



Area Planning Committee (Central and East Durham)

Date Tuesday 15 January 2013
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies For Absence
2. Substitute Members
3. Minutes of the Meeting held on 11 December 2012 (Pages 1 - 22)
4. Declarations of Interest
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/12/00997/FPA - Land at Rowan Court and The Oaks, Esh Winning, Durham (Pages 23 - 42)
Demolition of remaining dwellings on site and redevelopment with erection of 78 no. dwellings.
 - b) 4/12/00909/FPA - Land east of Littleburn Lane and Onslow Terrace, Langley Moor, Durham (Pages 43 - 64)
Residential development of 34 no. dwellings.
6. 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

7 January 2013

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 and B Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in the Council Chamber, County Hall, Durham on **Tuesday 11 December 2012 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), J Blakey, P Charlton, D Freeman, J Moran, J Robson and A Naylor (substitute for A Laing)

Apologies:

Apologies for absence were received from Councillors A Bell, G Bleasdale, S Iveson and A Laing

1 Declarations of Interest

There were no declarations of interest.

2 Minutes

The Minutes of the meeting held on 13 November 2012 were confirmed as a correct record and signed by the Chair.

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

3a 4/12/00149/FPA – 107A High Street, Carville, Durham, DH1 1BQ

The Committee considered a report of the Planning Officer regarding a proposed timber storage shed and flue associated with extraction system and the retention of solar panels, fridge, freezer, storage container and hard standing to the rear of 107A High Street, Carville, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. Members were reminded that the application had previously been considered at a meeting of the Committee held in September 2012 and that a decision on the application had been deferred on the basis that there were outstanding issues to be resolved. The Principal Planning

Officer advised that since that meeting, appropriate changes had been made to the application which addressed those issues.

Councillor Holroyd, local member, addressed the Committee. He began by providing the Committee with an overview of the development of Executive Catering. Initially, the company prepared and provided light foods for consumption off the premises, this activity necessitated very few vehicle movements and working hours were mainly in the daytime/early evening. The addition of hog roasting had resulted in a significant increase in vehicle movements and an extension of the operating times.

Councillor Holroyd continued that the original planning application for the premises was for the provision of a catering service providing sandwiches and light foods from the premises with parking provision for 2 vehicles. Over the last 3 to 4 years, Councillor Holroyd stated that the business had developed into a Hog Roast/Catering company which was cooking in the region of 400 to 500 pigs per year, operating 5 vehicles and trailers from the establishment. In addition to their own vehicle movement, Councillor Holroyd informed the Committee that there were numerous deliveries by large trucks sometimes in the early morning and often during the day, and due to restricted access, those vehicles reversed up a cul-de-sac and frequently needed to mount the footpath to gain access.

The entrance was the sole entrance to three houses and their garages and the garages to a further three properties. Councillor Holroyd believed that the hog roasting had generated significantly more traffic making access to those properties more difficult. Previous applications by the company had been turned down on the grounds of the generation of additional traffic.

In relation to the solar panels, Councillor Holroyd informed the Committee that the company had installed 16x0.5kw solar panels, generating 8kw. He advised that solar panels were live during daylight at an average constant voltage of 400+volts DC. Councillor Holroyd considered the location of the panels, their low height and the ease of access to them, to be a significant hazard.

Councillor Holroyd advised Members that he had panels installed on his property and upon their installation was issued with several warnings on the high voltage present in the panels and that unless familiar with the DC systems, no attempts should be made to touch the panels or the cables.

He was concerned that the solar panels at the premises could be easily accessed by children, especially as there had been recent instances of children climbing on roofs of other properties in Carville. Councillor Holroyd therefore requested that the Committee defer approval of the application until such time as the solar panels were removed to a safer location.

In relation to the appearance and surroundings of the premises, Councillor Holroyd informed the Committee that the unit was surrounded by residential development and a few retail outlets. There were 2 other food retailers on the High Street, all other commercial premises were non-manufacturing. Councillor Holroyd believed that the process of hog roasting was not sympathetic to that environment.

Furthermore, Councillor Holroyd stated that although the development was almost invisible from the High Street, it was very visible from several other properties to the rear of, and adjacent to, the development.

Councillor Holroyd welcomed the limitation to operating hours detailed in the Planning Officers report however was concerned as to how that would be monitored and what actions would be taken should those hours be breached.

Councillor Holroyd circulated to the Committee photographs of the property to highlight the access issues, and a letter from the resident of 110A High Street, highlighting errors in the submission.

Councillor C Pattinson, Chair of Belmont Parish Council, addressed the Committee. He informed Members that following representations from residents and several visits to the site, the Parish Council had given serious consideration to the application. The Parish were of the opinion that residents were justified in their concerns regarding unsociable working hours, strong odours from the premises and noise from the premises during the night. The Parish believed that the current use at the property was unacceptable.

Other issues upheld by the Parish Council included restricted vehicle access, pollution of the drainage system, concerns regarding the safety and appearance of the solar panels and overdevelopment of the site. The Parish believed that the operation would be better situated at an industrial location.

Councillor Pattinson informed Members that, with particular reference to the flue, the proposals were of a poor design quality and unsympathetic to the surroundings.

The Parish Council felt that the usage of the premises had changed significantly since the original planning permission had been granted and the generation of extra traffic was detrimental to safety, as well as causing access problems.

Councillor Pattinson raised concerns regarding the condition to the application which restricted the operating hours of the ventilation system. He requested Members to consider that the company may continue to operate outside of those hours without ventilation. The Parish Council were also concerned that should the application be approved the development may not occur for up to 3 years, it was therefore the view of the Parish that the company should cease operation until all approved measures were in place.

Mr W Meikle, local resident, addressed the Committee. He informed Members that in relation to noise generated from the freezer, the report of the County Council Environmental Health Officers, comprising of noise monitoring over a 3 day period, concluded that the average night time noise was 35 decibels. Guidelines for continuous night time noise indicated that levels should not exceed 30 decibels through a closed window. He informed the Committee that the refrigerator generated a continuous low frequency hum right through the night, which he believed could be eliminated with a simple modification to the equipment.

In relation to the solar panels, Mr Meikle advised that he was not against the principle of the panels, he just objected to the location of them. He informed Members that they were only 2 metres high from the footpath, producing a dangerous DC current, and he was fearful for the safety of children around them. He informed Members that the Health and Safety Act stated that development should have appropriate regard to safety especially where construction could cause danger. He requested that the Committee refused the retention of the solar panels, and that they should be relocated to a safer and more suitable location.

The Principal Planning Officer responded to the issues raised by all objectors as follows:

- Operating of Business – The business was long established since 1986 and attempts had been made by the applicant to rectify some of the issues presented by the site. The original planning permission gave no restrictions on the types of foods which could be produced on the premises or the operating hours as such no enforcement action in that regard was possible. Although it was acknowledged that the use of the premises had expanded over time, the use was still within the remit of the original planning permission.
- Solar Panels – the safety of the panels was purely the responsibility of the applicant, to ensure that the panels could be accessed. If someone was on the roof of the property and thus close enough to touch the panels/cables, then it was suggested that they would be there without due cause.
- Location – Although the business may be better suited to an industrial location, that was not what the application was for and so was irrelevant.
- Filtration System – In response to concerns regarding the time it could take for the filtration system to be installed, it was suggested that a condition could be applied which would require the applicant to install the system within a set period of time.
- Noise Assessment – This was addressed in the officers report, advice had been sought from Environmental Health and an Environmental Health Officer was in attendance at the meeting to address any concerns.

