



## Area Planning Committee (Central and East Durham)

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

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### Business

#### Part A

1. Minutes of the Meeting held on 12 June 2012 (Pages 1 - 2)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) PL/5/2011/0221 - Land on west side, Salters Lane, Shotton Colliery: (Pages 3 - 18)  
Change of Use of Land to a Private Gypsy and Traveller Caravan Site (Resubmission).
  - b) PL/5/2011/0384 - Lake Lane, Rear of Moore Terrace, Shotton Colliery, DH6 2QY: (Pages 19 - 32)  
Caravan Site for the stationing of three Residential Caravans for Occupation by a single Traveller family (Retrospective).
  - c) CMA/5/33 - Land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell: (Pages 33 - 54)  
Proposed caravan site to accommodate three caravans, two dayrooms, (to be accommodated within the existing haystore) and erection of a three bedroomed chalet and stable block.
  - d) 4/12/00213/FPA - Land Adjacent To Crossways, Whitesmocks, Durham, DH1 4LL: (Pages 55 - 66)  
Erection of new two storey detached dwelling adjacent to Crossways, Whitesmocks.
  - e) 4/12/00357/VOC - Land at Former Cape Site Durham Road Bowburn DH6 5AT: (Pages 67 - 86)  
Removal of condition 12 of planning application 06/00631/OUT (Outline Application including details of means of access for employment use and residential development with associated play areas, landscaping, parking and access) relating to the provision of 30% affordable housing.

P.T.O.

- f) 4/12/00420/FPA - Land Corner Of Waltons Terrace and The Bungalows, New Brancepeth, Durham, DH7 7ER:  
(Pages 87 - 94)

Two detached residential dwellings (Revised and resubmitted),  
(Amended plans showing revised parking and access  
arrangements received 14 May 2012).

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  
2 July 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

**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)**

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 12 June 2012 at 1.00 pm**

**Present:**

**Councillor C Walker (Chair)**

**Members of the Committee:**

Councillors J Blakey, G Bleasdale, P Charlton, J Moran, J Robinson, K Thompson and A Naylor (substitute for A Laing)

**Apologies:**

Apologies for absence were received from Councillors P Taylor, J Bailey, A Bell, J Brown, S Iveson, A Laing and R Liddle

**Also Present:**

J Taylor – Principal Planning Officer  
B Gavillet – Senior Planning Officer  
N Carter – Legal Officer

**1 Minutes**

The Minutes of the Meeting held on 8 May 2012 were agreed as a correct record and were signed by the Chair.

**2 Declarations of Interest**

There were no declarations of interest.

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

**3a 4/12/00324/VOC & 4/12/00325/VOC - Ramside Hall Hotel, Carville, Durham, DH1 1TD**

The Committee considered a report of the Senior Planning Officer regarding a variation of condition no. 2 of listed building consent ref: 08/00197/LB and condition no. 7 of reserved matters approval ref 08/00196/RM, in order to amend the design, scale and layout of the approved bedroom and leisure extension (for copy see file of Minutes).

Barry Gavillet, Senior Planning Officer gave a detailed presentation which included photographs of the site.

J White, the applicant's agent was in attendance and advised that he would respond to any questions.

In discussing the application, reference was made by a Member to the scale of the proposed ribbed zinc roof. The Senior Planning Officer responded that the footprint of the extension had not changed from the original planning permission and the ribbed zinc roof would sit over the internal swimming pool area. Although it would cover a large area it would not be visible from the rear of Pittington Lane or from other public views from outside the site.

In response to a question, Members were advised that local people and apprentices were currently employed by the Hotel, and the applicant's agent confirmed that the number of local jobs would increase significantly as a result of the proposals. N Carter, Legal Officer informed Members that a previous planning application had been granted subject to the applicant entering into a Section 106 Agreement which made provision for the employment of local labour and apprentices.

**Resolved:**

That the variation of condition no. 2 of the listed building consent (ref: 08/00197/LB) be approved subject to the conditions/reasons outlined in the report.

**The Chair agreed that in order to keep Members up to date with training on relevant planning issues the next item of business could be reported.**

**4 Member Training - Listed Building Status**

A Member requested that training be provided for Members in relation to Listed Buildings.

**Resolved:**

That arrangements be made for a training session for Members on Listed Building status and associated regulations.

## Planning Services

**COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION NO:</b>	<b>PL/5/2011/0221</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>CHANGE OF USE OF LAND TO A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE (RESUBMISSION)</b>
<b>NAME OF APPLICANT</b>	<b>MR S LEE</b>
<b>SITE ADDRESS</b>	<b>LAND ON WEST SIDE      SALTERS LANE SHOTTON</b>
<b>ELECTORAL DIVISION</b>	
<b>CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL**

## Site:

1. This application site lies in the countryside around 150 metres from the edge of the settlement of Shotton Colliery which lies to the south. There are residential properties approximately 150 metres away to the south in Shotton Colliery. Further along Salters Lane to the north there are numerous other buildings including mobile homes, agricultural buildings along with caravans and buildings associated with a caravan storage business. In addition, planning permission has recently been granted for eight new dwellings around 130 metres away across Salters Lane to the east although this has not yet been implemented.
2. The application site itself has an existing access from Salters Lane with wooden fencing either side and runs approximately 95 metres to the west before meeting the area where the mobile home and caravan would be sited. This area is currently enclosed by hedgerows and small conifers.

## Proposal:

3. Planning permission is sought for the change of use of land to form a private gypsy and traveller caravan site. The proposal seeks permission to house a single traveller family on the site which would involve the siting of a mobile home and a caravan. Parking provision would be made on site for two vehicles with access being taken from Salters Lane from the east. The applicants have confirmed that foul drainage would be connected to the mains sewer.

4. The application is being reported to committee at the request of local members.

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## **PLANNING HISTORY**

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5. 04/26 – Stable block. Refused 2004

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal:

8. *NPPF Part 4* - states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
9. *NPPF Part 6* - states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example where development may support services and facilities in a nearby village.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 11* - states that the planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

12. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

### **Planning Policy for Traveller Sites**

13. The Government's planning policy for traveller sites was also published in March 2012 along, and to be read in conjunction with, NPPF. This policy replaces ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
14. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
15. To help achieve the Government's aims in respect of traveller sites the following points are listed;
  - That LPAs should make their own assessment of need, for the purposes of planning and plan for sites over a reasonable timescale
  - To ensure that LPAs working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
  - That decision making should protect green belt from inappropriate development
  - To promote more private traveller sites
  - That decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
  - To increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
  - To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
  - For local planning authorities to have due regard to the protection of local amenity and local environment
16. Local planning authorities should consider the following issues amongst other relevant matters when considering applications for travellers sites:
  - a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicant
  - c) other personal circumstances of the applicant
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
  - e) that that they should determine applications for sites from any travellers and not just those with local connections
17. Local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. It should be ensured that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.

18. When considering applications local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
19. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or obligations.

### **Design of sites for Gypsies and Travellers (CLG guidance 2008)**

20. Requires that the following criteria are met in respect of sites for gypsies and travellers:
  - Access from properly surfaced roads
  - Hard standings for caravans and 6m separation distance between occupied caravans
  - Parking space for cars
  - Electricity and drinking water supplies
  - Washing facilities
  - Sewerage disposal
  - Refuse collections
  - Fire extinguishers
  - Boundary treatment

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

### **REGIONAL PLAN POLICY:**

21. 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.
22. 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 Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.



23. Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
24. 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.
25. 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.
26. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
27. 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.
28. Policy 11 - States that proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
29. 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.
30. Policy 30 - Advises that local authorities should carry out an assessment of the housing needs of gypsies, travelers and show people. Local development Frameworks should then provide the criteria following the plan, monitor and manage and adopt sequential approaches for the provision and release of pitched for the gypsy and travelling communities and, where appropriate, identify locations for these pitches.
31. Policy 31 - States that planning proposals should, sustain nationally, regionally and locally valued landscape

#### **LOCAL PLAN POLICY:**

##### District of Easington Local Plan

32. 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.

33. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
34. 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.
35. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
36. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
37. Policy 38 - The design and layout of development should have due regard to personal safety and security of property, particularly in hours of darkness.
38. Policy 72 - The development of permanent, temporary or transit accommodation for travellers will not be allowed in the Green Belt, the coastal zone or on visually intrusive sites in the countryside. Consideration will be given to distance to local services, access arrangements and amenity of people living and working in the vicinity.

*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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### **STATUTORY RESPONSES:**

39. Northumbrian Water – no objections
40. Environment Agency – no objections subject to the foul drainage being connected to the mains sewer.
41. Durham Constabulary – no objections, similar sites in other areas have proved to be successful.

### **INTERNAL CONSULTEE RESPONSES:**

42. Planning Policy – no objections. The proposal is in general compliance with the general principles of development as set out in policy 1, 35 and 72.
43. Environmental Health – no objections.
44. Ecology Officer – no objections.
45. Tree Officer – no objections. Landscaping scheme should be imposed.
46. Highways Officer – no objections subject to conditions requiring a suitable visibility splay being provided at the access to Salters Lane.

## **PUBLIC RESPONSES:**

47. The application has been advertised in the local press and through the erection of site notices on and around the site. Neighbour consultation letters have also been sent to adjacent properties.
48. No responses have been received from surrounding residents.
49. A local County Councillor has raised concerns regarding the proliferation of this type of development along Salters Lane and the impact that the proposals would have on the recently approved Persimmon Homes development of 175 houses.

## **APPLICANTS STATEMENT:**

50. A request has been made for an applicants statement however no response has been received to date.

*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=114133>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, the main planning considerations are; the principle of the development, impact on visual amenity and the character and appearance of the area, impact on residential amenity, highway safety, proximity of local services and transport links, provision and layout of services and any other matters.

### **Principle of the Development**

52. The Government's Planning Policy for Traveller sites was published in March 2012 along with, and to be read in conjunction with the NPPF. This policy replaced the ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
53. The Government is seeking to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life, whilst respecting the interests of the settled community. The Government requires that LPAs should make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale to meet need through the identification of land for sites in order to address under provision and maintain an appropriate level of supply. The government is promoting more private traveller sites, and wishes to increase the number of traveller sites in appropriate locations, in which travellers can access services and infrastructure.
54. In July 2007 the 'Gypsy and Travellers Needs Assessment', identified a County Durham wide requirement for 61 additional pitches to offset current shortfall and for a further 37 pitches to accommodate household formation up until 2015. These cannot be provided on existing gypsy sites given the need to upgrade these sites, concluding that between 3-5 small permanent sites (with up to 12 pitched each) should be identified through the Local Plan.

However an update to this work is currently ongoing and this would not be finalised in the near future to enable it to influence current planning decisions. The current situation at the public sites in the County is that there is no spare capacity and the rate of turnover is generally low. It has been recognised at appeal that there is a demonstrable unmet need in the county.

55. The County Durham Plan Preferred Options suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2012, although no adoption date is set. It is understood that this document is likely to deal with sites which can accommodate in excess of 15 pitches.
56. The site is not located in the green belt, although is located within the open countryside of which new traveller sites, away from settlements should be strictly limited. In this respect though, the government highlights its primary concern as the importance of ensuring that the scale of such sites does not dominate the nearest settlement. Policy 3 of the Local Plan seeks to prevent development in the countryside, other than that allowed through other policies. Policy 72 seeks to restrict sites in the countryside that are visually intrusive and policy 1 requires development to be located within the settlement boundaries.
57. It is noted that the Government's Traveller Policy does not prevent the provision of sites in the open countryside, per se, nor does the Local Plan policy prevent sites that are *not* visually intrusive. Nevertheless, clearly there is a strong presumption in favour of the continued protection of the open countryside.
58. A key consideration in the determination of this application is weighting the protection given to safeguarding the intrinsic qualities of the countryside whilst also promoting social inclusion and recognising the needs of all groups of society. In this respect Paragraphs 50 and 51 of the NPPF require that everyone should have the opportunity to live in a community where they want to live, a wide choice of high quality homes that people want and need should be delivered and the creation of sustainable, inclusive and mixed communities is encouraged
59. Firstly it must be recognised that the Local Plan fails to identify suitable locations for Gypsy-Traveller sites, in line with the requirements of National Planning Guidance. The unmet need for sites and unmet provision across the County along with no solid plan direction, coupled with the Governments requirements for the provision of more private sites is a substantial material consideration in assessing this proposal.
60. Having identified the need requirement for a site and the importance attached to providing these to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, any site to come forward must be appropriate in terms of its compatibility with other planning issues. In particular due regard must be given to the protection of local amenity, the local environment and landscape, highway safety and in respect of the location of the site in terms of its proximity of local services and transport links.
61. Although the proposal would be in conflict with policy 3 of the Easington Local Plan the principle of development is broadly supported by the recent and more up to date policy 50 of the NPPF and Policy H of the CLG document- Planning Policy for Traveller Sites. It is therefore considered that only limited weight can be afforded to policy 3 of the Easington Local Plan. In the circumstances, it is considered that the principle of the development is acceptable.

## **Impact upon Visual Amenity and the Character and Appearance of the Area**

62. Policy 35 requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.
63. Concern raised by local councillors regarding the cumulative impact that the addition of this site will have in combination with the proliferation of sporadic cumulative development that has already taken place along this strip of road is noted. However, there are multiple existing structures along a large length of Salters Lane including mobile homes, a caravan storage business, and agricultural buildings which all detract from the openness of the countryside. This particular application is only around 150 metres away from the built up area of Shotton and would be seen in the context of many existing buildings and would therefore have very little additional impact.
64. The presence of hedging and existing and proposed tree planting, together with the variety of different buildings in the immediate locality, to which the development would be seen in the context of, would assist in reducing any negative visual impact. The inclusion of screen planting and a maintenance regime would assist over time, to reduce the slight negative impact on the surrounding area. If planning permission were granted conditions could ensure appropriate species and location of planting to maximise this benefit (as encouraged by paragraph 25 of the national traveller policy). This judgement is also made in the context of paragraph 109 of the NPPF which seeks the protection of valued landscapes, which is interpreted as, those areas designated nationally and locally for their landscape value, as opposed to general countryside such as the application site. The NPPF thus appears to set a higher bar in terms of general protection.
65. Given the location of the proposal and its surroundings, and the additional landscaping that can be required though a planning condition, it is not considered that the proposed development would result in a harmful impact to the locality in landscape and visual terms, thus not having a degree of prominence that would appear incongruous in its setting and therefore would not conflict with policies 1, 35 and 72 of the Local Plan.

## **Impact on Residential Amenity**

66. Policies 1, 35 and 72 of the Easington Local Plan aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
67. The closest residential properties to the site are approximately 150 metres away to the south east, in addition to this planning permission has been granted for 8 dwellings across Salters Lane to the east approximately 130 metres away. These properties would have a minimal view of the site due to it being set back approximately 95 metres from the main road and being surrounded by hawthorn and blackthorn hedge which would ensure that the amenities of these properties are not substantially affected. In addition to the existing hedge, a landscaping condition should be imposed which ensures further screening

68. Given the above considerations and subject to mitigating conditions it is considered that the proposal would not significantly adversely affect the amenities of these properties over and above that which would be expected in a rural fringe location, having consideration for the types of uses that would be found in such a location.
69. In respect of amenity, the application is considered to comply with the requirements of policies 1, 35 and 72 of the Easington Local Plan as well as paragraph 123 of the NPPF. This policy seeks to mitigate and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It also seeks to protect areas of tranquillity which have remained undisturbed by noise. Given the existing properties, buildings and uses located within the immediate vicinity of the site it is not considered the site would fall into this description.

### **Highway Safety**

70. The Highways Officer requires that further junction visibility splays be constructed and the existing vehicular access within the public highway upgraded at the entrance before the use commences. The former will be dealt with by planning condition, and the latter by an informative. Subject to the undertaking of this additional work at the entrance point the Highways Officer considers that the access for the level of vehicular use anticipated at the site is acceptable.
71. The undertaking of this additional work would ensure that a satisfactory access capable of serving the amount and nature of traffic to be generated will be created as required by policies 1, 35 and 36 of the Local Plan and in line with paragraph 35 of the NPPF. It is intended that a safe and secure layout which minimises conflict between traffic, cyclists and pedestrians would be secured. It is considered that there is satisfactory space within the development for the parking of vehicles as required by policy 37 of the Local Plan.

### **Proximity of Local services and Transport Links.**

72. A well established key objective of planning policy carried through into the NPPF is to achieve a sustainable form and pattern of development which prioritises directing new development to existing main settlements to ensure access to and support for services and to reduce the need to travel by linking development to key facilities and services. Paragraph 55 requires that new homes in rural locations should be located close to facilities as far as possible.
73. The application site is located on the edge of Shotton which provides an adequate range of community services and facilities including shops, schools, transport links and health services. It is therefore considered the proposal accords with the requirements of policy 72 of the Local Plan and paragraph 55 of the NPPF, in this respect.

### **Provision and Layout of Services.**

74. Neither Northumbrian Water or the Environment Agency have raised objections to the proposals on the basis that the foul drainage connects to the mains sewer. The applicants have confirmed that this would be the case and a suitably worded condition should be imposed to ensure that this takes place.

## Human Rights

75. Human Rights legislation provides for the 'right to respect for private and family life' (Article 8 of the Human Rights Convention). That right is not absolute, however, but qualified and the Local Planning Authority is consequently legitimately able to take into account other factors in determining whether to grant or refuse planning permission. Any decision however must be 'necessary and proportionate'. Generally this means the Local Planning Authority must balance the public interest against the applicant's personal circumstances.
76. Consequently it is concluded that the applicants' personal circumstances have been considered and weighed against the public interest. Planning policy generally aims to protect the interests of the public and therefore as the proposals have been assessed and justified against relevant local and national planning policies, a properly balanced opinion has been made.

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## CONCLUSION

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77. The consideration of this proposal is a matter of balance between the aims of the development plan weighed against the Governments Planning Policy for Travellers. Whilst proposals should be determined in accordance with the Development Plan, the NPPF and the Governments Planning Policy for Traveller Sites sets out more up to date guidance which takes precedence in this instance.
78. The application is for one pitch involving a mobile home and single caravan for use by travellers, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under the Governments Planning Policy for Traveller Sites.
79. There is a need for approximately 60 sites for Gypsies and Travellers within Durham County. There is no capacity at other sites within the County. There are no current plans for new Council sites and a development plan document regarding site allocation is not expected until mid 2014 at the very earliest. This need carries significant weight in line with the Governments Planning Policy for Travellers. The policy encourages the provision of private sites in appropriate locations.
80. The personal needs of the applicant attract significant weight. Access to healthcare and education is easier from a settled location. There are no allocated Traveller sites available in County Durham and no prospect of sites being allocated in the near future
81. The site is not so remote that it should weigh significantly against the proposal. It is close enough to benefit from the services and facilities within Shotton. The site can be served by adequate provision of essential services.
82. There would be no undue harm to highway safety as a result of the development. Junction visibility can be satisfactorily dealt with by a suitably worded condition, ensuring compliance with the relevant policy to the satisfaction of Highway Officers.
83. It is considered that, subject to mitigating conditions the proposed development would not significantly adversely affect the amenity and living conditions of adjacent residential occupiers.

