable in terms of layout, the impact on the street scene and surrounding occupiers in accordance with saved local plan policy 35 and the aims of the NPPF.

### **14. Highways Issues**

14.1 The highways officer has advised that there are some technical highways issues within the indicative layout which need to be resolved, however this could be achieved at the reserved matters stage when the access and layout is considered.

### **15. Site specific issues**

15.1 The archaeology officers have requested that should the application be approved, conditions should be imposed which would ensure that the site is evaluated and that any important finds are recorded.

15.2 In terms of childrens play space, saved policy 66 of the local plan states that “developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site”. As such, the applicant has agreed to enter into a Section 106 legal agreement to secure a financial contribution for the provision or improvement of off-site play areas.

15.3 Policy 39 of the Regional Spatial Strategy seeks to generate at least 10 percent of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20 percent of regional consumption by 2020. As such, an appropriate condition should be imposed.

### **16. Public responses**

16.1 Objections have been received from members of the public. Concerns have been raised regarding the access arrangements. The access does not form part of this application but has previously been agreed as part of the approved application for 5 no. dwellings in 2009.

16.2 Access is only feasible at the western end of the site where it is adjacent to the estate road. The highways officer has not objected to the principle of this.

16.3 Concerns over anti-social behaviour should be considered, however, it is not considered that the outline approval would directly cause anti-social behaviour.

Conversely, development and occupation of the site would eradicate current mis-use.

16.4 Concerns have been raised regarding the proximity of the proposed houses to those existing on Gore Hill Estate, and the relationship between the houses subject to this current application and those proposed on Gore Hall Farm to the south. Although approval of the siting of dwellings is not currently being sought, the indicative layout plan submitted with the application demonstrates that all required privacy distances could be met between the existing properties to the north and the proposed houses to the south. Nevertheless, the current proposal deals only with the principle of development. Planning officers are satisfied that the site subject to this application can accommodate fourteen new dwellings and conform to relevant development plan guidelines in terms of site layout, privacy and amenity standards.

16.5 For the reasons outlined above it is not considered that the objections raised should warrant refusal of planning permission.

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## **CONCLUSION**

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17. In conclusion, it is considered that the proposal is in accordance with the National Planning Policy Framework and the relevant regional and local planning policies which do not conflict with the framework. The location of the proposed development is considered sustainable as it has good access to community facilities such as shops, a post office, schools and public transport. There would not be any adverse impact on the street scene or surrounding occupiers, privacy distances both within the site and to surrounding properties would be assessed as part of the reserved matters submission. The indicative layout of the proposal is considered broadly acceptable given the constrained shape of the site and adequate amenity space has been provided.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to completion of a Section 106 agreement and to the following conditions;

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- a) the expiration of five years from the date of this permission; or
- b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. Location Plan dated Sept 11, DWG no 671 - 01

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.

4. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO<sub>2</sub> 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 part 10 of the National Planning Policy Framework.

5. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with part 11 of the National Planning Policy Framework.

6. Construction work shall not take place on site outside the hours of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1200 hours on Saturday and not at all on Sundays and 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 and part 11 of the National Planning Policy Framework.

7. 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 part 12 of the National Planning Policy Framework as the site is deemed to be of archaeological interest.

8. Prior to the development 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 part 12 of the National Planning Policy Framework to make the information as widely accessible to the public as possible.

9. The development hereby permitted shall not be commenced until:

- a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment . Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
- b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
- c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
- e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority

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 Part 11 of the National Planning Policy Framework.

10. Notwithstanding the submitted information, a maximum of 14 dwellings shall be constructed on the site.

Reason: In order to comply with the level of agreed Section 106 contributions.

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## REASONS FOR THE RECOMMENDATION

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

### NATIONAL PLANNING POLICY FRAMEWORK

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN

DISTRICT OF EASINGTON LOCAL PLAN

REGIONAL SPATIAL STRATEGY  
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REGIONAL SPATIAL STRATEGY

ENV18 - Species and Habitat Protection  
ENV35 - Environmental Design: Impact of  
Development

ENV36 - Design for Access and the Means of Travel  
GEN01 - General Principles of Development  
HOU66 - Provision of outdoor play space in new  
housing development

HOU67 - Windfall housing sites

Policy 2 - (Sustainable Development)  
Policy 24 - (Delivering Sustainable Communities)  
Policy 3 - (Climate Change)  
Policy 39 - (Renewable Energy Generation)  
Policy 4 - (Sequential Approach)  
Policy 8 - (Protecting and Enhancing the  
Environment)

2. In particular the development was considered acceptable having regard to consideration of issues of the principle of development and the amenity of neighbours.
3. The objections received were not considered sufficient to lead to reasons for refusal, as the layout was considered satisfactory, the proposals were unlikely to result directly in anti-social behaviour, and the access details were considered satisfactory by the highways officer.

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## BACKGROUND PAPERS

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





**Planning Services**

**Proposed OUTLINE FOR RESIDENTIAL DEVELOPMENT OF 14 SEMI DETACHED/TERRACED DWELLINGS at LAND ADJACENT GORE HALL FARM, THORNLEY PL/5/2011/0494**

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**Comments**

**Date** 10 April 2012

**Scale**

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