Mr P Hewitson addressed the Committee on behalf of the applicant. Mr Hewitson was the son of the proprietors of Executive Catering and Coach Services.

He began by informing the Committee that there had never been any instances of anyone accessing the roof of the premises, including children, even prior to the solar panel installation. Furthermore the panels had been professionally installed.

In relation to the hog roasting, Mr Hewitson informed the Committee that the roasting only took place on Thursdays and Fridays between the hours of 7am and 5pm.

The vehicles were parked at either the front or rear of the property and as such did not prohibit access.

In relation to the storage of gas cylinders, Mr Hewitson informed Members that Environmental Health were satisfied with the arrangements which were in place.

On the issue of the drains, Mr Hewitson advised that Northumbrian Water had inspected the drains on two occasions and had raised no issues.

Mr Hewitson drew attention to the fact that there were several other food retailers on the High Street, and that although when Executive Catering had been established only light foods were prepared, the company had been forced to adapt to the changing market, hence the introduction of hog roasts.

In relation to the issue of odours, Mr Hewitson informed the Committee that the company had worked closely with both Environmental Health and Planning to mitigate possible odours, and could ensure that odours would be dispersed at a high level. The flue would be sustained at the peak of the building both to minimise visual impact and to maximise the height of dispersion.

Mr J Dodds, Environmental Health Officer, addressed the Committee.

In relation to the noise from the extraction fan, the Committee were advised that Environmental Health were satisfied that there would be no significant increase in background noise from the fan.

It was acknowledged that the fridge and freezer emitted a low frequency tonal noise, and the Committee were informed that the applicant was willing to enlist engineers and consultants to work at eliminating the noise further. Mr Dodds suggested that a condition could be added to the application to insist that such works were undertaken, to be overseen by Environmental Health.

Both Councillor Blakey and Councillor Taylor acknowledged that the business had been long established and wondered why there had not been previous dialogue between the Parish Council and the company.

Councillor Taylor, in moving approval of the application, proposed that the additional conditions suggested earlier in the meeting, be added to the permission as follows:

- a condition requiring that the filtration system be installed within three months of the application being approved;
- a condition requiring that the applicant enlist engineers and consultants to work on eliminating the noise from the fridge and freezer, to be overseen by Environmental Health.

Councillor Charlton also supported the application with the addition of the two conditions.

The Legal Officer agreed that in principle the 2 conditions could be applied to the application, however suggested that the formulation of the conditions be delegated to Planning Officers.

Resolved:

That the application be approved, subject to the conditions outlined in the report and two additional conditions to be formulated by officers relating to:

- the imposition of a three month time limit for the installation of the filtration system;
- the noise attenuation measures to be undertaken in order to eliminate noise from the fridge and freezer.

3b 4/12/00762/FPA – Land adjoining Holdens Yard, west side of Front Street, Quarrington Hill, Durham

The Committee considered a report of the Assistant Planning Officer regarding the change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing at land adjoining Holdens Yard, west side of Front Street, Quarrington Hill, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Councillor Plews, local member, addressed the Committee. She informed the Committee that Coxhoe Parish Council had been interested in the site, and it was the belief of the Parish Council that the site was statutory allotment land. Councillor Plews stated that there had been no discussions with the Parish Council prior to the agreement of the conditional sale of land to the applicant, she therefore requested that the Committee adjourn consideration of the application to allow more time for discussions to be held with the Parish Council.

Councillor Morgan, local member, addressed the Committee. Councillor Morgan reiterated the comments of Councillor Plews, stating that the view of both Coxhoe Parish Council and local residents was that the application site was allotment land and as such should not be available for sale, instead should have been offered to the Parish Council.

He informed the Committee that the County Council's Assets Team had written to the Parish Council regarding the whole site, however there had been no subsequent discussions, as such he too requested an adjournment.

Should an adjournment of the application not be possible, he therefore requested that the Committee reject the application on the basis that the proposals were for building in the open countryside and that the Arboricultural Officer suggested at paragraph 26 of the report, that the trees in that area were worthy of retention. Councillor Morgan further suggested that approval of the application would breach section 11 of the Planning Framework as the proposals would fail to enhance the natural environment.

Parish Councillor K Pounder addressed the Committee, representing Belmont Parish Council. He informed Members that there had been an extensive waiting list for allotments within the area for some years, and in the 2011 Parish Plan

questionnaire, residents responded to say that they would like to see more allotment provision in the area.

Councillor Pounder informed the Committee that an asset transfer had been attempted, however there were clearly conflicting views over the appropriate use of the land. He suggested that the officers report was incorrect as there had, to date, been no discussions with the Parish Council, further to the Clerk to the Council contacting the Assets Team on 6 December 2012 to request a meeting.

Councillor Pounder called on the Committee to defer the item for 2 months to allow for discussions between the Parish Council and the Assets Team to take place.

The Principal Planning Officer responded to the issues raised by all objectors as follows:

- Land Sale – Whether or not the land should be categorised as allotment land, and determination as to how that land should be disposed of, were not planning issues. Should the application be granted that would not rule out further discussions with Asset Management, indeed it was understood that Asset Management were willing to enter into discussions.
- Policy – It was acknowledged that there would be an impact should the application be approved, however it was pointed out that the NPPF equally reflected the importance of economic growth and sustainability, as such there was a balance to be achieved.

Supported by Councillor Charlton, Councillor Blakey moved that the determination of the application be deferred for a period of 2 months to allow further consultation to take place.

Councillor Taylor moved that the approval of the application be granted, believing that negotiations regarding the sale of the land was not an issue for the Planning Committee.

In response to a query raised by Councillor Naylor, the Principal Planning Officer advised that he was not aware of any previous proposals which had been submitted for the land.

Councillor Moran supported Councillor Taylor and informed the Committee that he was satisfied that the removal of trees from the site would not be detrimental as the applicant would be planting additional trees as part of the development.

Councillor Robinson supported the motion for deferral of the application, and allow the Planning Team to view the correspondence between Asset Management and Coxhoe Parish Council, in addition to further discussions to take place between the concerned parties.

Upon a vote being taken upon each motion, it was

Resolved:

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

3c 4/12/00791/FPA - Land between 24 and 25 The Avenue, Durham, DH1 4ED

The Committee were informed that the application had been withdrawn by the applicant.

3d 4/12/00936/FPA – Land between 24 and 25 The Avenue, Durham, DH1 4ED

Prior to the consideration of the Planning Officer's report, Messrs Cornwell & Priestly raised with the Chairman a matter of procedure, namely that they had decided to split their representations between the two applications i.e. one person was to speak for the full 5 minutes on item 3(c) and one person was to speak for 5 minutes on this application. They felt disadvantaged because item 3(c) had now been withdrawn and requested more than 5 minutes within which to speak on this application.