84. The proposed development would not impact on wildlife or protected species.
85. It is not considered that the proposed development would result in a harmful impact to the locality in landscape and visual terms, therefore not having a degree of prominence that would appear unduly incongruous in its setting such as to conflict with policies 1, 35 and 72 of the Local Plan.
86. Subject to the suggested conditions it is considered that the proposals are acceptable.

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## **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 References; Location Plan received 7.12.2011, Site Layout Plan received 28.10.2011  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.
3. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in 'Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)'  
Reason: In order to control the use of the site in accordance with Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)
4. No more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, and one mobile home shall be stationed on the site at any one time.  
Reason: In the interests of the amenity of the area in accordance with policies 1, 35 and 72 of the Easington Local Plan.
5. The mobile home or caravan hereby approved shall not be occupied until such time as 2.4 x 120 metres junction sight visibility splays have been constructed in both directions at the vehicular access onto the B1280 Salters Lane, the sight lines shall be maintained in perpetuity thereafter with no obstructions to the visibility at any height greater than 600mm  
Reason: In the interests of highway safety having regard to policy 36 of the Easington Local Plan.
6. Before the first occupation of the site details of the arrangements for refuse storage shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be constructed and available for use within three months of the occupation of the site.



Reason: In the interests of the appearance of the area and to comply with Policies 1, 35 and 72 of the Easington Local Plan

7. The development hereby approved shall be carried out in accordance with the e-mail dated 1st March 2012 submitted by Dr. Angus Murdoch which states that all foul drainage will be directed to the mains sewer network.

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

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

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

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

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

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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:

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  
DISTRICT OF EASINGTON LOCAL PLAN

ENV03 - Protection of the Countryside  
ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
ENV37 - Design for Parking  
ENV38 - Designing Out Crime  
GEN01 - General Principles of Development  
HOU72 - Control of sites for travellers

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 11 - Conserving and Enhancing the Natural Environment.

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 4 - Promoting Sustainable Transport

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 6 - Delivering a Wide Choice of High Quality Homes.

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 7 - Requiring Good Design.

REGIONAL SPATIAL STRATEGY

Policy 1 - (North East Renaissance)

REGIONAL SPATIAL STRATEGY

Policy 11 - Rural Areas

REGIONAL SPATIAL STRATEGY

Policy 24 - (Delivering Sustainable Communities)

REGIONAL SPATIAL STRATEGY

Policy 3 - (Climate Change)

REGIONAL SPATIAL STRATEGY

Policy 30 - Improving Inclusivity and Affordability

REGIONAL SPATIAL STRATEGY

Policy 31 - Landscape Character

REGIONAL SPATIAL STRATEGY

Policy 4 - (Sequential Approach)

REGIONAL SPATIAL STRATEGY

Policy 7 - (Connectivity and Accessibility)

REGIONAL SPATIAL STRATEGY

Policy 8 - (Protecting and Enhancing the Environment)

In particular the proposed development was considered acceptable having regard to guidance contained within the National Planning Policy Framework, Planning Policy for Gypsy Sites, relevant RSS policies, and Policies of the Easington Local Plan.

The development was also considered acceptable having regard to consideration of the main issues of the principle and location of the development, its visual and landscape impact, impact on highway safety, impact on ecology and the amenity of adjacent occupants and uses.

In respect of the concerns raised regarding harm caused to the locality in landscape and visual terms, it is not considered that the proposals would have a degree of prominence that would appear unduly incongruous in its immediate setting and therefore would not conflict with policies 1, 35 and 72 of the Easington Local Plan

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting Design and Access Statement

National Planning Policy Framework

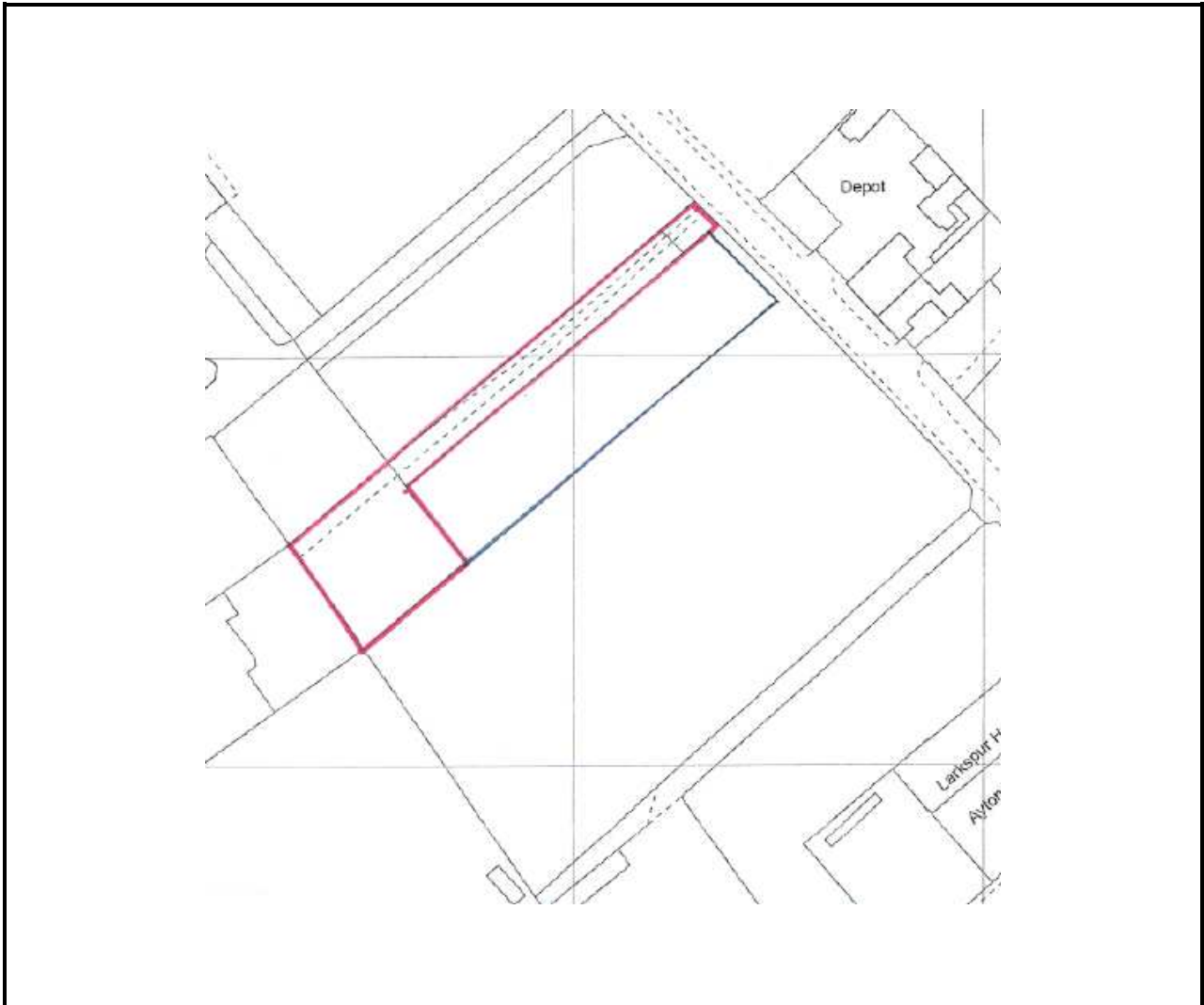
Government Planning Policy for Traveller Sites

Design of sites for Gypsies and Travellers (CLG guidance 2008)

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

District of Easington Local Plan

Consultation Responses



**Planning Services**

**Proposed CHANGE OF USE OF LAND TO A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE (RESUBMISSION) at LAND ON WEST SIDE SALTERS LANE, SHOTTON PL/5/2011/0221**

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<b>Comments</b>	
<b>Date</b> July 2012	<b>Scale</b>

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## Planning Services

**COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION NO:</b>	<b>PL/5/2011/0384</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>CARAVAN SITE FOR THE STATIONING OF THREE RESIDENTIAL CARAVANS BY OCCUPATION BY A SINGLE TRAVELLER FAMILY (RETROSPECTIVE)</b>
<b>NAME OF APPLICANT SITE ADDRESS</b>	<b>MISS N COLLINS LAKE LANE, REAR OF MOORE TERRACE, SHOTTON COLLIERY, DH6 2QY</b>
<b>ELECTORAL DIVISION CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL**

## Site:

1. This application site runs alongside and just outside the settlement boundary of Shotton Colliery with the nearest residential properties within the settlement being only 50 metres to the west beyond existing allotment gardens. There are other residential properties approximately 80 metres to the north east, directly to the south of the site another gypsy and travellers site exists which has the benefit of planning permission, to the east there are mainly open fields with the South West Industrial Estate in Peterlee beyond.
2. Vehicular and pedestrian access to the site is from Dene Avenue to the north or via Moore Terrace to the east.

## Proposal:

3. This application proposes a caravan site for the stationing of three residential caravans by occupation by a single traveller family. The applicants have stated that they have lived on the site since August 2007, although this cannot be confirmed officers have been aware of the site for some time and have been pursuing a planning application in order to regularise the site, hence this is a retrospective planning application.

4. The site itself measures approximately 1100 square metres and is enclosed on all sides by 1.8 metre high close boarded timber fencing. Access into the site is via double close boarded timber gates which open out onto the unmade track to the west of the site. Within the site there are three caravans along with portable toilets and external water supplies. The ground has been compacted with hardcore and there are random areas of patio paving around the site.
5. The application is being reported to committee at the request of local members.

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## **PLANNING HISTORY**

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6. None relevant

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

9. *NPPF Part 4* - states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
10. *NPPF Part 6* - states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example where development may support services and facilities in a nearby village.
11. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

12. *NPPF Part 11* - states that the planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

### **Planning Policy for Traveller Sites**

14. The Government's planning policy for traveller sites was also published in March 2012 along, and to be read in conjunction with, NPPF. This policy replaces ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
15. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
16. To help achieve the Government's aims in respect of traveller sites the following points are listed;
  - That LPAs should make their own assessment of need, for the purposes of planning and plan for sites over a reasonable timescale
  - To ensure that LPAs working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
  - That decision making should protect green belt from inappropriate development
  - To promote more private traveller sites
  - That decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
  - To increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
  - To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
  - For local planning authorities to have due regard to the protection of local amenity and local environment
17. Local planning authorities should consider the following issues amongst other relevant matters when considering applications for travellers sites:
  - a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicant
  - c) other personal circumstances of the applicant
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
  - e) that that they should determine applications for sites from any travellers and not just those with local connections

18. Local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. It should be ensured that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.
19. When considering applications local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
20. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or obligations.

#### **Design of sites for Gypsies and Travellers (CLG guidance 2008)**

21. Requires that the following criteria are met in respect of sites for gypsies and travellers:
  - Access from properly surfaced roads
  - Hard standings for caravans and 6m separation distance between occupied caravans
  - Parking space for cars
  - Electricity and drinking water supplies
  - Washing facilities
  - Sewerage disposal
  - Refuse collections
  - Fire extinguishers
  - Boundary treatment

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

#### **REGIONAL PLAN POLICY:**

22. 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.



23. 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 Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.
24. Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
25. 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.
26. 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.
27. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
28. 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.
29. Policy 11 - States that proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
30. 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.
31. Policy 30 - Advises that local authorities should carry out an assessment of the housing needs of gypsies, travelers and show people. Local development Frameworks should then provide the criteria following the plan, monitor and manage and adopt sequential approaches for the provision and release of pitched for the gypsy and travelling communities and, where appropriate, identify locations for these pitches.
32. Policy 31 - States that planning proposals should, sustain nationally, regionally and locally valued landscape

#### **LOCAL PLAN POLICY:**

District of Easington Local Plan

33. 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.
34. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
35. 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.
36. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
37. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
38. Policy 38 - The design and layout of development should have due regard to personal safety and security of property, particularly in hours of darkness.
39. Policy 72 - The development of permanent, temporary or transit accommodation for travellers will not be allowed in the Green Belt, the coastal zone or on visually intrusive sites in the countryside. Consideration will be given to distance to local services, access arrangements and amenity of people living and working in the vicinity.

*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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### **STATUTORY RESPONSES:**

40. Northumbrian Water – no objections
41. Environment Agency – no objections

### **INTERNAL CONSULTEE RESPONSES:**

42. Planning Policy – no objections. The proposal is in general compliance with the general principles of development as set out in policy 1, 35 and 72.
43. Environmental Health – no objections.
44. Highways Officer – no objections

## **PUBLIC RESPONSES:**

45. The application has been advertised in the local press and through the erection of site notices on and around the site. Neighbour consultation letters have also been sent to adjacent properties.
46. Two letters have been received from nearby residents with regard to the proposals. One of the letters queries whether drainage on the site is sufficient whilst the other comments how the applicants keep the area clean and tidy and free from fly tipping which used to occur.

## **APPLICANTS STATEMENT:**

47. A request has been made for an applicants statement however no response has been received to date.

*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=115770>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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48. 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, the main planning considerations are; the principle of the development, impact on visual amenity and the character and appearance of the area, impact on residential amenity, highway safety, proximity of local services and transport links, provision and layout of services and any other matters.

### **Principle of the Development**

49. The Government's Planning Policy for Traveller sites was published in March 2012 along with, and to be read in conjunction with the NPPF. This policy replaced the ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
50. The Government is seeking to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life, whilst respecting the interests of the settled community. The Government requires that LPAs should make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale to meet need through the identification of land for sites in order to address under provision and maintain an appropriate level of supply. The government is promoting more private traveller sites, and wishes to increase the number of traveller sites in appropriate locations, in which travellers can access services and infrastructure.
51. In July 2007 the 'Gypsy and Travellers Needs Assessment', identified a County Durham wide requirement for 61 additional pitches to offset current shortfall and for a further 37 pitches to accommodate household formation up until 2015. These cannot be provided on existing gypsy sites given the need to upgrade these sites, concluding that between 3-5 small permanent sites (with up to 12 pitched each) should be identified through the Local Plan. However an update to this work is currently ongoing and this would not be finalised in the near future to enable it to influence current planning decisions.

The current situation at the public sites in the County is that there is no spare capacity and the rate of turnover is generally low. It has been recognised at appeal that there is a demonstrable unmet need in the county.

52. The County Durham Plan Preferred Options suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2012, although no adoption date is set. It is understood that this document is likely to deal with sites which can accommodate in excess of 15 pitches.
53. The site is not located in the green belt, although is located within the open countryside of which new traveller sites, away from settlements should be strictly limited. In this respect though, the government highlights its primary concern as the importance of ensuring that the scale of such sites does not dominate the nearest settlement. Policy 3 of the Local Plan seeks to prevent development in the countryside, other than that allowed through other policies. Policy 72 seeks to restrict sites in the countryside that are visually intrusive and policy 1 requires development to be located within the settlement boundaries.
54. It is noted that the Government's Traveller Policy does not prevent the provision of sites in the open countryside, per se, nor does the Local Plan policy prevent sites that are *not* visually intrusive. Nevertheless, clearly there is a strong presumption in favour of the continued protection of the open countryside.
55. A key consideration in the determination of this application is weighting the protection given to safeguarding the intrinsic qualities of the countryside whilst also promoting social inclusion and recognising the needs of all groups of society. In this respect Paragraphs 50 and 51 of the NPPF require that everyone should have the opportunity to live in a community where they want to live, a wide choice of high quality homes that people want and need should be delivered and the creation of sustainable, inclusive and mixed communities is encouraged
56. Firstly it must be recognised that the Local Plan fails to identify suitable locations for Gypsy-Traveller sites, in line with the requirements of National Planning Guidance. The unmet need for sites and unmet provision across the County along with no solid plan direction, coupled with the Governments requirements for the provision of more private sites is a substantial material consideration in assessing this proposal.
57. Having identified the need requirement for a site and the importance attached to providing these to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, any site to come forward must be appropriate in terms of its compatibility with other planning issues. In particular due regard must be given to the protection of local amenity, the local environment and landscape, highway safety and in respect of the location of the site in terms of its proximity of local services and transport links.
58. Although the proposal would be in conflict with policy 3 of the Easington Local Plan the principle of development is broadly supported by the recent and more up to date policy 50 of the NPPF and Policy H of the CLG document- Planning Policy for Traveller Sites. It is therefore considered that only limited weight can be afforded to policy 3 of the Easington Local Plan. In the circumstances, it is considered that the principle of the development is acceptable.

## **Impact upon Visual Amenity and the Character and Appearance of the Area**

59. Policy 35 requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.
60. The application site is located adjacent an existing gypsy and travellers site and close to existing dwellings and allotment gardens. Although technically in the countryside, the surrounding area has an urban character and is surrounded by various buildings and means of enclosure. On this basis, it is not considered that the existing fencing and caravans within the application site appear out of context with the surrounding area and therefore have no adverse impact.
61. Given the location of the proposal and its surroundings it is not considered that the proposed development results in a harmful impact to the locality in landscape and visual terms, thus not having a degree of prominence that would appear incongruous in its setting and therefore does not conflict with policies 1, 35 and 72 of the Local Plan.

## **Impact on Residential Amenity**

62. Policies 1, 35 and 72 of the Easington Local Plan aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
63. Given the distance between the application site and the surrounding residential properties, and that the single storey caravans within the application site are well screened by the close boarded timber fencing which encloses the site, it is not considered that there are any adverse impacts on surrounding occupiers. This is reflected in the fact that there have been no objections from residents on this basis and no known issues of this nature since the traveller family have occupied the site.
64. In respect of amenity, the application is considered to comply with the requirements of policies 1, 35 and 72 of the Easington Local Plan as well as paragraph 12.3 of the NPPF. This policy seeks to mitigate and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It also seeks to protect areas of tranquillity which have remained undisturbed by noise. Given the existing properties, buildings and uses located within the immediate vicinity of the site it is not considered the site would fall into this description.