The Chairman exercised his discretion by allowing 5 minutes to each of them but made it clear that he would therefore allow 10 minutes to the applicant.

The Committee considered a report of the Planning Officer regarding the proposed extension of time limit for implementation of 09/00756 for three terraced dwellings(for copy see file of Minutes).

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

Councillor G Holland, local member, addressed the Committee. He believed the issue was whether the existing planning permission should be extended or whether it should expire naturally, requiring the applicant to submit a new application.

Councillor Holland informed the Committee that there was an overload of student dwellings within the area of the site, in addition the site was within a conservation area.

The land was currently garden space associated with no.24 The Avenue, Councillor Holland was concerned that Government guidelines were against development on such sites.

Since 2009, Councillor Holland informed the Committee that numerous properties in The Avenue had converted to HMO's (Houses in Multiple Occupancy), and he made reference to the objections detailed within the report by Planning Policy, who objected to the application on the basis that they considered the proposal would have a significant impact on the local area as it would significantly increase the concentration of HMO's in the street. Councillor Holland highlighted that the proposals were contrary to policies H9, H13 and H16 of the City of Durham Local Plan.

In relation to the impact that the proposals could have on other residents in the street, Councillor Holland referred to Policy Q8 which stated that the impact on the occupants of neighbouring properties should be minimised.

Councillor Holland felt that the application should be rejected in light of the new planning landscape of 2012. Should the application be approved, Councillor Holland suggested that a C3 condition be applied to the permission to require that the property be for family use and not a HMO.

Councillor N Martin, local member, addressed the Committee. He felt strongly that recent years had seen an influx of students into the site area and highlighted that the increase in the student population had signified a change in tone from both the Police and from Planning Policy, with both vocalising concerns.

Councillor Martin called for the application to be rejected and although he agreed that if approval should be granted then a C3 condition be imposed, he highlighted that C3 was not exactly appropriate as the design of the development did not lend themselves well as family dwellings.

Mr S Priestly, local resident, addressed the Committee. Mr Priestly informed Members that he had resided in The Avenue for 18 years, during which time he had witnessed a real shift in the residential mix in the area. The street was now predominantly a student base and he feared that the introduction of more students to the street could drive families away. Quoting figures of students against families in The Avenue, Mr Priestly informed the Committee that should the application be approved and the site was developed as proposed, it would take the number of students residing in the street to over 200.

Mr Priestly informed the Committee of the problems which were created as a result of high numbers of students residing in residential areas, such as increased noise and anti social behaviour.

The Committee were advised that the families within The Avenue provided a vital service year on year in clearing the road during adverse weather conditions, a service which would not continue should families be driven out of the area.

Mr Priestly argued that it was unlikely that the developer would opt to market the property as a residential dwelling once developed as that would not be a viable economic proposition.

Mr R Cornwell, local resident, addressed the Committee. Speaking on behalf of Crossgate Community Partnership, Mr Cornwell called on the Committee to allow the existing permission to expire, a move which would be supported by the Police and the Planning Policy Team.

Mr Cornwell informed the Committee that the site was not previously developed land and that Policy H2 still applied, and he drew reference to the NPPF which stated that a safe and accessible environment should be created. The Police had acknowledged that the condition in The Avenue had changed considerably since the original planning permission had been granted.

Evidence from Durham University suggested that there was more likelihood of disturbance in areas where students were not managed.

Mr Cornwell cited instances which he was aware of where the police and the university security had to be called to attend to issues with students in The Avenue and argued that the applicant would not personally manage any students residing in the developed site.

The Principal Planning Officer responded to the issues raised by all objectors as follows:

- Student Population – The Committee were advised that although objectors expressed concerns regarding a potential overload of student accommodation within The Avenue and wanted something better, he put it that there were no alternative proposals for the site. It did not necessarily have to be assumed that once developed, the property would become student accommodation as opposed to family dwellings.
- Since the last planning permission had been granted, it was accepted that there was possibly more students living in The Avenue, however that was not quantifiable as properties could be shared without being registered as student accommodation.
- The Committee were informed that there were no guidelines, limits or policies which specified a ceiling limit on the number of students which could inhabit an area.
- Members were informed that there was a current planning permission in place on the site and Government guidelines suggested that unless there were significant changes or new policies which superseded previous policy, then an extension request should not be refused.
- Whilst it was acknowledged that the site was technically Greenfield land, it could be argued that the location was sustainable and the development would have no detrimental visual impact.

Mr C Fish, representing the applicant Mr P Copeland, addressed the Committee.

He informed Members that the decision was taken to withdraw the previous planning application from the meeting agenda due to the depth of feeling amongst objectors, the applicant had thus felt it better to withdraw the matter rather than see it forced on local residents.

Mr Fish stressed that the proposed development was not an HMO, highlighting that the definition of an HMO was a property housing more than 6 people, whereas the proposed properties would house up to 6 residents.

The initial application for the site had been approved 3 years earlier and whilst it was generally accepted that the properties would become student accommodation, Mr Fish stressed that they did not have to be. He informed Members that ultimately the market would determine the usage of the properties based upon whatever would be the most appropriate investment at the time.

Mr Fish informed the Committee that his clients operated a number of high value single family lets in addition to the larger dwellings.

In addressing the existing permission on the site, Mr Fish informed the Committee that within the last 3 years a lot of off-site work had been undertaken along with other works such as an archaeological report, ecological studies and arboricultural studies. A site investigation programme had been undertaken to assist with the design of the foundations for the properties. Furthermore the applicant had worked extensively to discharge all conditions on the original planning permission, all of which had now been done. Mr Fish stated that all of these works demonstrated a significant commitment to the site on the part of the applicant.

Members were informed that the current economic climate had prevented construction works commencing on the site, it was a commercial project and currently the borrowing of significant funds of that nature was difficult. Mr Fish was confident that the applicant was now in a position for work on the site to commence within a six month period should the application be approved, with a view to the development being completed within 3 years.

Mr Fish informed Members that his client would not object to a C3 condition being imposed on the application, restricting the occupancy of the property to a maximum of 6.

In relation to the impact of students in the area, Mr Fish informed the Committee that this was a long standing issue which he believed stemmed back to the start of the University. He highlighted that there was no empirical evidence or unbiased study which evidenced that students did have a detrimental effect when inhabiting predominantly residential areas. Furthermore, the Council had not provided any guidance on what would be considered an acceptable level of students in an area.

In relation to the issue of student related crime in The Avenue, Mr Fish informed the Committee that having researched the Durham Constabulary crime statistics for that specific street, he had discovered that there had only been one report of anti-social behaviour in the previous 14 months, and in total only 9 crimes had been reported in that period, the majority of which had been motor vehicle theft.

On the issue of parking in the street, Mr Fish stated that it was a County Council responsibility to control and was not a matter for the applicant.

The Principal Planning Officer provided clarification to the Committee on the current regime of the use classes order and highlighted the difference between a C3 and C4 class.

Councillor Freeman felt that the proposals of development went against the creation of balanced communities and believed that the current permission should be allowed to expire, requiring a fresh planning application to be submitted.

Councillor Taylor felt that it was difficult to object to the recommendations within the report as a planning permission on the site already existed and there had been no change in circumstances, he therefore moved that the application be approved.

Councillor Charlton concurred that the previous planning permission could not be disregarded. She argued that a lot of the economy of Durham relied on the student population, and could not agree with the vilification of students.

Councillor Charlton agreed that the application should be approved and that a C3 condition should be imposed on the permission.

Resolved:

That the application be approved, subject to the conditions outlined in the report and the addition of a condition restricting the use of the dwellings to Use Class C3.

3e 4/12/00851/FPA and 4/12/00852/CAC – Former Fred Henderson Ltd, Ainsley Street, Durham, DH1 4BJ

The Committee considered a report of the Principal Planning Officer regarding the demolition of existing garage/workshop buildings in association with the development of a student accommodation scheme (for copy see file of Minutes).

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

The Principal Planning Officer advised the Committee of late updates to the application, made since the report had been prepared and circulated, as follows:

In relation to Condition 2 of application 4/12/00851/FPA – The condition should refer to plan no. D210_03 B and not C.

In relation to Condition 8 of application 4/12/00851/FPA – The sustainable transport officer has requested additional cycle storage, which is allowed for under condition 5.

In relation to Condition 20 of application 4/12/00851/FPA – Variation to specifically refer to accreditation by the management company, parking/access control as well as the management plan.

An extra condition to be added for the agreement of existing and proposed ground levels prior to work commencing.

One further letter of support had also been received.

Councillor G Holland, local member, addressed the Committee. In stating that the application was one of the most significant he had ever seen, he dealt with three key themes – the purpose of the development, whether the development was needed and whether the development was appropriate.

In addressing the issue of the purpose of the development, Councillor Holland believed this to be speculative.

In addressing the issue of whether the development was necessary, Councillor Holland argued that it wasn't. In quoting from a letter of the University's Director of Estates and Buildings, Councillor Holland informed the Committee that the University were opposed to the development, further advising that the University were in consultation with the Council on developing an accommodation strategy which the County Durham Plan would provide support for.

Councillor Holland believed that the development would jeopardise the transition of the area and the application made no reference as to how the premises would be managed.

The design allowed for little social space and the developer had neglected to engage with the University on management issues. Furthermore Councillor Holland informed the Committee that not only did the University not support the proposals, nor did the Police.

In addressing the issue of whether the development was appropriate for the surrounding conservation area, Councillor Holland argued that it was wholly inappropriate. It would be a speculative build of no long term benefit, which would double the population of that area and have detrimental impact on drainage systems, and local residents. It was inevitable that the introduction of 223 students to a residential area would have an adverse impact on families already living in the area.

Whilst Councillor Holland acknowledged that the site was in need of restoration, he felt a holistic approach should be taken and any development should be linked in with the recently approved housing development in that area.

Councillor Holland informed the Committee that the proposals were contrary to various planning policies and was wholly unsuited to a conservation area. He called for the application to be refused.

Councillor N Martin, local member, addressed the Committee. He began by declaring an interest in that the owner of the site was a neighbour of his however having sought advice from the Monitoring Officer, would speak on the item as they did not have a close association.

In addressing the issue of the impact of students in the area, Councillor Martin informed the Committee that he had 34 years experience of supporting students professionally, and was as such aware of the issues which could arise. He believed that the introduction of a large number of students would have a big impact on local residents, in particular, the generating of noise particularly late at night.

Councillor Martin felt that there was insufficient communal space within the proposed development which was not conducive to the social interaction of the

students, meaning they would inevitably “spill out” of the development into the area outside.

Councillor Martin informed the Committee that the management company who would operate the site were a newly established company and as such had no proven track record. The company could seek accreditation from Unipol who Councillor Martin knew to have expensive experience and were well established, he therefore requested that if the Committee were minded to approve the application, a condition be imposed requiring the appropriate accreditation to be sought.

Councillor Martin informed the Committee that the University did not support the development and had been unable to make contact with the developer to discuss the proposals. It was imperative that the management company established a good working relationship with the University and Councillor Martin suggested a further condition be imposed on the application requiring the management company to establish a clear memorandum of understanding with the University as to how the premises should effectively be run.

Mr G Bishop, a committee member of Friends of Flass Vale, addressed the Committee. Mr Bishop informed the Committee that Flass Vale was a conservation site with nature reserve status and the Friends of Flass Vale had concerns about the proposed development because of the impact it could have on the Vale.

The heights of the three buildings would be immense and had limited architectural merit, not in keeping with the setting which included various listed buildings. Furthermore the development had a distinct lack of carparking spaces and drop off bays, which also gave cause for concern. The footprint of the development was extensive and was completely out of character for the area.

Mr Bishop informed Members that the drainage system for the area had overloaded on several occasions and this issue would only be intensified by the development.

Other issues included light pollution which would have a detrimental effect on bats and badgers, as well as noise pollution and the risk of irresponsible behaviour, all of which could impact on the areas wildlife.

Mr Bishop suggested that the design to be reduced by 1 storey and the footprint of the development to be reduced. He called for the Committee to reject the current application.

Ms J Levitas, local resident, addressed the Committee. She informed the Committee that the University felt that the development infringed policy H16 and would have a detrimental effect on the area. A significant proportion of complaints made to the University related to disorderly behaviour, drunkenness and rowdy behaviour, all causing distress to local residents.

In relation to managing students at the development, Ms Levitas informed the Committee that noise from parties within the premises was not the issue, it would be noise on the streets surrounding the development which would be the issue.

Indeed the main thoroughfare for students making their way to and from the city centre would be predominantly residential.

It was widely acknowledged that many students did not embark into the night-time economy until nearing midnight and they were very noisy, it was therefore going to be made worse for the residents in the streets surrounding the development with the introduction of 223 students.

Ms Levitas concluded by stating that the University were in favour of seeing the site developed however were keen that families and children were encouraged to the area.

Mr G Pearson, local resident, addressed the Committee. In relation to blocks 2 and 3 of the proposed development, Mr Pearson informed the Committee that two thirds of the space encroached onto the nature reserve area.

An immediate neighbour to Mr Pearson had done an assessment of the people who resided in the area and had concluded that once the 223 entered the area, the proportion of students to long term residents would be 1:23 respectively.

Mr R Coleman, local resident, addressed the Committee and was permitted to circulate to Members a copy of his presentation. He believed the key issue regarding the proposed development to be the damaging effect that the development would have on the quality of life of residents for a generation and beyond. This was an issue he believed was of overriding importance more so in light of the fact that permission had recently been granted for a housing development in close proximity to the site which would introduce a further 50 residents to the area.

Mr Coleman believed the proposals to be contrary to the Governments sustainability objectives and applicable policies. He highlighted that the stated objective in the Local Plan Preferred Options was to attract families to come and live in Durham. He highlighted that the officers report did acknowledge the potential issues concerned, at paragraphs 114 and 138. However at paragraph 186 he felt there to be a contradiction in the conclusion made by officers.