## **Highway Safety**

65. The Highways Officer has no objections to the proposals in terms of access or parking provision. It is considered that there is satisfactory space within the development for the parking of vehicles as required by policy 37 of the Local Plan. In addition, the application site is located very close to the built up settlement of Shotton

### **Proximity of Local services and Transport Links.**

66. A well established key objective of planning policy carried through into the NPPF is to achieve a sustainable form and pattern of development which prioritises directing new development to existing main settlements to ensure access to and support for services and to reduce the need to travel by linking development to key facilities and services. Paragraph 55 requires that new homes in rural locations should be located close to facilities as far as possible.
67. The application site is located on the edge of Shotton which provides an adequate range of community services and facilities including shops, schools, transport links and health services. It is therefore considered the development accords with the requirements of policy 72 of the Local Plan and paragraph 55 of the NPPF, in this respect.

### **Provision and Layout of Services.**

68. Neither Northumbrian Water nor the Environment Agency have raised objections to the proposals.

### **Human Rights**

69. Human Rights legislation provides for the 'right to respect for private and family life' (Article 8 of the Human Rights Convention). That right is not absolute, however, but qualified and the Local Planning Authority is consequently legitimately able to take into account other factors in determining whether to grant or refuse planning permission. Any decision however must be 'necessary and proportionate'. Generally this means the Local Planning Authority must balance the public interest against the applicant's personal circumstances.
70. Consequently it is concluded that the applicants' personal circumstances have been considered and weighed against the public interest. Planning policy generally aims to protect the interests of the public and therefore as the proposals have been assessed and justified against relevant local and national planning policies, a properly balanced opinion has been made.

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## **CONCLUSION**

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71. The consideration of this proposal is a matter of balance between the aims of the development plan weighed against the Governments Planning Policy for Travellers. Whilst proposals should be determined in accordance with the Development Plan, the NPPF and the Governments Planning Policy for Traveller Sites sets out more up to date guidance which takes precedence in this instance.
72. The application is for one pitch involving three caravans for use by a traveller family, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under the Governments Planning Policy for Traveller Sites.

73. There is a need for approximately 60 sites for Gypsies and Travellers within Durham County. There is no capacity at other sites within the County. There are no current plans for new Council sites and a development plan document regarding site allocation is not expected until mid 2014 at the very earliest. This need carries significant weight in line with the Governments Planning Policy for Travellers. The policy encourages the provision of private sites in appropriate locations.
74. The personal needs of the applicant attract significant weight. Access to healthcare and education is easier from a settled location. There are no allocated Traveller sites available in County Durham and no prospect of sites being allocated in the near future
75. The site is directly adjacent to the settlement of Shotton and would benefit from its services and facilities such as schools, health care, shops and public transport links. The site can be served by adequate provision of essential services.
76. There is no undue harm to highway safety as a result of the development ensuring compliance with the relevant policy to the satisfaction of Highway Officers.
77. It is considered that, subject to mitigating conditions the proposed development would not significantly adversely affect the amenity and living conditions of adjacent residential occupiers.
78. The proposed development does not impact on wildlife or protected species.
79. It is not considered that the proposed development would result in a harmful impact to the locality in landscape and visual terms, therefore not having a degree of prominence that would appear unduly incongruous in its setting such as to conflict with policies 1, 35 and 72 of the Local Plan.
80. Subject to the suggested conditions it is considered that the development is acceptable.

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## **RECOMMENDATION**

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

1. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in 'Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)'  
Reason: In order to control the use of the site in accordance with Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)
2. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.  
Reason: In the interests of the amenity of the area in accordance with policies 1, 35 and 72 of the Easington Local Plan.

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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:

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN  
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ENV03 - Protection of the Countryside  
ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
ENV37 - Design for Parking  
ENV38 - Designing Out Crime  
GEN01 - General Principles of Development  
HOU72 - Control of sites for travellers

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 11 - Conserving and Enhancing the Natural Environment.

NATIONAL PLANNING POLICY FRAMEWORK  
NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 4 - Promoting Sustainable Transport  
NPPF Part 6 - Delivering a Wide Choice of High Quality Homes.

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 7 - Requiring Good Design.

REGIONAL SPATIAL STRATEGY  
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Policy 1 - (North East Renaissance)  
Policy 11 - Rural Areas  
Policy 24 - (Delivering Sustainable Communities)  
Policy 3 - (Climate Change)  
Policy 30 - Improving Inclusivity and Affordability  
Policy 31 - Landscape Character  
Policy 4 - (Sequential Approach)  
Policy 7 - (Connectivity and Accessibility)  
Policy 8 - (Protecting and Enhancing the Environment)

In particular the development was considered acceptable having regard to guidance contained within the National Planning Policy Framework, Planning Policy for Gypsy Sites, relevant RSS policies, and Policies of the Easington Local Plan.

The development was also considered acceptable having regard to consideration of the main issues of the principle and location of the development, its visual and landscape impact, impact on highway safety, impact on ecology and the amenity of adjacent occupants and uses.

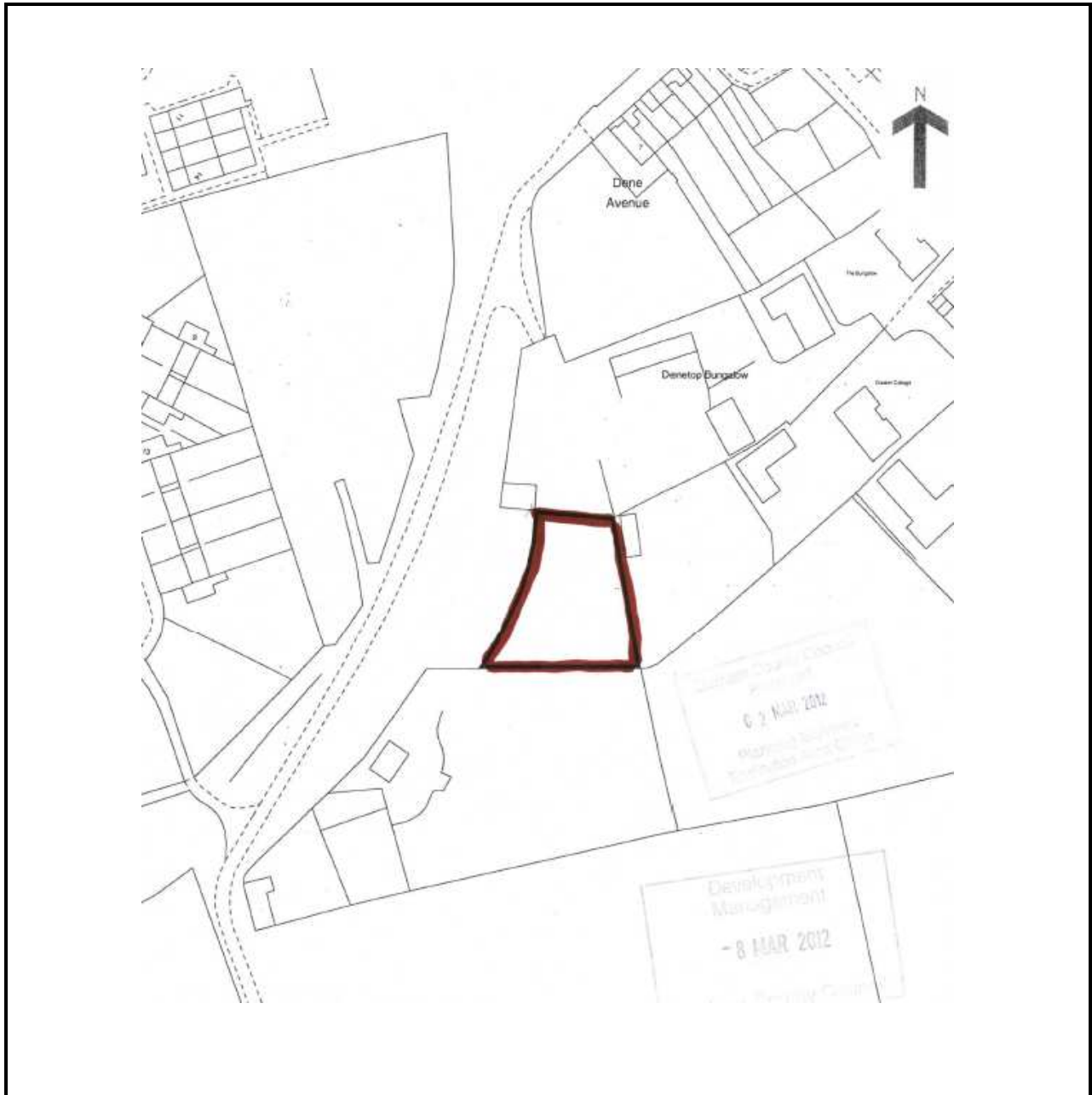
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## BACKGROUND PAPERS

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Submitted Application Forms, Plans and supporting Design and Access Statement  
National Planning Policy Framework  
Government Planning Policy for Traveller Sites  
Design of sites for Gypsies and Travellers (CLG guidance 2008)  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
District of Easington Local Plan  
Consultation Responses





**Planning Services**

**Proposed CARAVAN SITE FOR THE STATIONING OF THREE RESIDENTIAL CARAVANS BY OCCUPATION BY A SINGLE TRAVELLER FAMILY (RETROSPECTIVE)**

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**Comments**

**Date** July 2012

**Scale**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	CMA/5/33
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed caravan site to accommodate three caravans, two dayrooms, (to be accommodated within the existing haystore) & erection of a three bedroomed chalet and stable block
<b>NAME OF APPLICANT:</b>	Mr John Paul Dolan
<b>ADDRESS:</b>	Land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell, Co. Durham
<b>ELECTORAL DIVISION:</b>	Shotton
<b>CASE OFFICER:</b>	Ann Rawlinson – Senior Planner <a href="mailto:ann.rawlinson@durham.gov.uk">ann.rawlinson@durham.gov.uk</a> 03000 261393

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application relates to a parcel of land located to the south of 'Greenacres Farmhouse' (a residential property) and 'Jevandi Greenacres Stables' (a dog kennels), to the north of the residential property of Woodland View Haswell is located 854 metres to the north and Shotton 1100 meters to the south.
2. The application site comprises approximately 0.286 ha of land, 65m in length by 30m in width, currently occupied by a brick building with a tiled roof that has the appearance of a small stables. The site has been gravelled and landscaped with trees to the western boundary. A brick wall and gates have been erected at a newly formed access point adjacent the main road and brick planters installed within the site.
3. The site is level and is currently open in nature to the rear and can be seen across open fields when travelling from Durham along the B1823, Durham Lane. A post and rail fence separates the site from grazing land to this rear western side. A hedge is situated along the majority of the frontage of the site, to the southern side of the access. A large brick wall of appropriately 1.5-2.0m in height stands either side of the access point. A large brick wall of approximately the same height occupies the boundary with Woodland View to the southern side.
4. There are residential properties in close proximity, opposite, to the north and directly to the south. The dog kennel buildings occupying the site directly to the north consist of a brick stable type building, open forecourt areas and a 'chalet' style building. There are also numerous derelict buildings and a caravan behind the frontage buildings. Further up Salters Lane there are other agricultural/stable/garage buildings to the rear of the residential property of 'Greenacres Farm'

5. To the south the residential property of Woodland View, has side elevations and gardens facing the application site. Further south down Salters Lane, directly to the south of Woodland View is an agricultural building and stable. Also on this site is a mobile home and a caravan, both of which appear to be unauthorised. To the south of this site is a further area of land set out in a similar fashion to the application site. There are a small number of touring caravans parked on the southern side, adjacent residential properties located on the corner of Salter's Lane and Durham Lane.

## Proposal

6. Planning permission is sought for a traveller site to accommodate a chalet, two dayrooms, one static caravan, one touring caravan and then one further static or touring caravan. Permission is also sought for a stable block to the southern side of the site. This level of accommodation would house three families. Information submitted with the application confirms that the applicants are Irish Travellers.
7. Some work has already taken place on site including the erection of a brick building, fencing, landscaping, permeable gravelling and erection of gates. This is unauthorised and thus the application would seek to reconcile these aspects. Brick walls have already been erected around the perimeter of the site, accommodating an access into the field to the rear of the site. Iron gates have been erected to the front of the site. Tree planting has been undertaken to the rear of the site and brick planters installed adjacent to the entrance.
8. The proposed day rooms would be accommodated within one existing single storey building already on the site. This building measures 18m in length by 7m in width with a pitched roof and a height of 4.2m at the ridge. Planning permission has been granted for a building in this location, although this was an agricultural hay storage building, rather than a brick building, which has now been constructed, without permission in its place. Each day room would comprise of kitchen, shower, toilet and laundry facilities as well as a dining/living area. This is located, and is proposed to remain to the northern side of the site.
9. The building presently has iron bars to the windows, these would be replaced and enlarged to fit upvc windows and doors to the southern elevation. Windows would also be installed to the northern, western and eastern elevations. The existing concrete tiles would remain and upvc rainwater goods installed.
10. The proposed single storey chalet would be sited to the western/centre area of the site. This would comprise, a porch, three bedrooms, kitchen/dining/living area, bathroom and timber decking to the rear and northern side. It would be orientated so that its gable faces in an easterly direction towards the main road. It would be 12.2m in length, 6.3m in width, as well as an additional porch extending a further 1.5m. It would be 4.3m in height at ridge with a pitched roof. The chalet would incorporate windows to its north, south and west elevation and comprise of render and concrete tiles to the roof, akin to the structure, appearance and size of a holiday chalet.
11. The proposed stable block would consist of six stables and be sited close to the southern boundary. It would be constructed of concrete block, to be painted or rendered, concrete tiles to the roof and have timber stable doors. It would be 23m in length and 5m in width. It would be 4.5m in height with a pitched roof. A tack room and feed store would be accommodated within the six stables.

12. A midden measuring 6m by 4m to a height of 1.2m to match the stables would also be provided for the storage of manure from the stables until it was disposed of off site. This is described in the Design and Access statement that accompanies the application but was not shown on the submitted plans.
13. The applicant's agent has advised that the applicant has an immediate need for a site and a settled location for his family. The applicant is currently located on an unauthorised site in Peterlee and has moved site on three occasions in three months.
14. The application is reported to the planning committee at the request of local members.

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## **PLANNING HISTORY**

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15. A planning application for an agricultural style steel hay store was approved on the site in February 2011. An application for the present brick building to be used as a hay store was withdrawn in August 2011.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

16. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving *sustainable* development under three topic headings – economic, social and environmental, each mutually dependant.

The presumption in favor of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal;

17. *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
18. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example where development may support services and facilities in a nearby village.

19. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

## **PLANNING POLICY FOR TRAVELLER SITES**

21. The Government's planning policy for traveler sites was also published in March 2012 along, and to be read in conjunction with, NPPF. This policy replaces ODPM Circular 04/2006: Planning for Gypsy and Traveler caravan sites.
22. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve the Government's aims in respect of traveller sites the following points are listed;

- That LPAs should make their own assessment of need, for the purposes of planning and plan for sites over a reasonable timescale
  - To ensure that LPAs working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
  - That decision making should protect green belt from inappropriate development
  - To promote more private traveller sites
  - That decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
  - To increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
  - To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
  - For local planning authorities to have due regard to the protection of local amenity and local environment
23. Local planning authorities should consider the following issues amongst other relevant matters when considering applications for travellers sites:
    - a) the existing level of local provision and need for sites
    - b) the availability (or lack) of alternative accommodation for the applicant
    - c) other personal circumstances of the applicant
    - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
    - e) that that they should determine applications for sites from any travellers and not just those with local connections

24. Local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. It should be ensured that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.
25. When considering applications local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
26. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or obligations.

#### Design of sites for Gypsies and Travellers (CLG guidance 2008)

27. Requires that the following criteria are met in respect of sites for gypsies and travellers:
  - Access from properly surfaced roads
  - Hard standings for caravans and 6m separation distance between occupied caravans
  - Parking space for cars
  - Electricity and drinking water supplies
  - Washing facilities
  - Sewerage disposal
  - Refuse collections
  - Fire extinguishers
  - Boundary treatment

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>*

#### **REGIONAL PLANNING POLICY**

28. 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.
29. 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 Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:

30. *Policy 1 – North East Renaissance* – developments should support a renaissance throughout the north east by delivering sustainable economic growth and conserving, enhancing and capitalising on the region's natural and built environment, heritage and culture.
31. *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.*
32. *Policy 4 – Sequential Approach to Development* – Requires a sequential approach to development giving priority to previously developed sites in sustainable locations.
33. *Policy 7 – Connectivity and Accessibility* – requires the internal and external sustainable connectivity and accessibility of the North East of England, with focus upon the reduction in use of the private motor car and increase in green and sustainable infrastructure. New development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
34. *Policy 8 - Protecting and Enhancing the Environment-* requires new development to maintain local distinctiveness. Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
35. *Policy 11 - Rural Areas* - proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
36. *Policy 24 - Delivering Sustainable Communities* - all development within the Region should be designed and located to deliver sustainable communities. Proposals should assess the suitability of land for development and the contribution that can be made by design in relation to 16 detailed criteria, including concentrating development in urban locations, reducing need to travel, proximity to infrastructure, health and well-being, biodiversity and crime prevention/community safety.
37. *Policy 30 - Improving Inclusivity and Affordability-* advises that local authorities should carry out an assessment of the housing needs of gypsies, travelers and show people. Local development Frameworks should then provide the criteria following the plan, monitor and manage and adopt sequential approaches for the provision and release of pitched for the gypsy and travelling communities and, where appropriate, identify locations for these pitches
38. *Policy 31 - Landscape Character* -planning proposals should, sustain nationally, regionally and locally valued landscape

**LOCAL PLAN POLICY: (Easington District Local Plan)**

39. *Policy 1 General Principles of Development-* Account will be taken of whether the proposal would accord with the principles of sustainable development together with any benefits to the community and the local economy. It will also require that certain principles be applied to the location, design and layout of all new development
40. *Policy 3-Protection of the Countryside-*Developments outside the settlement limits will be regarded as development in the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.



41. *Policy 35-The Design and Layout of Development* -will be required to amongst other things; (ii) Reflect the scale and character of adjacent buildings and the area generally, (iii) Provide adequate open space, appropriate landscape features and screening, where required; (iv) Have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation;
42. *Policy 36-Design for Access and the Means of Travel*- To ensure good access and to encourage alternative means of travel to the private car, the design and layout of development will be required to provide, amongst other things: (i) Safe, attractive and convenient footpath and cycleway links between residential areas and shopping facilities, schools, public transport facilities, leisure facilities and places of employment as an integral part of any major development proposal, where appropriate;; (iii) Safe and adequate access capable of serving the amount and nature of traffic to be generated;
43. *Policy 37-Design for Parking*-The design and layout of new development should seek to minimise the level of parking provision (other than for cyclists and disabled people) which, other than in exceptional circumstances, should not exceed maximum levels.
44. *Policy 38-Designing out Crime*-The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
45. *Policy 72 – Control of Sites for Travellers*- The development of permanent, temporary or transit sites will not be allowed in the green belt, the coastal zone or on visually intrusive sites in the countryside. Elsewhere development will be allowed provided that it meets the criteria set out, including being a reasonable distance from local facilities and services, safe and adequate access, no serious adverse effect on the amenity of neighbouring occupants.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

46. Northumbria Water- Recommends a condition requiring that development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development has been approved. This is because a public sewer crosses the site and is shown built over on the application.
47. Durham Constabulary (Architectural Liaison officer) – No recommendations to make other than to suggest that the planned screen of conifer trees should not be allowed to grow any higher than their stated purpose otherwise their eventual height may prove a loss of amenity to people using Salters Lane.
48. Environment Agency: No objections. Provides advice in relation to surface water and foul sewage drainage.

## INTERNAL CONSULTEE RESPONSES:

49. Highways Authority– The proposed site plan does not accurately reflect the width of the existing public highway verge either side of the entrance into the site off the B1280 Salters Lane. It suggests an existing highway verge width of between 4.6 and 5 metres on the north and south side respectively, of the entrance into the site off the B1280 Salters Lane, which is clearly not the case and as such is misleading in relation to the actual junction sight visibility splays that are achievable at the existing access point.
50. Junction sight visibility has been an issue in relation to previous planning applications along this section of the B1280, Salters Lane. The highways officer therefore requests a suitably worded planning condition relating to the construction of the 2.4 x 215 metres junction sight visibility splays as follows:
51. Subject to acceptable junction sight visibility splays being created the applicant will need to upgrade the existing vehicular access within the public highway. The vehicular access crossing must also be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.
52. Landscape Architect: Understand that it is the intention of the family to undertake additional tree planting, over and above that shown on plan, on a strip of land beyond the fence and west of the mound that borders the surfaced area. In this location, would favour the planting of native species.
53. Planting to the southern boundary would be unnecessary as a screen. The plan indicates leylandii around the hard surfaced area. On the west side raised bed, recently planted conifers would form an acceptable hedge and contributor to the intended screening from distant receptors.
54. However, in the broad raised bed between the roadside hawthorn hedge and the low brick retaining wall, would suggest trees/plants that are less suburban in character and more sympathetic solution to screening.
55. In respect of the extent of any impact that the development would have on Landscape and visual amenity value, the main receptors can be grouped as firstly: those to the south west at distances over half a kilometre from the B1283 Durham Lane and an adjoining footpath - and secondly: adjacent to the site in Salters Lane to the east.
56. Distance helps to mitigate what can be defined as puncher development in the countryside. The effect on landscape and visual amenity value of such a proposed development including grouped white caravans might be described as moderate/ slight - until structure planting can begin to mitigate over time.
57. In the case of Salters Lane, the seasonal factor and the presence of well built, but suburban in character, brick walling and gates are matters of concern. They contribute to an evaluation of moderate negative impact. However, planting and maintenance regime could help, over time, to reduce moderate negative impact to slight negative impact.
58. Planning Policy Officer- The proposal is in general compliance with the general principles of development as set out in policy 1, 35 and 72. There are no policy objections.

59. The local plan fails to identify suitable locations for Gypsy-Traveller sites in line with national planning guidance and therefore due regard must be taken of the requirements of standard Caravan Site Licences and CLG guidance on design and layout of sites. The unmet need for sites across the County is a material consideration in assessing this proposal. The Council is currently carrying out an updated travellers sites need assessment but in the interim the site needs to be treated on its merits in accordance with national guidance
60. Environmental Health Officer-No adverse comments
61. Ecology Officer-no objections

**PUBLIC RESPONSES:**

62. The application has been advertised in the local press and through the erection of site notices on and around the site. Neighbour consultation letters have been also been sent to adjacent properties.
63. No letters of representation have been submitted from local residents
64. Haswell Parish Council have raised concerns regarding the overdevelopment of Salter's Lane.
65. The Local ward members have raised concerns regarding the environmental impact of the proposed development due to its prominence along Salters Lane which is a gateway into Shotton. The application site also lies adjacent to several other caravan storage areas along the same route. Concern is also raised that the development may have a negative impact on recently approved developments for 170 dwellings by Persimmon Homes and for the eight dwellings approved on the site of the former miners hostel

**APPLICANTS STATEMENT:**

66. The applicants are Irish travellers with close connections to the area and have travelled extensively. The site would be a private gypsy-traveller site and associated stabling/keeping of horses. The family has lived in the Easington area for 10-12 years. Three related families (brothers and sister) would occupy the site. The father of the families lives just up the road.
67. The families are horse dealers; horses are bought and sold through traditional horse fairs. They have between 20-30 horses, including trotting horses and coloured cobs which graze mostly on land rented on an annual basis at Leamside, approximately 9 miles to the north of the application site.
68. Permission is sought for three caravans of which one would be a touring caravan and one or two would be static/mobile homes. Two dayrooms would be accommodated in the existing hay storage block and a chalet would be provided.
69. The caravans would be sited in the yard area where they would be largely hidden from view from the existing hedge row and proposed row of conifer trees.
70. The applicants live in their caravans. The design and appearance of the static and touring vans cannot be prescribed as these can be changed. The caravans are low level structures which provide compact living accommodation. They are typical of most Gypsy-Traveller sites. The touring caravans are of a design seen on the drives of residential properties. External lighting would be limited to the caravans and outside of the utility block and stables.

71. The stable block would accommodate the horses as well as a general purpose tack room. The stables are required for when the mares are in foal and to prepare the horses for taking them to shows. The stables are for their own personal use and for no commercial purposes such as a livery. A condition restricting their use would be acceptable. The keeping of horses and travelling to fairs are a traditional way of life and also a source of income.
72. The local plan fails to identify suitable locations for gypsy-traveller sites nor does it provide any guidance of layout criteria. The applicant's agent considers that the site is brownfield and the countryside is not specifically designated. There is a need for additional pitches and access to services. A condition restricting the site to occupation by gypsy-travellers would be acceptable as is a restriction on the number of caravans to three (including one touring caravan).

*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 the office of the Strategic Team Development Management, County Hall, Durham.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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73. 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, the main planning considerations are; the principle of the development, impact on visual amenity and the character and appearance of the area, impact on residential amenity, highway safety, proximity of local services and transport links, provision and layout of services and any other matters.

### Principle of the Development

74. The Government's Planning Policy for Traveller sites was published in March 2012 along with, and to be read in conjunction with the NPPF. This policy replaced the ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
75. The Government is seeking to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life, whilst respecting the interests of the settled community. The Government requires that LPAs should make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale to meet need through the identification of land for sites in order to address under provision and maintain an appropriate level of supply. The government is promoting more private traveller sites, and wishes to increase the number of traveller sites in appropriate locations, in which travellers can access services and infrastructure.
76. In July 2007 the 'Gypsy and Travellers Needs Assessment', identified a County Durham wide requirement for 61 additional pitches to offset current shortfall and for a further 37 pitches to accommodate household formation up until 2015. These cannot be provided on existing gypsy sites given the need to upgrade these sites, concluding that between 3-5 small permanent sites (with up to 12 pitched each) should be identified through the Local Plan. However an update to this work is currently ongoing and this would not be finalised in the near future to enable it to influence current planning decisions. The current situation at the public sites in the County is that there is no spare capacity and the rate of turnover is generally low. It has been recognised at appeal that there is a demonstrable unmet need in the county.

77. The County Durham Plan Preferred Options suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2012, although no adoption date is set. It is understood that this document is likely to deal with sites which can accommodate in excess of 15 pitches.
78. The site is not located in the green belt, although is located within the open countryside of which new traveller sites, away from settlements should be strictly limited. In this respect though, the government highlights its primary concern as the importance of ensuring that the scale of such sites does not dominate the nearest settlement. Policy 3 of the Local Plan seeks to prevent development in the countryside, other than that allowed through other policies. Policy 72 seeks to restrict sites in the countryside that are visually intrusive and policy 1 requires development to be located within the settlement boundaries.
79. It is noted that the Government's Traveller Policy does not prevent the provision of sites in the open countryside, per se, nor does the Local Plan policy prevent sites that are *not* visually intrusive. Nevertheless, clearly there is a strong presumption in favour of the continued protection of the open countryside.
80. A key consideration in the determination of this application is weighting the protection given to safeguarding the intrinsic qualities of the countryside whilst also promoting social inclusion and recognising the needs of all groups of society. In this respect Paragraphs 50 and 51 of the NPPF require that everyone should have the opportunity to live in a community where they want to live, a wide choice of high quality homes that people want and need should be delivered and the creation of sustainable, inclusive and mixed communities is encouraged
81. Firstly it must be recognised that the Local Plan fails to identify suitable locations for Gypsy-Traveller sites, in line with the requirements of National Planning Guidance. The unmet need for sites and unmet provision across the County along with no solid plan direction, coupled with the Governments requirements for the provision of more private sites is a substantial material consideration in assessing this proposal.
82. Having identified the need requirement for a site and the importance attached to providing these to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, any site to come forward must be appropriate in terms of its compatibility with other planning issues. In particular due regard must be given to the protection of local amenity, the local environment and landscape, highway safety and in respect of the location of the site in terms of its proximity of local services and transport links.
83. Although the proposal would be in conflict with policy 3 of the Easington Local Plan the principle of development is broadly supported by the recent and more up to date policy 50 of the NPPF and Policy H of the CLG document- Planning Policy for Traveller Sites. It is therefore considered that only limited weight can be afforded to policy 3 of the Easington Local Plan. In the circumstances, it is considered that the principle of the development is acceptable.

#### Impact upon Visual Amenity and the Character and Appearance of the Area

84. Policy 35 requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.

85. In respect of the extent of any impact that the development would have on landscape and visual amenity value, it is acknowledged that the proposed development including the unauthorised work already undertaken on the site is not characteristic of the type and design of development normally found in the countryside in general. More specifically the development is characterised by structures that are akin to a suburban or urban environment and would undoubtedly be better placed within or just outside the settlement.
86. Notwithstanding this opinion, the main receptors can be grouped as; those to the south west at distances over half a kilometre travelling eastwards along Durham Lane and an adjoining footpath and secondly; those travelling north and southbound along Salters Lane and also the three closest residential properties directly to the north, south and east.
87. The Landscape Architect considers that distance (when travelling along Durham Lane) helps to mitigate what he defines as 'puncher' (or sporadic) development in the countryside. He considers the effect on landscape and visual amenity value of such a proposed development including grouped white/cream caravans, which would be most obvious from Durham Lane, would have a slight to moderate adverse visual impact. To the western side of the site recently planted conifers would form an acceptable hedge and contributor to the intended screening from distant receptors. He considers that additional structure planting along the western boundary could assist in mitigating this impact further over time.
88. In the case of visual impact from Salters Lane, the presence of the existing structures and proposed additional structures, including the caravans and chalet are of concern. The various elements of the proposed scheme in themselves are not what is normally associated with a countryside location. It is considered that they will stand out and be noticeable, especially along the road frontage.
89. Concern raised by local councillors regarding the cumulative impact that the addition of this site will have in combination with the proliferation of sporadic cumulative development that has already taken place along this strip of road is certainly noted and shared. Some of this appears to be unauthorised, particularly a similar site set up directly to the north of the three houses at the Salters Lane/Durham Lane crossroads, although most is authorised. This includes the red brick building directly to the north of the application site and a further white rendered stables and large green agricultural building further south. Residential properties further add to what has grown to be a cluster of mixed development along this part of Salters Lane, some typical of its location, some not so and which has proved to be more visually intrusive. This situation along the roadside would remain the case now, whether or not this development was permitted.
90. The application as already mentioned is, in part, retrospective and it appears that it has been gradually developed over a period of time. Evidence shows that the site was an informal horse trotting track around/before 2008, and therefore part of the site does not appear to have been in agricultural use for some years and its status as Greenfield is questionable.
91. When assessing the proposals against local and national NPPF policy it cannot be said that the proposed development by way of design, character, layout and use of materials reflects that of a countryside location and thus the proposal is considered contrary to these aspects of policy 1 and 35 of the Local Plan and the general principles set out with part 7 (Design) of the NPPF.

However, the presence of a high hedge and existing and proposed tree planting, together with the variety of different buildings in the immediate locality, to which the development would be seen in the context of, would assist in mitigating negative visual impact. Furthermore, the control of the construction materials available through approval of this application for the stables and chalet would also assist in reducing the prominence of the development.

92. Overall the Landscape Architect evaluates the proposal as having a moderate negative visual impact. The inclusion of screen planting and a maintenance regime would assist over time, to reduce moderate negative impact to slight negative impact. If planning permission were granted conditions could ensure appropriate species and location of planting to maximise this benefit (as encouraged by paragraph 25 of the national traveller policy). This judgement is also made in the context of paragraph 109 of the NPPF which seeks the protection of valued landscapes, which is interpreted as, those areas designated nationally and locally for their landscape value, as opposed to general countryside such as the application site. The NPPF thus appears to set a higher bar in terms of general protection.
93. The proposed development would result in a harmful impact to the locality in landscape and visual terms, having a degree of prominence that would appear incongruous in its setting and this would conflict with policies 1, 35 and 72 of the Local Plan. However, these impacts are capable of being mitigated against to some degree, by means of additional landscaping and agreement of external building materials.
94. Although there is some concern that a site to the south of the application site appears to have also been prepared with gravel, brick walls etc, it is considered that this is a separate, potential enforcement issue that is required to be dealt with separately from this proposal, which is presently under consideration.

#### Impact on Residential Amenity

95. Policies 1, 35 and 72 of the Easington Local Plan aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
96. 'Woodland View' located directly to the south of the property is the closest residential property to the site. Greenacres Farmhouse is located further north, although the existing dog kennels and chalet building are located in between, separating the sites. A further residential property and stud is sited across the road. Although this property will be able to view the application site, the distance, and its siting set back substantially from the main road, coupled with the large frontage hedge, would ensure that the amenity of this property is not substantially affected.
97. The nearest residential property located directly to the south of the site is orientated so that the gable elevation is facing onto the application site and the main windows face east onto Salters Lane and west onto the fields to the rear. It is acknowledged that the proposal would have some effect on the residential amenity of this property, especially as the site appears to have not been in use for some time. It is considered though that the habitable buildings on the application site, which are of single storey in height would not be sited so close as to have an adverse impact on the privacy, outlook or result in a loss of light to the adjacent dwelling or its garden area. This is especially so given that the application site is at a slightly lower level and the presence of a brick wall along the southern boundary of approximately 1.8-2.0m in height. There is a satisfactory distance of 21m between the main habitable windows to the chalet and the southern boundary of the site.

98. A stable block is to be sited close to the southern boundary. This would be positioned approximately 1.5m from the existing 2.0m brick wall boundary to the site. There is a further gap in between this and the fence of the adjacent properties garden area. The planting of trees is shown in this area. This as well as the existing brick wall and inward facing stables would assist in both mitigating any potential loss of amenity from the stables and assist in visually screening the site from this property. No objections have been received from the Environmental Health Officer in respect of any potential significant adverse impact from noise or smell.
99. The supporting information also indicates that a 'midden' is to be constructed on site for the storage of manure. Given the location of the residential property adjacent the site it is considered necessary to ensure that this is sited in an appropriate location so as not to cause this property loss of amenity in respect of smell.
100. Given the above considerations and subject to mitigating conditions it is considered that the proposal would not significantly adversely affect the amenities of this property over and above that which would be expected in a rural fringe location, having consideration for the types of uses that would be found in such a location.
101. In respect of amenity, the application is considered to comply with the requirements of policies 1, 35 and 72 of the Easington Local Plan as well as paragraph 123 of the NPPF. This policy seeks to mitigate and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It also seeks to protect areas of tranquillity which have remained undisturbed by noise. Given the existing properties, buildings and uses located within the immediate vicinity of the site it is not considered the site would fall into this description.

#### Highway Safety

102. An access into the site, coupled with gates and a brick wall of approximately 1.5-1.8m have already been constructed. The access leads directly onto the highway. There is no footpath on this side of the road, only grass verges. Ornate iron gates have been erected between the brick wall entrance. It can be seen from photographs that there were previously just gaps and field fences leading into the site. The applicant has also laid gravel on the site.
103. The Highways Officer raises some concerns regarding the junction visibility splays that are achievable at the entrance that is shown on the submitted plans. He therefore requires that further junction visibility splays be constructed and the existing vehicular access within the public highway upgraded at the entrance before the use commences. Subject to the undertaking of this additional work at the entrance point the Highways Officer considers that the access for the level of vehicular use anticipated at the site is acceptable.
104. The undertaking of this additional work would ensure that a satisfactory access capable of serving the amount and nature of traffic to be generated will be created as required by policies 1, 35 and 36 of the Local Plan and in line with paragraph 35 of the NPPF. It is intended that a safe and secure layout which minimises conflict between traffic, cyclists and pedestrians would be secured. It is considered that there is satisfactory space within the development for the parking of vehicles as required by policy 37 of the Local Plan.



## Proximity of Local services and Transport Links

105. A well established key objective of planning policy carried through into the NPPF is to achieve a sustainable form and pattern of development which prioritises directing new development to existing main settlements to ensure access to and support for services and to reduce the need to travel by linking development to key facilities and services. Paragraph 55 requires that new homes in rural locations should be located close to facilities as far as possible.
106. The application site is located between Shotton and Haswell, in relatively close proximity of approximately a mile to the centre of each. Both settlements provide an adequate range of services and facilities. The site is also located in close proximity (approximately 270m) to a bus stop. Services using this bus stop include those travelling between main settlements. It is considered the proposals accords with the requirements of policy 72 and paragraph 55 of the NPPF, in this respect.