Mr Coleman spoke of the harm that the development would inflict on local residents, such as substantial noise, particularly at night. In supporting his concerns Mr Coleman drew attention to the views of the Area Planning Policy Team and the Police Architectural Liaison Officer detailed within the report.

Furthermore he highlighted the strong opposition of the University to the proposals, quoting from a letter sent to the Planning Officers from the Durham University Estates and Buildings department.

Mr Coleman felt that the application and the report showed a total disregard for the existing problems of student noise in the area and the distress it already caused to neighbours, quoting from a statement written by a resident of Waddington Street.

Mr Coleman expressed concerns that the development would exist outside of the framework of the University's supervision and control, believing that student accommodation of such a large size could only work if it was integrated into the college and university structure where the university could actively perform a disciplinary and pastoral role.

Quoting from paragraph 104 of the report, Mr Coleman stated that he believed that there had been ample demonstration that the development should be considered contrary to Policy H16.

He also believed that although Environmental Health had made no objections to the development, that was because late night noise from students was something which was outside of their remit.

Mr Coleman raised concerns over road safety, informing the Committee that the approach roads and footpaths leading to the development were very narrow and that Ainsley Street and Waddington Street already met at a dangerous blind junction, situated where traffic from the new residential development at the bus depot site would join that street. He believed that the traffic required to support a further 223 students would substantially add to existing traffic in the area. Although he noted that the Highway Authority has raised no objections to the proposals, he referred to advice from the Highways Agency on the planning website, which was confined to the issue as to whether there was sufficient room for service and refuse vehicles to turn, as well as raising the question of emergency access. He felt that the report recommendations did not take into account that important relevant consideration.

Mr Coleman informed the Committee that he believed the proposals contravened numerous policies including H13 and H16 of the Local Plan, as well as paragraphs 58 and 123 of the NPPF.

He believed there to be no long term benefits of the development at a number of levels. The University objected to the proposals, he felt that students would not benefit from living in a premises which lacked all the benefits of the collegiate model and in a location removed from the hub of the University, and there would be an inevitable detrimental impact on local residents. Mr Coleman concluded by stating that to grant permission would show a reckless disregard for the interests of local residents in particular, but also for the clearly stated interests of the University and the student body for which it was responsible. He called on the Committee to reject the application.

Mr J Parkinson, applicant, addressed the Committee. He informed the Committee that every effect of the proposals had been thoroughly examined, as required.

In referring to the NPPF which advocated that new sustainable development should go ahead without delay, he argued that this was a vacant site with good transport links and the proposals were meeting a very definite need within the City, for the provision of further student accommodation.

He felt that the concerns of the University were unjustified and highlighted that they had not put forward any accommodation strategy for scrutiny. He continued that as and when the University did develop such a strategy, the proposed development would not jeopardise that in any way.

He acknowledged it was vitally important to engage with the University and stated that the developer had requested a meeting with the University on 25 August 2012.

Mr Parkinson informed the Committee that the University was growing at speed, stating that between 2006-12 there had been approximately a 10% increase in the number of full time students. Furthermore, the University's strategic document for 2010-20 stated that there would be a drive to recruit more mature, overseas students. He argues that the University was unlikely to provide high quality accommodation which was required in the short term.

The primary aim of the proposed development was to cater for post graduate international students, which he believed would alleviate concerns of anti social behaviour and respect for the surrounding area. He argued that the development would not have an adverse effect on residents in the area, highlighting the opinion of the Environmental Health officer.

A draft management plan had been submitted to the University and the Council, which reflected the University Code of Conduct. The development would be safe, secure and socially acceptable, and Mr Parkinson had no objections to the suggested conditions to be imposed on the permission.

Mr Parkinson highlighted that the company had spent 9 months working with the Council to achieve an acceptable design balance, and all concerns raised by officers had been allayed.

The Principal Planning Officer responded to the issues raised as follows:

- He disagreed that the development was speculative, rather there was a definite need and an ever increasing demand for student accommodation within the city. In relation to a future strategy, he informed the Committee that there was a short term need for student accommodation in the city which he did not feel the University were able to provide in the short term on their own;
- The concerns about the number of students in the viaduct area was acknowledged and it was further noted that this number had been increasing for some years. As such the contained development was a preferable option;
- In referring to the issue of communal space within the development, he stated that the development would be a residential environment rather than a social one, and it was felt that keeping communal space to a minimum was beneficial to the surrounding area;
- In relation to the Management Company, the Committee were assured that the Planning Officers would specify that the management company achieved accreditation, acknowledging that this was essential for a legitimate scheme.
- Scale of Development – The rear of the development would be level with the Miners Hall and whilst the development may have an impact, it would not be

detrimental in the context of the surroundings, the topography of the area would naturally frame the development;

Councillor Taylor acknowledged the complexity of the issues raised and though he would have preferred to have seen a residential application for the area, he appreciated that the current application was the only proposal for the site. He found the proposals to offer a good and acceptable layout and was pleased that the inhabitants would be likely mature students. He moved approval of the application.

Councillor Moran acknowledged that the issue was very emotive. He felt it would be helpful to know how many new students were expected to enter the city each year and how many would be seeking accommodation. Councillor Martin pointed out that any TO LET signs which were visible in student areas at the present time did not denote current vacancies, rather they were displaying signs to attract students for the next academic year.

Councillor Robinson was satisfied with the application with the inclusion of the condition relating to the accreditation of the management company.

Councillor Charlton also acknowledged that the application and the arguments given by both sides made the issue a difficult one to determine, however she could see no reason to refuse the application.

Councillor Freeman agreed, acknowledging that additional purpose built accommodation was required and was not being provided by the University. He felt that the development would only begin to address accommodation problems but felt that it could see some students leaving residential areas to move into the purpose built accommodation.

Resolved:

That the application be approved, subject to the conditions outlined in the report and the late representations outlined at the start by the Principal Planning Officer including specific reference in condition 20 to accreditation of the management company.

3f 4/12/00934/FPA – Beckwood, Potters Bank, Durham, DH1 3PP

The Committee considered a report of the Planning Officer regarding the erection of a two storey extension to the side and rear of the property, including a single storey sun room to rear, insertion of new windows in front elevation of dwelling, rebuilding of boundary walls and replacement of detached garage (part retrospective submission) at Beckwood, Potters Bank, Durham, DH1 3PP (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. He also advised the Committee that one of the local residents had taken issue with how the garage floor level had been calculated in the report. He explained that officers' assessment was based on the built height relative to what remained of existing ground levels within the site, and

this was considered to be a reasonable approach. Regardless of this, its impact could be fully assessed because of the retrospective nature of the garage. Planning permission had been granted for a structure that would impact to some extent on neighbours. That impact had been considered to be at an acceptable level, and was considered to remain so with the development as constructed. Councillor Holland, local member, addressed the Committee. He informed the Committee that the development had not been built to plan originally, causing distress and anger to neighbouring residents. He was concerned that there had been no monitoring on the site as to how the development was progressing and argued that the public were not equipped to be able to visualise the outcome of a build and as such relied very much on the judgement of the Planning Officers.