## Provision and Layout of Services.

107. Northumbrian Water have advised that a public sewer crosses the site and thus this would need to be diverted or relocated. The applicant has been advised of this. This issue can be dealt with via an informative on any planning decision notice advising the application of the need to agree a scheme for the diversion of the apparatus with Nortumbrian Water. Alternatively the sites could be re-designed slightly in order for the sewer not to be built over although such a re-design would require a future amendment to any planning permission issued.
108. No objections have been highlighted in respect of the sewerage and sewage disposal systems serving the development having regard to the need to provide sufficient capacity to accommodate additional flows. It would be appropriate that a condition ensures satisfactory disposal of surface and foul water from the site. The applicant advises that the site is already connected to the mains sewer.
109. It is generally considered that the site is laid out well, with surrounding space for necessary services, meeting the applicants requirements and those set out within the CLG 'Designing Gypsy and Traveller Sites Good Practice Guide'. This includes, but is not limited to, available parking space, access from a properly surfaced road, washing facilities, boundary treatment, refuse collection and electricity. It should be noted that this guidance also requires that there should be an amenity building on the site which should include a day room as well as a kitchen/dining area, bath/shower room and separate toilet. In this case two separate amenity units are proposed within one building. This is considered a reasonable requirement for three families.
110. It is proposed to install lighting to the buildings and it appears as if the gates could be locked. This gives due regard to personal safety and the security of the site, particularly in the hours of darkness as required by policy 38 of the Local Plan

## Human Rights

111. Human Rights legislation provides for the 'right to respect for private and family life' (Article 8 of the Human Rights Convention). That right is not absolute, however, but qualified and the Local Planning Authority is consequently legitimately able to take into account other factors in determining whether to grant or refuse planning permission. Any decision however must be 'necessary and proportionate'. Generally this means the Local Planning Authority must balance the public interest against the applicant's personal circumstances.

112. Consequently it is concluded that the applicants' personal circumstances have been considered and weighed against the public interest. Planning policy generally aims to protect the interests of the public and therefore as the proposals have been assessed and justified against relevant local and national planning policies, a properly balanced opinion has been made.

#### Other Issues

113. Enquires have been made with the Councils School Places Officer who has confirmed that although the nearby Roman Catholic school is up to capacity, other surrounding schools, indeed Shotton Primary have enough capacity to accommodate the number of children expected to require school places, as required by paragraph 72 of the NPPF.
114. The Ecology Officer considers that there would be no adverse effects on protected species, ecology or the wildlife of the area in accordance with policy 1.

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## **CONCLUSION**

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115. The consideration of this proposal is a matter of balance between the aims of the development plan weighed against the Governments Planning Policy for Travellers. Whilst proposals should be determined in accordance with the Development Plan, the NPPF and the Governments Planning Policy for Traveller Sites sets out more up to date guidance which takes precedence in this instance.
116. The site would be occupied by three families of Irish Travellers, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under the Governments Planning Policy for Traveller Sites.
117. There is a need for approximately 60 sites for Gypsies and Travellers within Durham County. There is no capacity at other sites within the County. There are no current plans for new Council sites and a development plan document regarding site allocation is not expected until mid 2014 at the very earliest. This need carries significant weight in line with the Governments Planning Policy for Travellers. The policy encourages the provision of private sites in appropriate locations.
118. The personal needs of the applicant attract significant weight. Access to healthcare and education is easier from a settled location. It is understood that the applicant is currently sited in an unauthorised location. Therefore there is an immediate need for a site with the Council unable to offer an alternative. There are no allocated Traveller sites available in County Durham and no prospect of sites being allocated in the near future
119. The site is not so remote that it should weigh significantly against the proposal. It is close enough to benefit from the services and facilities within Haswell and Shotton. The site can be served by adequate provision of essential services.
120. There would be no undue harm to highway safety as a result of the development. Junction visibility can be satisfactorily dealt with by a suitably worded condition, ensuring compliance with the relevant policy to the satisfaction of Highway Officers.
121. It is considered that, subject to mitigating conditions the proposed development would not significantly adversely affect the amenity and living conditions of adjacent residential occupiers.

122. The proposed development would not impact on wildlife or protected species.
123. The proposed development would result in a harmful impact to the locality in landscape and visual terms, having a degree of prominence that would appear incongruous in its setting and this would conflict with policies 1, 35 and 72 of the Local Plan.
124. However, the visual amenity and landscape concerns have been considered and assessed in detail in the report and although finely balanced are considered to be outweighed by the other matters in favour of the development as discussed and highlighted, and the circumstances relating to the case. The impacts are also capable of further mitigation by means of additional landscaping and agreement of external building materials.
125. Subject to the suggested conditions it is considered that the future use of the site can be controlled and the amenity of adjacent residents and harm to the surrounding landscape reduced and mitigated to a level whereby officers can support this finely balanced application.

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## **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- Imposition to be required pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location Plan. 1206 PL101. 28/2/2012  
 Existing Hay store. 1206 PL102. 27/02/2012  
 Proposed Hay store conversion to two dayrooms. 1206 PL103. 27/02/2012.  
 Proposed Chalet. 1209. PL. 104. 27/02/12  
 Proposed Stable Block. 1206. PL105. 27-02-12  
 Site plan as existing 1206 PL 110. 28/02/12  
 Proposed Site Plan, 1206, PL, 101. 28/2/12  
 Design and Access Statement received 29<sup>th</sup> February 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1 and 35 of the Easington Local Plan.

3. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in 'Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)'

Reason: In order to control the use of the site in accordance with Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)

4. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time

Reason: In the interests of the amenity of the area in accordance with policies 1, 35 and 72 of the Easington Local Plan.

5. No caravans shall be parked on the site until such time as 2.4 x 215 metres junction sight visibility splays have been constructed in both directions at the vehicular access onto the B1280 Salters Lane, in accordance with details which have first been submitted and agreed in writing by the local planning authority. The sight lines shall be maintained in perpetuity thereafter with no obstructions to the visibility at any height greater than 600mm.

Reason: In the interests of highway safety having regard to policy 36 of the Easington Local Plan.

6. Notwithstanding any details of materials submitted with the application, prior to the construction of any permanent buildings samples of the external walling and roofing materials of the chalet and stables should be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1, 35 and 72 of Easington Local Plan

7. Before the first occupation of the site details of the arrangements for refuse storage shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be constructed and available for use within three months of the occupation of the site.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 35 and 72 of the Easington Local Plan

8. Before the first occupation of the site a scheme for the provision of foul water drainage works shall be submitted to and approved in writing by the Local planning Authority. The drainage shall be completed in accordance with the details within three months of the first occupation of the site.

Reason: To prevent pollution of the water environment and ensure satisfactory drainage of the site in accordance with policy 1 of the Easington Local Plan

9. Before the first occupation of the site a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details within three months of the first occupation of the site

Reason: To prevent pollution of the water environment in accordance with policy 1 of the Easington Local Plan.

10. Before the first occupation of the site, plans showing details and precise siting, size, design and materials of the proposed 'Midden' shall be submitted and agreed with the Local planning authority. Thereafter the development shall take place in accordance with the approved detail and be implemented within 6 months of the first occupation of the site.

Reason: In the interests of the appearance of the area, to protect the amenity of adjacent residential properties and to comply with Policies 1, 35 and 72 of the Easington Local Plan

11. Within three months of the first occupation of the site, a detailed soft landscaping scheme shall be submitted to, and approved in writing by, the local planning authority.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Planting species, sizes, layout, densities and numbers. Specifically to include planting of native species transplants such as oak, ash, lime, whitebeam, wild cherry and Scots Pine at 3m centres. These should be inter-planted with hawthorn, hazel and blackthorn.

Planting to the feature brick raised beds situated either side of the entrance gates to include standard or extra heavy standard, container grown, staked & tied, native species trees drawn from the list above.

Additional screen tree planting to the western boundary and tree planting to the southern boundary

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

Details of all utility services installations and alignments.

Post-construction remedial works

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement with the local planning authority.

All planting in the approved details of the landscaping scheme shall be carried out in the first planting season following the first occupation of the site.

Any trees or plants which die, fail to flourish or are removed within the first 5 years shall be replaced in the next planting season with others of similar size and species. Replacements shall be subject to the same conditions.

Reason: In the interests of the visual and residential amenity of the area and to comply with policies 1, 35 and 72 of the Easington Local Plan.

## **REASONS FOR THE RECOMMENDATION**

- a. The proposed development is considered acceptable, on balance, having regard to guidance contained within the National Planning Policy Framework, Planning Policy for Gypsy Sites, relevant RSS policies, and Policies of the Easington Local Plan.

- b. In particular the development was considered acceptable having regard to consideration of the main issues of: the principle and location of the development, its visual and landscape impact, impact on highway safety, impact on ecology and the amenity of adjacent occupants and uses.
- c. In respect of the concerns raised regarding harm caused to the locality in landscape and visual terms, it is considered that the proposals would have a degree of prominence that would appear incongruous in its immediate setting and would conflict with policies 1, 35 and 72 of the Easington Local Plan
- d. On balance and after careful consideration of the visual amenity and landscape concerns these issues are considered to be outweighed by the other matters in favour of the development as discussed and highlighted within the committee report, and the circumstances relating to the case.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting Design and Access Statement

National Planning Policy Framework

Government Planning Policy for Traveller Sites

Design of sites for Gypsies and Travellers (CLG guidance 2008)

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

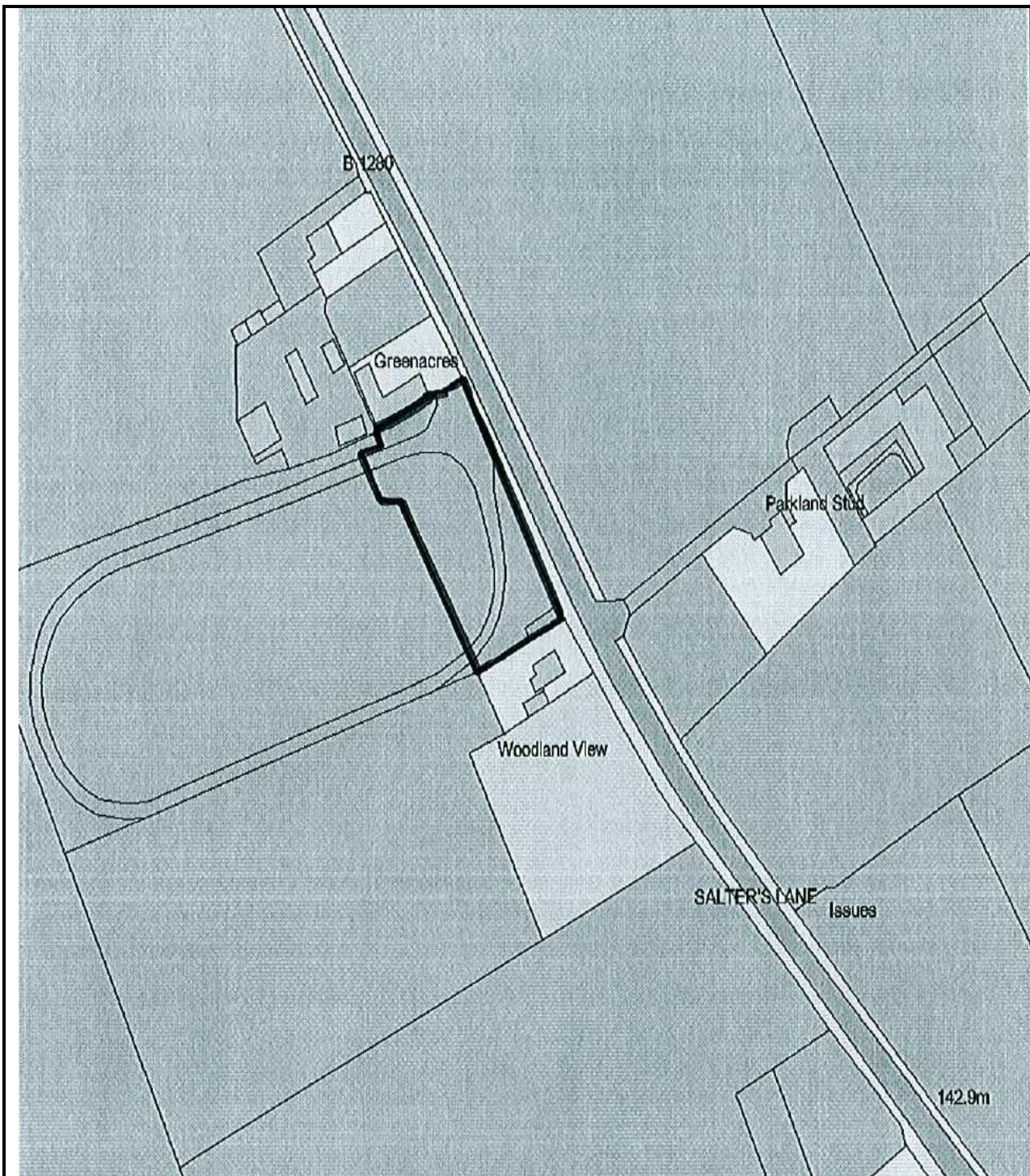
District of Easington Local Plan

Responses from: the Environment Agency; Northumbrian Water, Police Architectural Liaison Officer, County Spatial Planning Officer; County Highway Authority; County Landscape Architect; the County Environmental Health Officer, County Ecologist.

Member responses

Haswell Parish Council response





**Planning Services**

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CMA/5/33  
 Land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell

**Comments**

**Date** 10 July 2012

**Scale**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	4/12/00213/FPA
FULL APPLICATION DESCRIPTION:	Erection of new two storey detached dwelling adjacent to Crossways, Whitesmocks.
NAME OF APPLICANT:	Calamander Developments Ltd
ADDRESS:	Land Adjacent To Crossways, Whitesmocks, Durham, DH1 4LL
ELECTORAL DIVISION:	Nevilles Cross Steven Pilkington Planning Officer
CASE OFFICER:	03000 263 264 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located on the residential street of Whitesmocks, to the North East of Durham City Centre. The site itself forms part of the residential curtilage of Whitesmocks and The Stables, surrounding the site other residential properties are located, with the highway Whitesmocks located to the north of the site. The boundaries to neighbouring properties are defined by fencing, hedgerow and semi mature trees. A level difference is evident between the application site and the properties to the south which are approximately 3m lower.

### The Proposal

2. Planning Permission is sought for the erection of a two storey detached dwelling which would be located in the residential curtilage of Crossways and the Stables. The building would be set back 30m from the highway Whitesmocks and would have a maximum length of 18.5m, a maximum width of 12.7m, equating to a footprint of approximately 150m<sup>2</sup>. The dwelling would be two storey at a maximum height of 9m to the ridge and 5.7m to the eaves, dormer windows are proposed in the rear elevation. To the front of the property a 1 ½ storey projection is proposed incorporating a double garage; this element will measure 6.6m in length by 6.4m in width with a maximum height of 7.2m. A single storey rear extension is also proposed, projecting out from the main rear elevation by 4.3m. A new access is proposed, adjacent the existing access serving Crossways
3. This application is reported to Planning Committee as requested by Cllr Holland in relation to concerns regarding the impact of the development on the amenities of neighbouring residents and the character of the surrounding area.

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## PLANNING HISTORY

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4. Planning permission was granted in 2010 for extensions and alterations to facilitate the refurbishment of Crossways, this work is currently underway.

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

### REGIONAL PLANNING POLICY

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

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

7. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
8. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
9. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
10. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
11. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
12. *Policy 7 – Connectivity and Accessibility* – Aims to reduce the need to travel particularly by the private motorcar.

13. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings
14. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
15. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
16. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

**LOCAL PLAN POLICY:**

17. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
18. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
19. *Saved Policy H2 – New Housing development within Durham City* - Sets out that development on previously developed land will be considered acceptable within the Development limits of Durham City on previously Developed land.
20. *Saved Policy H10 – Backland Development* – sets out that backland development will only be permitted where a safe satisfactory means of access can be provided, the amenity of new and existing dwellings are not adversely affected and it is in keeping with the character, density and scale of surrounding developments.
21. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.
22. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
23. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
24. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
25. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
26. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.

27. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while being appropriate in scale and character of the surrounding area.
28. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. *The Highways Authority* – Offers no objections in relation to highways safety.

### **INTERNAL CONSULTEE RESPONSES:**

30. *Design and Conservation* – Overall the general design and materials of the proposed dwelling are considered acceptable while not impacting upon any heritage asset, or the site's architectural or historical significance.
31. *Ecology* – Considers the methodology and conclusions of the bat risk assessment sound but recommends conditions in relation to the mitigation measures.
32. *Arboricultural Officer* – Advises that the loss of the trees will not affect the amenity value of the site subject to protective measures being implemented to trees that are proposed to be retained.
33. *Environmental Health* – Recommend the limitation of working hours on site, while restricting the burning of combustible material and the suppression of noise and dust that may be generated.
34. *Landscape Officer* – Has concerns regarding the impact of the development on a number of trees on the site and a Beech hedge and in relation to amount of non porous hard standings.
35. *Northumbrian Water* – Offers No objections

### **PUBLIC RESPONSES:**

36. Neighbouring residents have been notified by individual notification letters and site notice, 6 letters of objection have been received in relation to the application.
37. The objections received to date have been summarised to the issues below and are addressed in turn within the main body of the report:-
  - Visual Amenity.
  - Loss of privacy.
  - Loss of low density housing.
  - Potential to set a precedent.
  - Noise disturbance.
  - Increase in surface water run off.

- Increase in traffic.
- Impact on bats.
- Overdevelopment.
- Removal of trees.
- The site is designated Green Belt.
- Development of a Greenfield Site.
- Highway Safety.
- Conservation Area.
- Potential to deviate from any approved scheme.

#### **APPLICANTS STATEMENT:**

38. The proposed development is located within a sustainable location, with close access to Durham City Centre. The scheme has been carefully designed to replicate appropriate detailing of Crossways while being sympathetic to the surrounding area. Consideration has also been given to the impact on neighbouring properties, to which the development significantly exceeds the minimum separation distances set out in the local plan. As much existing vegetation will be retained on site as possible, and where lost it will be replaced or reinforced as appropriate.

[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=M03WAEBN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M03WAEBN5B000)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

#### Principle of development

40. The application site is located within the defined settlement limits of Durham City, as set out on the Local Plan Proposals Map. Saved Policy H2 of the Local Plan sets out that small scale residential development will be acceptable within these settlement limits providing the site is classed as previously developed land.
41. The site falls outside the definition of previously developed land as the dwelling would be located within the curtilage of the residential properties of Crossways and Whitesmocks. However since the adoption of the Durham City Local Plan there has been a shift on the focus of development on previously developed land to an assessment of the overall sustainability of a site. This is embodied in the National Planning Policy Framework (NPPF) which focuses on a presumption in favour of sustainable development. Furthermore, RSS policy 4 (sequential approach) is of limited weight as it is to be abolished and is not consistent with NPPF. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services, amenities and employment sites of the Durham City Centre while being in close proximity to public transport networks.
42. Overall it is considered that although part of the dwelling would represent development on a Greenfield Site, in conflict with saved policy H2, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national policies. This is because only limited weight can be attached to saved policy H2 given that it is not consistent with the more up to date policy contained within NPPF. Issues regarding the detailed impact of the development are set out below.

## Impact on the visual amenity of the surrounding area

43. The application site comprises of garden space located on the south side of Whitesmocks, situated between the residential dwellings of Crossways and The Stables. This area falls outside of the defined limits of the Durham City Centre Conservation Area, however it is attractive, characterised by large detached and more modest semi detached dwellings. Buildings are generally set in spacious garden plots facing the road side with trees and walls important to the character of the area.
44. Although not strictly backland development, due to its separate access, it is considered that policy H10 is of particular relevance to this application outlining that new housing development should be in keeping with the character, density and scale of the surrounding area and adjacent developments. This is replicated within section 6 of the NPPF, setting out that Local Planning Authorities should resist inappropriate development which would cause harm to an area. Objections have also been raised in relation to the impact of the proposed dwelling.
45. In considering the impact of the development against the above policy context and the characteristics of the site, it is considered that the proposed dwelling would have an acceptable impact. This is because the dwelling would be set back from the highway of Whitesmocks by some 30m, although other properties within the street are largely set on the road frontage this set back will help retain a green space made up of vegetation between Crossways and The Stables. Although a new access is proposed, additional planting will maintain this mature frontage and the low density character of the area.
46. The scale and design of the property is also considered commensurate with others in the area, particularly of the host property of Crossways, where a number of key design features and fenestration details will be replicated. The introduction of differing roof heights, forward projecting extensions and the use of dormer windows also helps to reduce the mass of the building, while linking it visually to the host property. Although not located within a Conservation Area, the Design and Conservation Officer offers no objections to the design of the property and considers its design to be in keeping with the character of the area. A number of minor design modifications are suggested, such as window detailing and the introduction of pitched roofs to dormer windows instead of hipped roofs. However it is considered that these issues could be satisfactorily dealt with by condition.
47. Overall it is considered that the erection of the proposed dwelling would have an acceptable impact on the visual amenity and character of the area due to its appropriate design and retaining the perception of openness and greenness of the site.

## Landscape and Trees

48. Concerns have been raised by objectors on the impact of the development on existing vegetation on site, particularly as there are a number of semi mature trees. Although none of the trees on site are protected, or would be likely to meet the tests necessary to afford protection through a Tree Preservation Order, their presence as a whole adds to the character of the area. Accordingly the applicants have undertaken an Arboricultural Implications Assessment identifying which trees would need to be removed to facilitate the development along with measures to protect trees to be retained on site. After seeking the views of the Council's Arboricultural Officer and Landscape Officer and appraising the Assessment it is considered that the removal of the trees on site is mainly limited to the immature poor specimens, which could be easily compensated for and is therefore acceptable.

49. The Council's Landscape Officer has raised concerns regarding the impact of an existing Cyprus Tree and the impact on a hedgerow to the rear of the site. However the scheme has been amended to take into account the rear hedge row, and mitigation measures proposed to protect the tree. Overall it is considered that the scheme would retain a suitable amount of the existing vegetation on site, subject to appropriate mitigation measures while adequately compensating for any lost, subject to appropriate conditions.

#### Impact on privacy and amenity of neighbouring landusers

50. Objections have been raised regarding the potential to adversely impact on the amenity of neighbouring residents, principally in relation to the scale of the building. Saved policies, H10, H13 and Q8 of the Local Plan require schemes associated with residential developments to give consideration to the privacy and amenity of neighbouring residents. In this instance the principal properties affected would be those of Henley House and no.26 and 24 Springwell Road along with the host properties.
51. In considering this issue after visiting the site and viewing the property from immediately neighbouring properties, while the concerns of local residents are appreciated and duly noted it is considered that on balance a significant adverse impact will not arise. Although it is acknowledged a level change to the rear of the site exaggerates any potential impact of the development a minimum separation distance of 28.5m is achievable between the proposed dwelling and the properties to the rear on Springwell Road. The distance exceeds the minimum separation distance of 21m set out within the Local Plan, while the orientation of the dwelling means that the rear elevation faces slightly away from the properties at Springwell Road. A large hedge and existing tree coverage is proposed to be reinforced also to help screen views. While the property would partially be visible in this garden it is considered that these properties would not experience a significant loss of amenity, to a level sufficient to warrant refusal of the planning application
52. A separation distance of approximately 22m will be evident to the dwelling of Henley House, which again is considered to prevent an unacceptable loss of privacy arising. Although during winter months when views may be achievable into the rear garden of this property, it is considered that an unacceptable loss of amenity would not arise, particularly given the size of the plot. No objections have been raised from this property.
53. Although within the applicant's ownership it is also considered that the properties of Crossways and The Stables would retain sufficient levels of privacy and amenity, due to the orientation of the dwelling, separation distances and the location of windows.
54. Overall, while the property would be visible from neighbouring residential dwellings it is considered that the separation distances and on site characteristics would ensure that an unacceptable loss of privacy and amenity would not arise for neighbouring residents. However it is recommended to restrict permitted development rights of the property to control future extensions and also to limit working hours on site to minimise disturbance.

## Highway Safety

55. It is proposed that the dwelling will be served from a new access way created on Whitesmocks, adjacent the existing access serving the residential property of Crossways. In considering the suitability of this access the Council's Highways Officer raises no objections to the scheme and considers that the property would provide sufficient in curtilage car parking and manoeuvring within the site to protect highway safety.
56. Objections have been raised from neighbouring residents, principally regarding the increase in traffic generated from the site and the potential for on street car parking. However it is considered that the erection of one dwelling would not significantly increase traffic on the road, to a level that would affect the amenity of neighbouring residents. The Council has also separate powers to enforce parking restrictions within the area.

## Ecology

57. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has produced a bat survey assessing the likely presence of bats within the trees on the development site and an outbuilding which is to be demolished. The survey concludes that there was low risk of bats being present or using the area for foraging, but suggests a mitigation strategy. The Ecology Officer considers the findings of this survey sound and offers no objections subject to the proposed mitigation measures being imposed. Overall the granting of Planning Permission would not constitute a breach of the Conservation Habitats, & Species Regulations 2010

## Other Issues

58. Policy 35 of the RSS requires consideration be given to issues regarding flooding particularly from surface water run off. Objections have also been received in relation to the potential for altering the local water table. No details have been submitted in relation to the proposed means of drainage from the site however the proposal will increase the amount of hardstanding and potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with waste water and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3, Northumbrian water have also raised no comments on the scheme.
59. Concerns have been raised regarding the setting of a precedent, however each application must be determined on its own merits, notwithstanding this other developments of additional properties within plots have been approved within the area. Further concerns have also been raised in relation to the potential for the developer not to build in accordance with the approved plans. However the Authority has separate powers to enforce against this, while the applicant has undertaken a detailed site survey setting out separation distances and site levels for reference.

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## **CONCLUSION**

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60. The proposed development has been considered against the above policies and is considered to be in a sustainable location, to have an acceptable impact on the street scene of Whitesmocks while protecting the character, appearance and setting of the surrounding area subject to the conditions set out below. The scheme is also considered to protect the privacy and amenity of neighbouring residents to an acceptable level and highway safety while remaining an appropriate location for residential development.



61. In relation to the objections received, while the concerns of local residents are appreciated and duly noted, it is considered in this instance that they are not sufficient to warrant refusal of the application
62. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

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## **RECOMMENDATION**

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That the application 11/00881/FPA be **APPROVED** subject to the following conditions;

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

*Reason- Imposition to be required pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004*

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

Site Location Plan, Ref 608-02, Received 18<sup>th</sup> May 2012

Proposed Site Plan, Ref 608-03, Received 18<sup>th</sup> May 2012

Proposed Floor Plans, Ref 608-07, Received 18<sup>th</sup> May 2012

Site Section, Ref 608-05, Received 18<sup>th</sup> May 2012

Proposed Elevations, Ref 608-08, Received 18<sup>th</sup> May 2012

Site Section, Ref 608-07, Received 18<sup>th</sup> May 2012

Site Section and Block Plan, Ref 608-05, Received 18<sup>th</sup> May 2012

Site Set Out Plan, Ref 608-09, Received 18<sup>th</sup> May 2012

*Reason:- In order to define the consent and to accord with saved policies, E14, E16, H2, H10, H13, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 24, 33 and 35 of the Regional Spatial Strategy for North East England*

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

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity surrounding area in accordance with the provisions polices H10 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England.*

4. Notwithstanding the submitted plans full details (including cross-sections) and materials and colour of all windows, doors and roof lights and dormer windows at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The submitted details shall demonstrate that windows and doors have a recess of at least 75mm from the outer face of the wall. The development shall be carried out in accordance with the approved details.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity surrounding area in accordance with the provisions polices H10 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England.*

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site, the scheme shall provide and detail for:-
- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to reinforce the southern and northern boundary of the site,
  - The provision of screen fences or walls,
  - Any movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development.
  - Full details of any hard standing proposed making provision for permeable surfacing
  - The retention and protection of existing vegetation on site.

The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity surrounding area in accordance with the provisions polices H10 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England*

6. Notwithstanding the provisions of Class A,B,C, and D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved shall be submitted to and approved by the Local Planning Authority.

*Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of the character, appearance and visual amenity of the surrounding area and the amenity of neighbouring land users, in accordance with saved polices H10, H13 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England.*

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

Monday to Friday - 08:00 to 1800 (excluding bank holidays)

Saturdays - 0800 to 1300

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

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

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

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

*Reason: To protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with policies H10 and Q8 of the Durham City Local Plan and Policy 8 of the North East of England Regional Spatial Strategy.*

12. No development shall commence unless in accordance with the mitigation detailed within the Bat Risk Assessment report compiled by Dendra Consulting received 28 February 2012 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

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

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## **REASONS FOR THE RECOMMENDATION**

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63. The proposed development has been assessed against policies E14, E16, H2, H10, H13, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 24, 33 and 35 of the Regional Spatial Strategy for North East England and is considered acceptable particularly in relation to the principal material considerations relation the impact of the development on the character and appearance of the surrounding area, amenity and privacy of adjacent landusers and highway safety.
64. In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify refusal of the application given the residential nature of the development and its location and screening afforded from the street scene.
65. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval.



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION No:** 4/12/00357/VOC

**FULL APPLICATION DESCRIPTION:** Removal of condition 12 of planning application 06/00631/OUT (Outline application including details of means of access for employment use and residential development with associated play areas, landscaping, parking and access) relating to the provision of 30% affordable housing

**NAME OF APPLICANT:** Dunelm Homes

**ADDRESS:** Land at Former Cape Site Durham Road Bowburn DH6 5AT

**ELECTORAL DIVISION:** Durham South

**CASE OFFICER:** 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 relates to the former Cape asbestos works and lies within the northern extremity of the Bowburn North Industrial Estate, adjoining the northern boundary of the village as defined on the City of Durham Local Plan proposals map. To the north is open countryside, to the east is the north-south A177 with residential development beyond. The site is bound to the west by the old Leamside railway line and to the south lies industrial land. The site is in the process of redevelopment following the grant of planning permission for a mixed use of residential and employment development following an appeal in 2007.
2. The more eastern sections of the site closest to the A177 have been developed thus far and 165 dwellings have been constructed to date of a total of 293 sought. The original outline planning permission proposes office and employment generating development as well though this does not yet have detailed approval.

#### The Proposal

3. This application seeks to remove condition 12 on the original 2007 outline approval. This condition requires that 30% of all housing on the site is affordable.

4. The applicant, in submitting this planning application, now seeks to restrict the number of affordable units on site to a total of 59. Although detailed planning permission has not been granted for the entirety of the site the applicant was proposing to build a total of 293 dwellings on the site. The provision of 59 affordable units within this would equate to 20% affordable housing across the site.
5. In addition the applicant is also proposing a further financial contribution to the offsite delivery of up to a further 4 no. affordable homes. This would bring the net affordable provision to 21.5%.
6. It is now considered more appropriate to resolve affordable housing provision and any off-site contributions via a section 106 legal agreement as oppose to a condition on a planning permission. The application is therefore accompanied by a S106 agreement to establish the final on site affordable provision and financial contribution towards off-site provision.
7. This application is being referred to Committee as it relates to the variance of a condition on a major mixed use development.

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## **PLANNING HISTORY**

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8. In 2002 planning permission was refused for a residential development in outline on the former Cape Asbestos Works site.
9. In 2006 the former City Council refused planning permission, in outline, for a mixed use development of residential and employment uses. At appeal the Inspectorate allowed the appeal following a public inquiry. This decision had to be referred to the Secretary of State who agreed with the findings of the Inspectorate and planning permission was granted. This current application directly relates to that outline planning permission granted in 2007.
10. Since this original approval, the reserved matters for phase one of the development, 121 no. dwellings was approved in 2009. The reserved matters for the phase 2 of 62 no. dwellings was approved in August 2010.
11. Later in 2010 the reserved matters were approved for a further 10 no. dwellings.
12. The substitution of some house types has occurred during the course of the development with the substitution of house types resulting in 10 no. bungalows and 17 no. houses approved in 2010 and the substitution of house types and removal of 2 no. units on 13 plots in 2011.
13. A series of variation of condition applications have also previously been submitted and approved. In 2008 approval was given for the variation of condition 10 of the outline planning permission to allow the construction of up to 150 dwellings prior to the completion of highways and drainage infrastructure works for the employment site rather than the originally agreed 50 dwellings.
14. In 2009 condition 6 of the outline approval was varied so as to permit the phasing of highway infrastructure improvements and in 2010 a variation of condition allowed for 10 no. affordable housing units to no longer be required to be affordable in perpetuity.

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# PLANNING POLICY

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## NATIONAL POLICY

15. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
16. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
17. The following elements are considered relevant to this proposal;
18. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
19. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
21. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

23. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*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/nppf>

## **REGIONAL PLANNING POLICY**

24. *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.
25. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
26. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
27. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
28. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
29. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
30. *Policy 12 – Sustainable Economic Development* states that new economic development should be focused in urban centres, on brownfield mixed use locations and at key employment locations.
31. *Policy 13 – Brownfield Mixed Use Locations* states that strategies, plans and programmes should support brownfield mixed use developments in sustainable locations throughout the Region.
32. *Policy 18 – Employment Land Portfolio* establishes appropriate employment land provision throughout the region.



33. *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.
34. *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.
35. *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.
36. *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.
37. *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)**

38. *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.
39. *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.
40. *Policy H3 - New Housing Development within the Villages* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
41. *Policy H12 - Affordable Housing* seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.
42. *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.

43. *Policy EMP5 - Prestige Industrial Sites – General* states that on designated prestige industrial sites, business uses and general industry uses will be permitted provided that there is no detrimental effect on the environment, the amenity of neighbouring occupiers and the development of neighbouring areas. High standards of design and landscape will also be required.
44. *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.
45. *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.
46. *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.
47. *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.
48. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
49. *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.
50. *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.
51. *Policy U15 - Energy Conservation – Renewable Resources* permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

*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:**

52. Shincliffe Parish Council and Cassop-cum-Quarrington Parish Council have raised objection to the removal of the condition which requires 30% affordable housing provision.
53. The Highway Authority have raised no objections to the application. Consideration has been given to the impact the increase in market housing would have on congestion and highway safety. The provision of 20% on site affordable housing as oppose to 30% would result in 29 additional open market homes on the site. Using an industry tool to calculate the traffic generation rates for private housing as oppose to affordable housing a difference in generation of only 0.12 movements in the morning and 0.104 movements in the evening would result per unit. This would equate to an extra 3 trips in the morning and 3 trips in an evening emerging from the additional open market homes. Such a degree of increase is considered to be insignificant.

### **INTERNAL CONSULTEE RESPONSES:**

54. Asset Management have been consulted on the application specifically to assess the submitted development appraisals and evaluate their content using an industry tool.
55. The submitted appraisal figures are considered accurate and reflect standard figures and assumptions used in evaluating development costs. No inaccuracies or anomalies were found in assessing the development appraisals. Asset Management support the figures submitted, considering that the submitted appraisals provide an accurate depiction of the site and development.

### **PUBLIC RESPONSES:**

56. Two letters of representation have been received in relation to the application.
57. The Bowburn and Parkhill Community Partnership have objected to the application. In granting planning permission the Secretary of State paid particular attention to the need for affordable housing in Durham. The NPPF supports the requirement for affordable housing where there is an identified need. Bowburn and Parkhill Community Partnership consider that there has not been a substantial change in this need and as a result the application should be refused.
58. Highway issues have also been a key issue at the site and a condition has previously been imposed requiring housing to be occupied as affordable units only and it is understood that this is because occupiers of affordable housing would be less likely to own cars. If this application is approved this may lead to greater car ownership on the estate causing traffic problems. In addition the Planning Inspector considered within the original application that the site had reasonable access to public transport. The nearest bus stop at Dallymore Drive is now considered practically redundant without a daytime service for the residents, particularly those in affordable homes to utilise.
59. The Campaign to Protect Rural England support the comments of the Bowburn and Parkhill Community Partnership, the provision of affordable housing should only differ if evidence shows that need has changed since the grant of planning permission.

## APPLICANTS STATEMENT:

60. The application has been accompanied by a letter in support of the application and seeking to explain the background to the application.
61. The applicant states that since the date the site was purchased and remediated the housing market has collapsed, dramatically reducing selling prices on the site.
62. Due to the difficult trading conditions the applicants successfully applied to receive Government Kickstart funding which together with subsidised preliminaries covered by the build of the affordable houses and enabled the site to commence. Without such assistance the site would have remained undeveloped to this date. The majority of houses sold thus far by Dunelm Homes have been through shared equity, Government First Buy or Homebuy Direct schemes and other sales initiatives.
63. 62 no. plots were sold on license to Taylor Wimpey to assist with the cash flow on site. Supplementary documentation in the form of development appraisals, abnormal foundations costs and site remediation costs have been included to demonstrate the lack of viability of the existing planning permission.

*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=4/12/00357/VOC>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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64. Planning permission is sought to remove condition 12 of planning application 06/00631/OUT (Outline application including details of means of access for employment use and residential development with associated play areas, landscaping, parking and access) relating to the provision of 30% affordable housing. In the determination of this type of application the Local Authority must have due regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan and other material considerations and a new grant of planning permission would result if the proposal is approved. However, the original permission will continue to subsist whatever the outcome of the sec. 73 application.
65. The key issue relates to the justification and acceptability of the removal of condition 12 of the outline planning approval requiring 30% affordable housing on site. However, as a new planning permission would be granted, the issues pertaining to the original grant of planning permission namely the degree of compliance with the principle of the development, impact on the character and appearance of the area, highways issues and any other material matters should be considered in the decision making process though they have previously been deemed acceptable and the focus should be on the affect revised levels of affordable housing would have. Consideration should also be given to any changes in the Development Plan or material considerations which have emerged since the previous grant of planning permission.