Mr Nesbitt, local resident, addressed the Committee. He was a neighbour of the property and had objected originally to the previous planning application.

He informed the Committee that having sought an architect's opinion, it was suggested that the detached garage development was nearly 3 feet higher than planned. The building had been erected in the space of 2 weekends and there had been no policing or supervision of the build, causing a large degree of inconsistencies.

In addressing the issue of the impact on neighbouring properties, Mr Nesbitt advised that the garage was 4.8m from the dining room window of a neighbouring property and that the 6m rule had not been applied because the building was deemed not to be 2 storeys high, which he disagreed with.

He expressed deep concerns that neighbours had no rights and there was no supervisory mechanism to ensure that buildings were erected in accordance with approved plans.

Mr Anderson, agent for the applicant, addressed the Committee.

He acknowledged that the garage was further from the boundary but advised that it had no negative impact.

In addressing the issue of the height of the building Mr Anderson informed the Committee that when the original drawings had been done on the garden there had been a lot of vegetation. Once the vegetation had been cut back the levels differed and as such the first drawings show the proposals to be level with the surrounding ground levels.

Mr Anderson agreed that at the front of the building there was a minimal deviation, but it had to be acknowledged that a lot of ground had been removed. He highlighted that the levels were exact at the rear of the build.

Measurements had been taken in conjunction with Planning and Enforcement Officers and it was concluded that the building itself was exactly the same size as detailed in the plans.

Mr Anderson stressed that the applicant had not sought to antagonise, anger or cheat the neighbours nor had the build been carried out deliberately on weekends.

In referring to the policing and supervision of the build, Mr Anderson advised that was the responsibility of the planners and the applicant had met with the planners on site at their request to implement measures to satisfy the permission.

The Principal Planning Officer responded to the issues raised as follows:

- It was acknowledged that there were differing opinions as to the height of the garage floor, as explained previously.
- Supervision of the site – The responsibility lay with the applicant to build in accordance with the approved plans. Upon a report of concerns about the garage being made to the Planning Office by neighbours, an inspection of the site was conducted promptly. The Planning Office had the ability to halt works with immediate effect if necessary, however a balanced view had to be taken as to the extent of any discrepancy and the resulting impacts. In this case, the applicant was advised to submit an application for retrospective permission, and that any continued work would be at his own risk.
- Height – The garage was in between the height of a one storey and two storey build. There was room to have head room in the upper part and the Committee were informed that the height had been assessed and was within the guidelines of the Planning Office in terms of the distances to neighbouring properties. Concerns were addressed immediately and the retrospective application followed soon after.

Councillor Charlton felt that the Planning Officers relied on builders to follow plans correctly and that responsibility for adhering to plans was as such the responsibility of the builders/developers.

Councillor Taylor, though disappointed that a retrospective application had been submitted, felt on balance that the application should be approved.

Resolved:

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

4 Appeal Update – Appeal by Mr Dolan Jnr – Planning Application No. CMA/5/33

Consideration was given to an appeal update which had been received by the Strategic Team (for copy see file of Minutes).

The appeal had been made against the County Council's refusal of planning permission on 23 July 2012 for a site to accommodate 3 caravans, 2 dayrooms (to be accommodated in the existing hay store), the erection of a 3 bedroom chalet and stable blocks at Greenacres, Salters Lane, Haswell.

Notice of the Inspectors decision would be reported to Committee in due course.

Resolved:

That the report be noted.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00997/FPA
FULL APPLICATION DESCRIPTION:	Demolition of remaining dwellings on site and redevelopment with erection of 78 no. dwellings
NAME OF APPLICANT:	Durham Villages Regeneration Company C/O Keepmoat Homes
ADDRESS:	Land at Rowan Court and The Oaks Esh Winning Durham
ELECTORAL DIVISION:	Deerness Valley
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to a parcel of land covering approximately 2 hectares located on the western edge of Esh Winning. The application site formally comprised of a residential estate of some 61 plots, however, the vast majority of the estate has now been demolished with just 10 no. properties still standing on the site. The remains of the site comprises of a mixture of grassland with remains of areas of hardsurfacing, roads and footpaths. An electricity substation, to be retained with the proposed redevelopment, is also situated within the application site. A number of trees are located within the bounds of the site both on the site perimeter and also within some more central areas.
2. The application site lies within a predominantly residential area and one which is undergoing a significant redevelopment programme at the moment. New residential properties are being built on the opposite side of Ridding Road and at nearby College View. A new school has also been recently built also off College View.
3. Though on the very edge of the settlement the application site lies wholly within the bounds of the settlement boundary of Esh Winning, the centre of the village lies approximately 500m to the east of the application site.

The Proposal

4. The application seeks the redevelopment of the site with erection of 78 no. new dwellings comprising of a mixture of 2 and 3 bed 2 and 2 ½ storey properties. A total of

8 no. house types are proposed and these are the same or similar house types to those also being constructed by Keepmoat Homes at the adjacent Ridding Road and nearby College View sites. Each property is served by a mixture of private parking spaces and/or garages with visitor parking spaces interspersed across the site.

5. Two vehicular accesses into the proposed development are sought one at the far western end of Ridding Road and the second, also off Ridding Road, just to the east of the existing access to Hamilton Close. A large area of public open space is proposed roughly in the centre of the site with a footpath and cyclepath link on a north – south axis through the site.
6. The application is accompanied by a S106 agreement proposing that 16 of the 78 dwellings (20%) are affordable homes to be transferred to a registered social landlord.
7. This application is being referred to Committee as it constitutes a major residential development.

PLANNING HISTORY

8. In 1988 planning permission was granted for the conversion of ground floor flats at Nos. 57-60 The Oaks for use as a workshop.
9. In 1991 planning permission was granted for the change of use of public open space to residential curtilage adjacent to No. 1 Rowan Court.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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’.
12. The following elements are considered relevant to this proposal;
13. *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 21st century.
14. *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.

15. *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.
16. *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.
17. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *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.
19. *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

20. *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.
21. 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:

22. *Policy 2 - Sustainable Development* states that planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
23. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
24. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
25. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
26. *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.
27. *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.
28. *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.
29. *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.
30. *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)

31. *Policy E5a - Open Spaces within Settlement Boundaries* does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
32. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

33. *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.
34. *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.
35. *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.
36. *Policy H12A - The Type and Size of Housing* states that the Council will monitor new housing completions and where a certain need is not being met negotiate with developers to ensure the correct balance of the type, density and size of housing provided.
37. *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.
38. *Policy H14 - Improving & Creating More Attractive Residential Areas* seeks to improve the environment of existing residential areas and their housing stock.
39. *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.
40. *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.
41. *Policy T21 - Safeguarding the Needs of Walkers* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
42. *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.

43. *Policy R11 - Public Rights of Way* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
44. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.
45. *Policy Q3 - External Parking Areas* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
46. *Policy Q5 - Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
47. *Policy Q6 – Structural Landscaping* requires new development on the edge of settlements to incorporate peripheral structural landscaping
48. *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.
49. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
50. *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.
51. *Policy U9 - Watercourses* states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.
52. *Policy U10 - Development in Flood Risk Areas* states that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative, less vulnerable areas are unavailable, that no unacceptable risk would result, or that appropriate mitigation measures can be secured.
53. *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.

54. *Policy U13 - Development on Unstable Land* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
55. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

56. Northumbrian Water have raised no objections to the application but request conditions requiring the diversion of apparatus and with regards to the disposal of surface water.
57. The Highway Authority have raised no objections to the proposed access arrangements nor to the parking provision for the proposed development. Some modifications are sought to the design/layout of areas proposed for shared surfacing, however.
58. The Environment Agency have raised no objections.
59. The Coal Authority have raised no objections but do request that a condition be placed on any approval requiring site investigation and where necessary remedial works undertaken prior to the commencement of the development.
60. Natural England have raised no objections.

INTERNAL CONSULTEE RESPONSES:

61. The Councils Senior Low Carbon Officer has welcomed the proposed use of solar panels to meet the standard 10% energy reduction requirements, however, further clarity is sought as to the specifics of the scheme.
62. Ecology have raised no objections to the proposal but do recommend that the mitigation measures contained within the submitted protected species reports are conditioned on any approval.
63. Landscape have raised some objection to the degree of tree loss, failure for the layout to take into account the trees on site and a request is made for an amenity space to be created at the western end of the site. Clarity is sought on some boundary treatments and potential impacts on a watercourse at the western edge of the site.
64. Senior Tree Officer requests that the layout is revised so as to allow for the greater retention of trees, some trees are considered to merit a tree preservation order.

PUBLIC RESPONSES:

65. Cllr Wilkinson has offered his support to the proposed development and requested that it be made sure that letters of consultation are issued to residents of The Larches.

66. One further public response has been received from a remaining occupier of Rowan Court raising concerns over whether they would have access retained to their property during construction via roads and footpaths.

APPLICANTS STATEMENT:

67. The applicant has submitted a design and access statement and planning statement in support of the development proposal.
68. The supporting statements consider that the development has been designed to include a strong street frontage with vehicular accesses to properties being gained from the rear. The proposed development is considered appropriate in terms of scale, design and massing in relation to the character of the surrounding area.
69. The development is considered to be well served by public transport with easy access to bus services.
70. The proposed development includes affordable housing provision with 20% affordable housing provided on site.

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=4/12/00997/FPA](http://217.23.233.227/WAM/SHOWCASEFILE.DO?ACTION=SHOW&APPTYPE=PLANNING&APPNUMBER=4/12/00997/FPA)

PLANNING CONSIDERATIONS AND ASSESSMENT

71. 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, impact upon the character and appearance of the area, impacts on residential amenity, impacts on highway safety, affordable housing issues and ecology.

The Principle of the Development

72. The application site is located within the settlement boundary of Esh Winning. The site itself comprises of the remains and land associated with the residential estate of The Oaks and Rowan Court. Although the majority of properties have now been demolished, 10 no. still remain in three blocks across the site as do the remnants of some areas of hardsurfacing, the estate roads, footpaths and an electricity sub station. Areas of the site also comprise of grassed areas which will have formally been areas of public open space adjacent to properties and also overgrown grassed areas formally built upon and containing private gardens. Though the majority of the site is certainly previously developed, some areas must also be considered greenfield land.
73. Policy H3 of the Local Plan accepts the principle of windfall development of previously developed land for residential development. In addition the limited development of small greenfield sites is acceptable within the former coalfield villages such as Esh Winning provided no more than 10 dwellings are proposed and there exists clear regeneration benefits which could not be achieved through the development of previously developed land.

74. Those areas of the site that can be considered previously developed land are considered wholly to be in accordance with the provisions of Policy H3. Rowan Court and The Oaks formally contained a significant number of vacant and boarded up properties and officers consider that the redevelopment of the land with a new build estate would have clear regeneration benefits sought by Policy H3 with regards to any development on greenfield land.
75. Planning proposals must also be considered against the provisions of the NPPF. The City of Durham Local Plan is not a plan adopted in accordance with the Planning and Compulsory Purchase Act 2004 but rather pre-dates it though policies were "saved". As a result the NPPF advises that due weight should be given to relevant policies in the Local Plan according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
76. The key theme running throughout the NPPF is that of sustainable development and this is reinforced within Part 6 of the NPPF specifically regarding housing. Although some parts of the application site can be considered as greenfield land the application would in effect locate a residential estate on land where an estate has stood, the site is within the bounds of an established settlement with appropriate access to facilities and public transport. The development proposal is considered to represent sustainable development in principle and as a result the principle of the development can be accepted.

Impact Upon the Character and Appearance of the Area

77. Part 7 of the NPPF relates to the design of all new development and with good design considered a key aspect of sustainable development, indivisible from good planning. Policies H13, Q1, Q2 and Q8 of the Local Plan seek to ensure that new development is appropriately designed whilst Policy E14 seeks to retain trees and hedgerows of value where possible and replace those lost. Policies Q5 and Q6 of the Local Plan seek to ensure that new development is served by appropriate landscaping schemes.
78. Revised plans have been submitted during the course of the application in part to overcome some officer concerns on the adequacy of the layout and lack of open and amenity space within the development.
79. The result is that a total of 78 dwellings rather than the originally sought 84 dwellings are now proposed. In the approximate centre of the site an area of open/amenity space is now proposed which will provide both an area of informal recreational space to serve the development but also provides a needed landscaped area to break up the development.
80. The dwellings proposed are a mixture of 2 and 2 ½ storey properties. The proposed house types themselves include those which have previously been considered acceptable and are in the process of being developed at the nearby sites off Ridding Road and at College View whilst the differing house types are very much variations on the same design themes. Officers consider that the house types proposed and their layout across the site is acceptable and would suitably integrate into the locality. The application site does lie on sloping ground and though final levels information was supplied with the originally submitted application documents, replacement levels information has not been supplied since the layout has been revised. However, the levels on the revised layout will reflect those previously submitted on the original layout to which officers did not object in principle. A condition can be attached on any approval to agree final levels and finished floor heights.

81. The Council's Senior Tree Officer and Senior Landscape Architect requested significant alterations to the proposed layout to seek greater tree retention than that originally proposed.
82. The revised layout received does propose some additional tree retention including two significant oak trees which are now to be retained within the centrally located area of open space. There would remain some loss of trees to facilitate the build and on the latest layout submitted this includes 3 no. trees adjacent to Ridding Road with the applicant stating that the reason for this is due to future drainage works necessary for the development.
83. Officers consider that the revised layout is a marked improvement on that originally submitted with greater tree retention possible, though officers acknowledge that the Landscape Section have requested greater retention still. Officers consider that ultimately a condition can be placed on any approval to agree precise tree retention and protection and loss and officers can seek to negotiate that as much tree retention occurs as possible. Ultimately officers do not object in principle on the issue of tree works, however, as the retention of several key specimens will be possible and a suitable compensatory landscaping scheme can be resolved via agreement of a suitably worded condition.
84. Conditions are also recommended for attachment on any approval with regards to final material choices for the dwellings, means of enclosures, colour treatment of doors (to ensure a variety) and hard surface finishes.
85. Officers consider that the impacts of the development upon the character and appearance of the area is acceptable.