### The Principle of the Development

66. The application site lies on land allocated for employment generating purposes. Durham City Council refused the original planning application on the grounds of the loss of employment land contrary to the Local Plan.

67. Following a public inquiry the Planning Inspectorate recommended approval of the original planning application and the Secretary of State agreed with the Inspectorates' recommendations. It was considered that there existed ample employment land in the district to meet the needs of demand up to and beyond the next 25 years. Seeking to wholly redevelopment the land for employment generating purposes without subsidy was considered unviable. As a result, the loss of the land wholly for employment purposes and so as to include residential development was considered acceptable.
68. This application proposing to vary the amount of affordable housing to be delivered on the site is not considered to impact upon the previously considered acceptability of the principle of the mixed use development as such. A following section of this report deals more specifically with the discussion on affordable housing.

#### Impact Upon the Character and Appearance of the Area

69. The Secretary of State found that the original indicative masterplan for the site was appropriate and would enhance the character and appearance of the site from its condition at that time.
70. Reserved matters applications have been approved since this time establishing the detailed appearance and layout of the residential properties on the site.
71. This application proposing to remove the 30% affordable housing provision requirement is not considered to have an impact upon the character or appearance of the area.

#### Highways Issues

72. The Secretary of State found that the original outline consent was acceptable with regards highways and transport matters. Impacts on highway safety were considered acceptable and the site was considered to be in a sustainable location.
73. With this application ultimately proposing an increase in the proportion of open market housing and reduction in affordable housing there is the likelihood that an increase in car ownership levels would result and in turn increased vehicular movements.
74. This is a point raised within the response issued from Bowburn and Parkhill Community Partnership and reference is also made to a condition previously placed on an approval requiring that houses are retained as affordable units at the request of the Highway Authority.
75. The Highway Authority have been consulted on these highways implications and no objections have been raised. The provision of 20% on site affordable housing as oppose to 30% would effectively result in 29 additional open market homes on the site. Using an industry tool to calculate the traffic generation rates for such housing as oppose to affordable housing, a difference in generation of only 0.12 movements in the morning and 0.104 movements in the evening was found to result per unit. This would equate to an extra 3 trips in the morning and 3 trips in an evening emerging from the additional 29 private homes. Such a degree of increase is considered to be insignificant.
76. With regards to the specific condition that the Bowburn and Parkhill Community Partnership make reference to in their comments, a condition was placed on the reserved matters approval 10/00799/RM which required the 10 no. dwellings approved to be retained as affordable housing in perpetuity. The Highway Authority were satisfied with the layout of the development provided that those dwellings were retained as affordable units in perpetuity.

77. This condition was later varied so that the houses must constitute affordable units, however, the in perpetuity element was removed so as to enable a future tenant to increase their shared equity in the property with the social landlord until ultimately said tenant would own the property. The Highway Authority raised no objection to this considering that the future phases of development can address any possible parking shortfall.
78. Ultimately as this reserved matters condition requires these ten dwellings to be affordable units this variation of the outline consent would have no bearing on this and these properties would have to be affordable dwellings unless a further reserved matters application is submitted proposing that these dwellings are no longer affordable units.
79. The Bowburn and Parkhill Community Partnership have also raised the issue that the application was originally approved on the basis that the site was sustainable with good access to public transport. The Partnership have stated that the Dallymore Drive bus stop, nearest to the site, no longer has a daytime service.
80. Officers understand that the Arriva 57 service to Durham does still stop at Bowburn estate providing a bus service to local residents, however. In the light of the comments from Bowburn and Parkhill Community Partnership it would potentially appear that the local bus service is not as convenient as it may have been in the past for residents within the dwellings on the former Cape site. However, it must be considered that the extant planning permission exists for the overall redevelopment of the site and the alterations to the availability of the local bus service is not considered to be a reason to raise objection to granting planning permission once more.
81. On balance officers raise no objection to the potential impact of the removal of condition 12 of the outline planning permission upon highway safety nor upon the considered sustainability of the site for housing having regards to Local Plan Policies T1 and T10, Policy 2 of the RSS and the provisions of part 4 of the NPPF.

#### Affordable Housing Provision

82. The key issue within this application is the discussion on affordable housing provision. The original outline approval granted by the Secretary of State attached a condition (No. 12) requiring that across the entirety of the development site 30% affordable housing would be provided in accordance with the guidance of PPS3. The Planning Inspectorate and Secretary of State considered it was appropriate to control the affordable housing provision via condition.
83. The applicant has now come forward seeking to renegotiate the amount of affordable housing proposed across the site. The applicant has stated that the development at the site could only commence at a time of difficult trading conditions due to the benefits of Government Kickstart funding and additional subsidies. The Governments Kickstart programme is credited with providing invaluable support to the housebuilding industry through the worst of the market downturn and it is estimated that the funding programme will have delivered 20,000 homes on 299 stalled developments. Together with the economic downturn the Cape site had very high site specific remediation costs totalling £1.98 million. The subsidised funding contributions are now no longer available to the applicant at the site and for this reason the developer now considers that completing the site with the 30% affordable housing provision cannot be achieved.
84. The applicant has submitted detailed development appraisals breaking down the income and expenditure at the site for the period of the development thus far and also the data for the full completion of the site. Further enclosures on the costs of site remediation and abnormal foundation costs have been submitted.

85. The development appraisals have been assessed using an industry tool “Pro Val” and with the benefit of advice from Asset Management with specialist knowledge in land and development costs.
86. Comments have been received from Asset Management and the submitted appraisal figures are considered accurate and reflect standard figures and assumptions used in evaluating development costs. No inaccuracies or anomalies were found in assessing the development appraisals. In summary the submitted development appraisal data is considered an accurate depiction of the site and development.
87. The submitted data demonstrates that the application site was bought at the height of the market with the purchase price approaching £4 million. Site remediation costs were very high, totalling £1.98 million. On the development to date considerable losses of over £3 million have occurred whilst if the remainder of the housing site was to be built out with 30% affordable then losses in the region of £4.5 million would occur.
88. Through the removal of the requirement for 30% affordable housing the applicant is proposing that the remainder of the site would be developed solely for open market housing. The site would still run at a loss, the reduction in affordable units would not allow for the development to generate a profit. However, the reduction in the affordable housing units would allow for a new license to be granted to a housebuilder and “drip feed” income. This would allow for the development to continue, with the 30% affordable housing requirement the site is a wholly unattractive proposition to any other developer and would not be implemented, remaining “moth-balled” for the foreseeable future.
89. It must be made clear that a significant proportion of the site would retain affordable dwellings. Already, 59 no. affordable units have been provided at the site which out of the whole development (once complete) would equate to 20% affordable housing at the site. Furthermore, the developer has offered within a S106 agreement a further financial contribution of over £147,000 which the Council can utilise to provide further off-site affordable homes. Such a sum would equate to the provision of 4 additional affordable homes meaning that in total 63 affordable units would emerge from the site.
90. It should also be noted that the Cape site is not the only recently developed site in Bowburn to have provided additional affordable housing. The development of 73 no. dwellings at land At Prince Charles Avenue and Horton Crescent has made provision for 23 affordable homes equalling 32%.
91. Objection has been received from The Bowburn and Parkhill Community Partnership, The Campaign to Protect Rural England, Shincliffe Parish Council and Cassop-cum-Quarrington Parish Council to the requirement for 30% affordable housing to be removed.
92. The provision of affordable housing remains a key consideration for the Local Planning Authority and the NPPF does at part 6 require Local Planning Authorities to establish and meet the affordable housing need in their district.
93. Equally paragraph 173 of the NPPF stresses the importance of viability as a material planning consideration; “sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

94. Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances “work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability”.
95. On balance taking into consideration the weight that must be attributed to site viability in assessing planning applications, the demonstration made by the applicant of the lack of viability of additional affordable housing development on site and also taking into account that a significant total of 63 affordable homes would have emerged from the site, officers recommend that the removal of the condition requiring 30% affordable housing is accepted.

#### Other Issues

96. Condition number 3 on the original planning approval related to a scheme to deal with contamination on the application site. A final report dated March 2009 was submitted to the Local Planning Authority detailing the remediation of the land and it was considered to satisfy the condition. However, as the report recommends on matters such as foundation design and with not all houses complete on the site it is considered appropriate that a condition is attached on any approval requiring that all development accords with the content of the report having regards to Policy U11 of the Local Plan.
97. Condition 4 on the original planning permission required the submission of an art scheme. Although provisional details have been submitted previously of a scheme for art on open space within the site, a final proposal has not been agreed. Policy Q15 of the Local Plan relates to the provision of art in development and officers consider that a condition should once again be attached to any approval to finalise the provision of a scheme on site.
98. Condition 5 on the original planning permission related to agreeing means by which foul and surface water would be catered for in the development. With all dwellings not yet approved or built, it is considered that such a condition should be attached again to any approval in accordance with Policy U8A of the Local Plan.
99. Condition 6 on the original planning application related to highway improvements and required alterations to junction 61 of the A1 (M), construction of a ghost island priority junction and pedestrian crossing. Under application 09/00620/VOC this condition was varied, the improvements to the motorway junction were not considered necessary and did not form part of the revised condition. The priority T junction and bus layby were to be provided prior to the commencement of development on the first dwelling. The protected right turn, ghost island and pedestrian crossing to be installed before the occupation of the 25<sup>th</sup> dwelling on site.
100. These timescales have not been met, the highway improvements are currently ongoing at the site and are being implemented by the Highway Authority. As the works are not yet complete, it is considered necessary that such a condition is attached again in the interests of highway safety having regards to Policy T1 of the Local Plan. The condition should be reworded, however, so that the highway improvements are implemented to the revised timescales to be agreed by the Highway Authority.
101. Condition 7 required that no dwellings could be occupied until an expansion of the Bowburn Sewage Works had been implemented. Previous discussions have been held with Northumbrian Water and improvements and expansion of the Bowburn Sewage Works have been undertaken and it is now no longer considered necessary to attach a condition restricting the occupation of dwellings.



102. Condition 8 related to matters of archaeology and simply required that access shall be available to the County Archaeologist to allow for observations of excavations when sought. Such a condition can be attached once again on any approval having regards to Policy E24 of the Local Plan.
103. Condition 9 required a travel plan to be devised within six months of the occupation of any of the approved commercial buildings. Such a condition should be attached once again to any approval having regards to Policy T1 of the Local Plan and part 4 of the NPPF.
104. Condition 10 required that no more than 50 dwellings could be occupied until all necessary highways and drainage infrastructure for the employment element of the site has been provided. Under application 08/00848/VOC this condition was varied to allow the construction of up to 150 dwellings before the highways and drainage infrastructure had to be provided. The applicant argued at the time that due to the significant financial outlay that the infrastructure works entailed, coupled with the low financial returns received varying the condition would provide greater flexibility and contingency. The highways and drainage infrastructure has still not been provided with the applicant confirming that 165 dwellings are on site. The applicant has informally requested that the number of dwellings that could be constructed prior to the infrastructure requiring to be implemented be extended again. Taking into consideration the same depressed market conditions and the point at which the development is now at, it is considered reasonable to reapply the condition but requiring that the infrastructure works are implemented prior to the construction of the 200<sup>th</sup> dwelling.
105. Condition 11 required that the provision of open space in the form of informal play and amenity space to form an integral part of any reserved matters application in accordance with the provisions of Policy R2 of the Local Plan. The phase 1 and phase 2 elements of the development included provision in accordance with Policy R2. This condition should be reapplied on any approval to ensure that future phases of the development provide for adequate levels of open space.
106. Condition 13 of the original planning permission required that the development is carried out in broad accordance with the submitted masterplan for the site and in addition in accordance with the BRE Ecohomes, BREEAM, Building for Life and Secured by Design guidance and standards. Such a condition can be attached once again with regards to the accordance with the masterplan for the site, however, it is not recommended that the accordance with the BRE Ecohomes, BREEAM, Building for Life and Secured by Design standards is attached on this planning permission. Some of this guidance has now been superseded and in addition it is considered through the combination of the 10% energy reduction condition (also recommended for the site) and the statutory obligations housing developments must adhere to through Building Regulations that the adherence to other further sustainable build guidance is not entirely necessary or reasonable.
107. Condition 14 related to protected species and required that the development accords with the mitigation, compensation and enhancement proposals within the submitted protected species report. 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.

108. 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
109. 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. Through the attachment of the condition relating to the mitigation, compensation and enhancement proposals within the submitted protected species report it is considered that the favourable conservation status of protected species would be retained in accordance with the requirements of Policy E16 of the Local Plan and part 11 of the NPPF. The alteration to the level of affordable housing provision sought in this particular planning application is considered to have no impact upon protected species.
110. Condition 15 of the original approval required that a minimum of 10% of the sites energy requirements be provided by embedded energy. A condition to the same affect is proposed for attachment on this approval though a reworded version inline with the standard condition to achieve 10% energy reduction that the Local Planning Authority has now adopted.
111. Officers recommend the inclusion of further conditions in the interests of ensuring that the development has an acceptable impact upon the character and appearance of the area, relating to materials, landscaping, hard surfaces and means of enclosures.

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## **CONCLUSION**

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112. This application seeks to remove condition 12 on the original outline planning permission so that 30% affordable housing provision is not required across the site.
113. The County Durham Strategic Housing Market Assessment (SHMA) provides the evidence base for affordable housing need and considers that 30% affordable housing should be sought within Durham City. The revised provision for the Cape site would be 20% onsite with the additional off-site financial contribution amounting to a total of 21.5% affordable housing to emerge from the site.
114. The viability of development sites must be considered in the current financial climate. The submitted development appraisals and accompanying enclosures have been robustly assessed using an industry tool and the findings are considered to be an accurate account of the site and the lack of viability of the 30% affordable housing within the development.
115. As a result, officers recommend that the condition requiring 30% affordable housing is removed and the existing on site and off-site contribution formalised via a S106 agreement, establishing the revised provision of affordable housing.

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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:

- i. The provision of 59 no. affordable dwellings onsite
- ii. A contribution of £147,472 towards the offsite provision of 4 no. affordable homes

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

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

2. Application for approval of reserved matters shall be made to the Local Planning Authority before 29<sup>th</sup> October 2012 and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: To ensure planning permissions are not extended by Section 73 applications and that the time limit remains consistent to the original consent 06/00631/OUT pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development shall be implemented in full accordance with the provisions of the Completion Statement for the remedial and preparatory works report C0681C dated March 2009 prepared by Sirius Geotechnical and Environmental Ltd.

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

4. Prior to the commencement of development pertaining to any reserved matters, a scheme for the delivery of an art project in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004 shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

Reason: To ensure a contribution towards art on major development proposals is achieved in accordance with the Policy Q15 of the City of Durham Local Plan 2004.

5. Prior to the commencement of development pertaining to any reserved matters, a scheme, including sustainable urban drainage measures, showing the means by which foul sewage and surface water generated as a result of the development are to be catered for, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure adequate drainage of the site having regards to Policy U8A of the City of Durham Local Plan 2004.

6. The highways improvements shown on the submitted and approved plan (drawing no. 758/0001/03/01 Rev 0 – Engineering Details) consisting of priority T – junction, bus lay-by, protected right turn facility, ghost island and signalised pedestrian crossing facilities shall be implemented by the May 31<sup>st</sup> 2013.

Reason: In order that the required highway improvements are provided at an appropriate stage of the development in the interests of highway safety and accessibility in accordance with Policy T1 of the City of Durham Local Plan 2004.

7. The developer shall afford access at all reasonable times to an archaeologist nominated by the Local Planning Authority and shall allow that person to observe the excavations and record items of interest.

Reason: In the interests of recording and preserving any features or remains of archaeological interest in accordance with Policy E24 of the City of Durham Local Plan 2004.

8. Within six months of the occupation of any of the approved commercial buildings, a detailed travel plan, based upon the draft scheme submitted shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the measures contained within that detailed travel plan shall be full implemented.

Reason: In the interests of promoting sustainable transport having regards to Policy T1 of the City of Durham Local Plan 2004 and having regards to Part 4 of the National Planning Policy Framework.

9. No more than 200 dwellings shall be occupied until all necessary highways and drainage infrastructure for the employment element of the site has been provided.

Reason: To provide assurance on the likelihood of the employment elements of the development proposal coming into fruition whilst having regards to the material considerations of site viability having regards to Policy EMP5 of the City of Durham Local Plan and the provisions of Part of the National Planning Policy Framework.

10. The provision of open space in the form of informal play and amenity space shall form an integral part of any reserved matter planning application, in accordance with the provisions of Policy R2 of the City of Durham Local Plan 2004.

Reason: To ensure that adequate play and amenity space are provided for major residential developments having regards to Policy R2 of the City of Durham Local Plan 2004.

11. The development shall be carried out in accordance with the submitted Masterplan detailed on page 33 of the submitted Design and Access Statement received 23<sup>rd</sup> June 2006.

Reason: To define the consent and ensure that the development is implemented in accordance with the principles of the devised Masterplan having regards to Policies H3, H13, EMP5 and T1 of the City of Durham Local Plan 2004.

12. The development hereby approved shall be implemented in full accordance with the mitigation, compensation and enhancement proposals contained within paragraphs 8.108 – 8.126 of the submitted protected species report (Environmental Impact Assessment Section 2: Written Statement)

Reason: To ensure the protection and conservation of nature conservation assets having regards to Policy E16 of the City of Durham Local Plan 2004.

13. Prior to the commencement of development pertaining to any reserved matters, 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 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.

14. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development pertaining to any reserved matters, and such a 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 having regards to Policy Q8 of the City of Durham Local Plan 2004.

15. Prior to the commencement of development pertaining to any reserved matters, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

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

16. Prior to the commencement of development pertaining to any reserved matters, details of the make, colour and texture of all walling and roofing materials shall be 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.

17. Prior to the commencement of development pertaining to any reserved matters details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

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## **REASONS FOR THE RECOMMENDATION**

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1. The development proposes a mixed use development including housing on a designated industrial estate. Adequate employment land is considered to be available in the Durham City area and the development reuses previously developed land within a suitable location. The proposed development is considered to be an acceptable development in principle although does constitute a departure from Local Plan Policy EMP5 albeit the principle is established. No harm to the character of the area, highway safety or the amenities of neighbouring occupiers is considered to occur through the development. With regards to affordable housing, the submitted application and enclosures are considered to demonstrate that providing 30% affordable housing on site is not viable and the provision of 59 no. affordable units on site and contribution towards 4 no. units off site via S106 agreement is considered acceptable. The development is considered to accord with relevant Policies E16, E24, H3, H12, H13, T1, T10, Q8, R2, U5, U8A, U11 and U15 of the City of Durham Local Plan 2004. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through The Conservation (Natural Habitats etc) Regulations 1994

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, the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework.

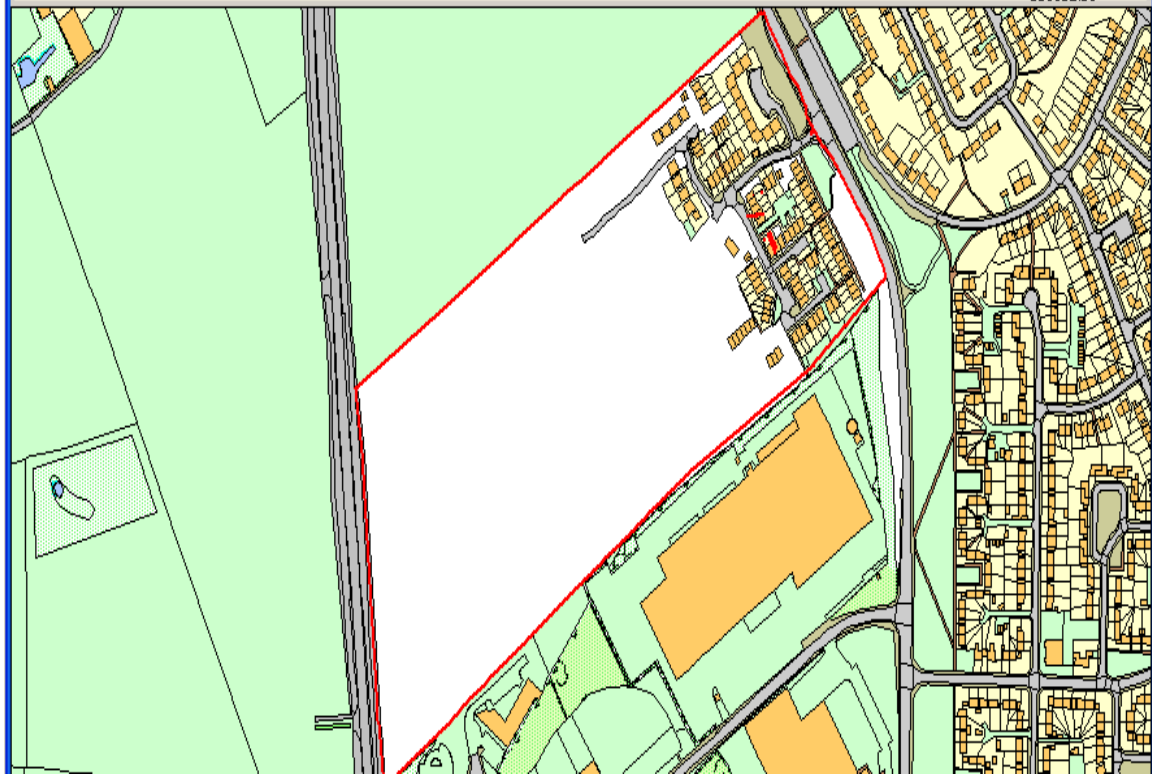
2. In particular the removal of condition 12 on the original planning permission requiring the provision of 30% affordable housing is considered acceptable having regards to the viability of the site which is a material planning consideration.
3. A total of 4 no. objections have been received in relation to the application with objection raised to the removal of the 30% affordable housing requirement and with regards to highway issues and site sustainability. An assessment of the viability of affordable housing at the site has been undertaken and 30% affordable housing is considered unfeasible at the site. No objections are raised with regards to the impact of additional open market housing with regards to highway safety whilst the site is considered to constitute sustainable development with adequate accessibility to public transport.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Response of the Highway Authority  
Parish Council Responses  
Planning Circular 11/95



**Planning Services**

Removal of condition 12 of planning application 06/00631/OUT (Outline application including details of means of access for employment use and residential development with associated play areas, landscaping, parking and access) relating to the provision of 30% affordable housing

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

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00420/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Two detached residential dwellings (Revised and re submitted) (Amended plans showing revised parking and access arrangements received 14th May 2012)
<b>NAME OF APPLICANT:</b>	Mr J R Slater
<b>ADDRESS:</b>	Land Corner Of Waltons Terrace & The Bungalows New Brancepeth Durham DH7 7ER
<b>ELECTORAL DIVISION:</b>	Deerness Valley
<b>CASE OFFICER:</b>	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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**SITE:**

1. The application site lies within the established settlement of New Brancepeth to the west of Durham City and consists of an area of gravelled land which is currently being used as an informal parking area. Traditional terraced properties lie to the north of the site on Walton's Terrace and Rock Terrace. The properties on Walton's Terrace would sit closest to the site across the rear access road for this terrace. The terraced properties are modest in size and scale, most having one first floor habitable window with some incorporating a bathroom window to this elevation. The properties generally have a further window and door at ground floor level, with properties generally incorporating a yard area. Some of these dwellings retain what appear to be original coal stores facing inwards towards the dwelling to the rear of the yards. Semi-detached properties bound the site to its south east, set back across rear gardens on Braunespath Estate. A scattering of timber garages sits immediately west of the site across the access road. In a wider context, New Brancepeth Primary School sits at the end of the access road that passes to the front of the site. Site levels slope gently upwards from north to south.

**PROPOSAL:**

2. The application seeks permission to erect two detached residential dwellings. The dwellings would provide between 3 to 5 bedrooms each, with habitable accommodation at ground floor level including garage, three bedrooms at first floor level and two further rooms within the roof space which could be utilised as bedrooms or studies. Each dwelling would be orientated facing west. The dwellings would measure 8.4m in overall height, 4.7m to eaves level, 7.6m in width and 8.7m in maximum depth. The properties would be designed with dominant gable elements and traditionally pitched roofs. Regular window arrangements for windows are shown, with windows serving the lounge and bedrooms to the front and serving kitchen, dining areas and bedrooms to the rear. A dormer window and velux style roof light is proposed to each property to the rear roof slope. Two velux style windows are shown to the roof of the gabled pitched roof towards the front of the dwellings. The south facing gable end of the southernmost property would be blank. The North facing gable elevation of the northernmost dwelling adjacent to Walton's Terrace would have a door and utility room window at ground floor level and a bathroom window at first floor level.

These windows would be conditioned to be obscure glazed. Two off street parking spaces and one garage space are proposed per dwelling.

3. This scheme is being reported to committee at the request of Councillor John Wilkinson. Brandon and Byshttles Parish Council have also requested that the application be determined by the Planning Committee.

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## **PLANNING HISTORY**

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4. An outline application was made in 2008 for the erection of two semi detached dwellings of up to 8 metres in height with all matters reserved at the site. This application was approved by the Council at Planning Committee. A further full application was made in 2009 for two two storey detached dwellings. This application was approved by the Council under Delegated Powers.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

7. The following elements are considered relevant to this proposal;

8. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

### **REGIONAL PLANNING POLICY**

9. *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.

10. 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 by making Orders under S109 of the Localism Act, although such Orders are yet to be made.

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:

11. **Policy 4 (The Sequential Approach to Development)** states that development priority should be given to previously developed land in order to identify the most appropriate development sites. Top priority is given to previously developed sites within urban areas, particularly those in close proximity to transport nodes.

12. **Policy 8 (Protecting and Enhancing the Environment)** seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

#### **LOCAL PLAN POLICY:**

13. **Policy H3 (New Housing Development within the Villages)** states that new housing development comprising windfall development of previously developed land will be permitted within the villages of the former Durham City District provided it is appropriate in scale, design and location and number of units to the character of the settlement and does not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlements character.

14. **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.

15. **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

16. **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.

17. **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.

18. **Policy U8A (Disposal of Foul and Surface Water)** requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

19. Councillor John Wilkinson has expressed concerns over the application in relation to an overbearing nature, overlooking and dangerous access through Walton's Terrace and has requested the application for this development be determined at Planning Committee. Brandon and Byshottles Parish Council have objected to the application as they consider that the development will overlook the nearby dwellings resulting in a loss of privacy for residents. The parish council have concerns over the suitability of access to the proposed development and have concerns about traffic congestion which it is feared would result from the loss of the informal parking area. Nortumbrian Water has no comments to make on the application.

### **INTERNAL CONSULTEE RESPONSES:**

20. Highways development management initially had concerns surrounding the layout of the driveways proposed to the properties and the associated arrangements for dropped kerbs and kerb reinstatement. These issues have been resolved, therefore highways development management has no objections to the proposals subject to the inclusion of an informative regarding drop kerb construction standards.

### **PUBLIC RESPONSES:**

21. Three letters of objection have been received in relation to the development. Two local residents have put forward concern due to the loss of parking which would ensue from the development of the site. It is suggested this would result in increased congestion and potential for road traffic accidents around the site, along with increased traffic levels in the locality. Residents have raised the point that the development site is close to the school and have raised concern that it would become unsafe for children when going to and leaving the school. Residents have also raised privacy concerns.

22. The City of Durham Trust considers the site to be poorly located, both in terms of access and in relation to neighbouring properties.

### **APPLICANTS STATEMENT:**

23. The applicant considers that the proposed design, location and orientation of the dwellings within the site have been arranged to provide adequate privacy for all existing dwellings adjacent to the site and the proposed houses. The applicant states that the design choice of external surfaces will reflect similar materials used within the area.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. 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 principle of development of the site, the layout and design of the proposed dwellings, and loss of informal parking at the site.

## **Principle of development of the site**

25. The principle of residential development at the site has been previously established through an expired outline planning permission for two semi detached dwellings. This principle was further reinforced through the approval of a scheme for two detached residential dwellings in 2009, although this permission, which was granted for a period of three years to commence development, has also expired. The site was judged to be previously developed land and was identified as a potential development site in the New Brancepeth village site appraisal of September 2006. The site is not covered by any special designation relating to its historic or ecological qualities.

26. Policy H3 of the City of Durham Local Plan 2004 states that development of Brownfield sites within New Brancepeth is acceptable provided that the proposals are appropriate in terms of scale, design, location and number of units and appropriate to the character of the settlement while not resulting in the development of areas which possess important functional, visual or environmental attributes. While Officers acknowledge that the site does seem to be serving a functional use as an informal parking area, the validity of this use has to be questioned, as the site is privately owned. Officers can only assume that the site is being used for parking at present due to the goodwill of the owner. The site is bland and provides an area of open space between the traditional terraced properties on Walton's Terrace and the later Braunespath Estate, which are situated at a higher level. Officers do not consider that the site possesses any important visual or environmental attributes. The recently introduced National Planning Policy Framework promotes development in sustainable settlement based locations. Officers consider this site sustainable by virtue of its in-settlement location on previously developed land with good access to a variety of services.

## **The layout and design of the proposed dwellings**

27. Policy Q8 of the Local Plan concerns the layout of new residential development. The dwellings would possess adequate amenity space and would incorporate front and rear gardens. The properties would be appropriate in scale, form, density and materials to the character of their surroundings which incorporate a variety of ages and types of dwelling. Although admittedly large, the dwellings would be able to be accommodated on the site by reason of bridging the gap between the lower terraced properties and the higher Braunespath Estate.

28. In terms of the objections put forward on the grounds of residential privacy, separation distances to properties on Braunespath Estate would measure approximately 22m between facing habitable room windows. This is an acceptable distance with regard to Policy Q8 of the Local Plan. The obscure angle of the relationship would also serve to protect residential amenity. The north facing side elevation of the northernmost dwelling would have a separation distance in excess of 13m to the main rear wall of properties on Walton's Terrace. This elevation would only incorporate small non-habitable room windows, which would be conditioned to be obscure glazed, therefore this separation distance is considered acceptable and is in excess of the 13m guideline separation distance recommended in Policy Q8 of the Local Plan. The relationship of the front and rear windows to Rock Terrace and Walton's Terrace respectively are considered to be oblique and Offices consider that harmful or noticeable overlooking between properties would not ensue. Consequently the proposals are considered not to have a significant adverse impact upon the amenities of residents in the immediate area, although Officers accept that a slight reduction in outlook and light to the rear of properties on Walton's Terrace would ensue, but this would not be sufficient to justify refusing planning permission.

## Loss of informal parking at the site & highways issues

29. Officers have visited the site at various times of day and it seems apparent from these visits that the area does receive a good level of use as an informal car park. Officers understand the points of objection put forward in this regard. Officers acknowledge that these cars may have to be parked elsewhere in the area. However, as has been previously outlined, the area does appear to be used on a good will basis, with no guarantee that the informal parking facilities would be available in perpetuity. The Highways Development management section of the Council has carefully considered the application and have not raised concerns regarding highways safety implications for the development in terms of the potential loss of parking at the site or issues of access. Given that Officers have not witnessed more than 8 or so cars on the site at any one time, this level of parking would appear to be able to be accommodated if necessary in surrounding streets. Officers consider that the dwellings themselves would not result in an increased demand for on street parking, as three off street spaces would be incorporated per dwelling, with the appropriate drop and full kerb arrangement around the site.

### Other Matters

30. In accordance with Policy U8A a satisfactory scheme for the disposal of foul and surface water should be submitted to the Planning Authority to be approved and implemented before the development is brought into use.

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## CONCLUSION

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31. In summary, Officers consider the application acceptable in terms of the principle of the development of the site. This is because there have been recent approved applications for residential development at the site of a similar type and scale and due to the sustainable location of the proposed development in line with national, regional and local planning Policy.

32. Officers consider the development acceptable in terms of the layout and design of the proposed dwellings. This is because Officers do not consider the dwellings to create any significant reduction in residential amenity or privacy through their positioning and orientation, and because Officers feel the type and scale of the dwellings can be accommodated adequately in this location.

33. Officers consider that the loss of informal parking at the site would not be harmful to highway safety and that access is appropriate.

34. Officers consider the application to meet the requirements of national and regional planning policy, and Policies H3, H13, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004.

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

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the ground floor windows, ground floor door and first floor window on the northern elevation of the northernmost dwelling shall be frosted/opaque and shall remain as such for the lifetime of the development.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy Q8 of the City of Durham Local Plan 2004.

5. The development hereby approved shall be carried out in strict accordance with the following approved plans (Proposed Plans 1, 2, 3, 4, 6, received 05<sup>th</sup> April & 14<sup>th</sup> May 2012)

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

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## **REASONS FOR THE RECOMMENDATION**

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1. It is considered that the proposed two detached residential dwellings would be of appropriate scale, design and location while preserving highway safety in accordance with Policies H3, H13, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004

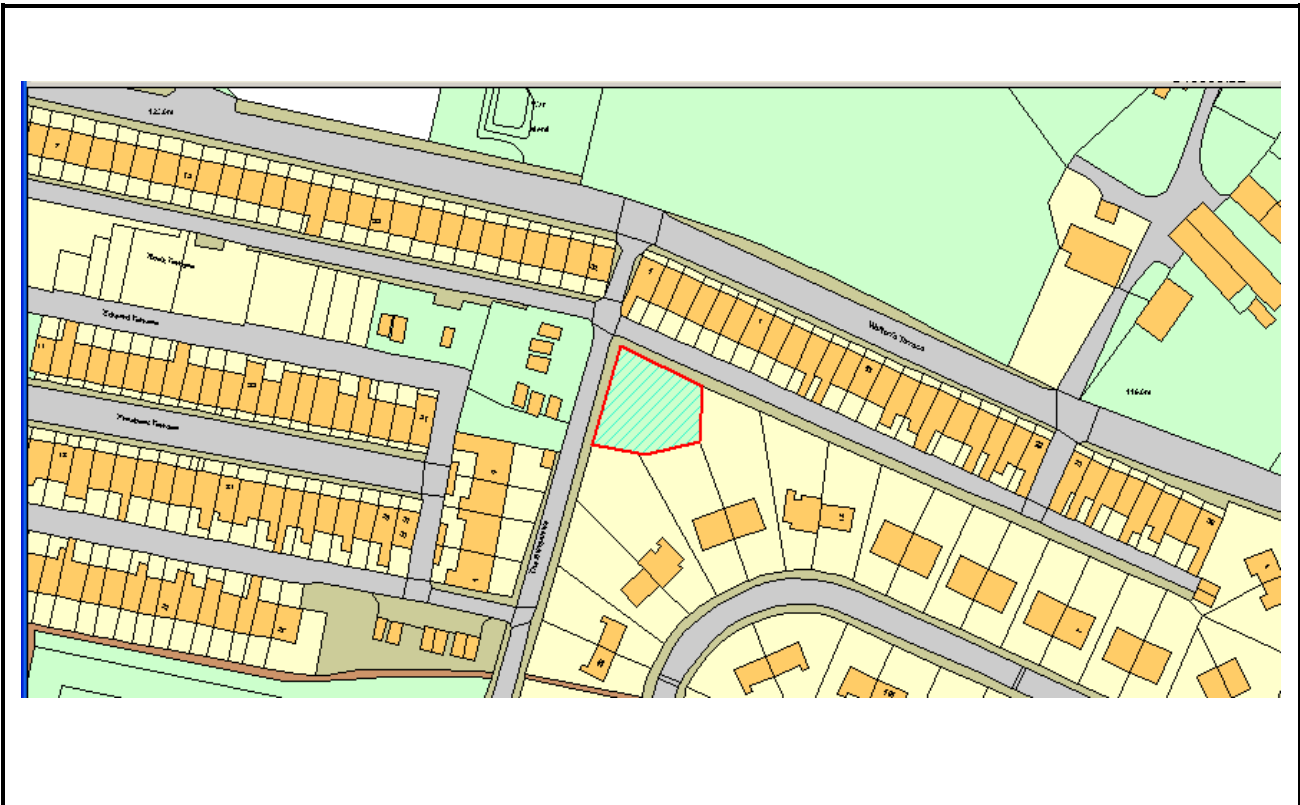
This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule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


2. In particular the development was considered acceptable as it would be appropriate in terms of issues surrounding the principle of development at the site, layout and design and highways safety.

3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient to lead to reasons on which to refuse the application in view of the accordance of the proposals with relevant development plan policies combined with appropriate planning conditions.

**BACKGROUND PAPERS**

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
 City of Durham Local Plan 2004  
 Responses from Objectors  
 Responses from Councillor and Parish Council  
 Response from Highways Development Management  
 Response from Northumbrian Water



 <p><b>Planning Services</b></p>	<p>Two detached residential dwellings                  (Revised and re submitted) (Amended plans showing revised parking and access arrangements received 14th May 2012)</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>Date</b> 10<sup>th</sup> July 2012</p>	