Impacts upon Residential Amenity

86. Proposed residential developments must ensure the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved and catered for in accordance with the most relevant Local Plan Policies H13 and Q8.
87. All relationships between the proposed dwellings and the nearest neighbouring properties off Ridding Road, Hamilton Close, Redwood, Merlin Court and The Larches exceed the recommended separation distances as prescribed by Policy Q8 of the Local Plan.
88. The revised layout has addressed officers concerns with regards to relationships within the development itself with the vast majority of all relationships now meeting the requirements of the Local Plan. Officers consider that only a minority of exceptions exist with plots 84 and 19 have a window to window separation of 20.5m (as oppose to the guideline 21m) and the rear elevations of plots 42 and 41 being 11.5m from the gable of plot 45 (as oppose to the guideline 13m). Plot 36 contains a narrow secondary window to lounge that windows within the rear elevation of plot 39 will flank at 17m away rather than 21m. However, officers do not consider that these relationships are so significantly below separation guidelines to be considered unacceptable and warrant objection to the overall development proposal. Furthermore, as the relationships are between proposed dwellings, future occupiers will be able to determine for themselves whether the relationships are satisfactory for their needs and in any case should no cause harm.
89. No objections have been received from neighbouring occupiers with regards to matters of residential amenity. Officers do consider that a condition should be attached to any

approval regarding hours of construction so as to ensure that the construction does not cause unacceptable noise or disturbance at unsociable times of the day.

90. The single letter of response received from a resident who still resides on one of the remaining properties within the application site has raised concerns and requested assurances that during the build they will retain access to and from their property at all times during the development.
91. The proposed layout of the development does not make provision for the concerned residents' property remaining on site but rather that it is to be demolished and replaced and this may ultimately be resolved by way of a compulsory purchase order. Potentially it is feasible that a redevelopment proposal be part implemented with the concerned residents' property remaining or remaining for a temporary period whilst construction is being undertaken. If this instance were to arise officers consider that it is principally the responsibility of the developer to ensure that if a resident remains on site during construction that their rights of access to and from their property are not obstructed.
92. Overall officers do not raise objection to the development proposal on the grounds of harm to residential amenity.

Highway Safety

93. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also seeks to promote sustainable transport choices.
94. The Highway Authority have commented on the submitted application and no objections have been raised in principle to the development with no objections to the proposed access arrangements which includes two accesses onto Ridding Road nor the parking provision within the latest proposed layout.
95. Officers concur with these views and would add that ultimately this development would effectively replace one residential estate and its associated comings and goings with another.
96. Revised plans submitted during the course of the application have to sought address detailed modifications requested by the Highway Authority, however, it is still considered that some specific design alterations to the shared surface area adjacent to plots 28 and 29 are required but this can be resolved by way of a condition on any approval.
97. The application site is also considered to be adequately served by public transport with a bus stop located within approximately 100m of the application site.
98. Officers therefore raise no objections to the development on the grounds of highway safety, officers do recommend that a condition be attached to any approval to agree final hard surface layout and materials so as to ensure the legibility of the layout and appropriate appearance of the hard surface areas.

Affordable Housing

99. The present stance of the Local Planning Authority with regards to affordable housing is based upon the most up to date evidence base contained within the Strategic Housing Market Assessment (SHMA) which considers that 20% affordable housing provision is required in the former Durham City area on sites proposing 15 dwellings or more.

100. Of the 78 dwellings proposed on the site 16 are to be transferred to a registered social landlord as affordable homes and this equates to the required 20%. A draft S106 agreement to ensure the 20% affordable provision has already been submitted by the applicant and its final execution would ensure the affordable housing provision.
101. Officers therefore raise no objections with regards to affordable housing issues.

Ecology

102. Policy E16 of the Local Plan and Policy 33 of the RSS seek to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the Part 11 of the NPPF most notably at paragraphs 118 and 119.
103. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
104. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.
105. The application has been accompanied by an extended phase 1 habitat survey and bat survey report. The survey work undertaken recorded bat roosts within 2 no. buildings. The roosts identified were considered to be non-breeding roosts used by small numbers of Common Pipistrelle bats. The development proposal would result in the complete loss of the roosts and disturbance to the small numbers of bats. The survey confirms that a European Protected Species License from Natural England would be required due to the loss of the roosts.
106. Natural England have been consulted on the application who have considered the development against their standing advice procedure and conclude with no objections, broadly satisfied that the mitigation proposals would avoid adverse impacts on the local population of bats and avoid affecting their favourable conservation status.
107. The Council's Ecology team have also commented on the application and have raised no objections but advice that the mitigation measures proposed within the submitted ecological reports and surveys are conditioned on any approval.
108. With regards to the consideration of the three derogation tests officers consider the following with regards to each. On the test that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest, officers consider that there are significant socio-economic benefits and beneficial consequences of primary environmental importance through the

implementation of the development. The development proposal seeks to redevelop a residential area formally comprising of numerous vacant and boarded up houses bringing back into use an established residential area for family housing including affordable housing. The development therefore contributes both in aesthetic and socio-economic terms to the regeneration of the area. In addition, the remaining buildings on site are in a state of disrepair and or decline and their demolition and redevelopment would in the long term preserve public health and safety.

109. With regards to the second test and prospect of satisfactory alternatives officers do not consider that satisfactory alternatives do exist. Potentially the “do nothing” approach could result in buildings on site deteriorating further giving raise to public safety concerns. The redevelopment of the site, it is considered, would result in much needed regeneration and socio-economic benefits which an alternative resulting in either no or only partial redevelopment would not satisfactorily achieve to the same extent. Incorporation of the existing roost buildings into the development would as an alternative appear aesthetically incongruous in comparison to the proposed scheme.
110. With regards to the favourable conservation status of the species, mitigation measures proposed within the submitted survey reports can be conditioned on any approval and these include the provision of alternative roosts being created. The submitted ecological reports state that the bat boxes proposed are to be located at differing locations and at differing elevations to provide year round opportunities for bats. It should be noted that Natural England in their consultation response considered that the favourable conservation status of the species should be retained through the development. Officers therefore consider that the third derogation test is also met.
111. Officers consider there is clearly a likelihood that an EPS license would be granted by Natural England and that due consideration Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 has been given by the Local Planning Authority.
112. With regards to other protected species the submitted ecology and phase 1 habitats survey also recommends mitigation measures so as to avoid harm to nesting birds through tree works and these mitigation measures can be conditioned on any approval. The development is not considered to cause any detrimental impacts upon other protected species.
113. As a result no objections to the proposed development with regards to impacts upon protected species are raised having regards to Policy E16 of the Local Plan, Policy 33 of the RSS, part 11 of the NPPF and having regards to the Conservation of Habitats and Species Regulations 2010.

Other Issues

114. Cllr Wilkinson has offered his support to the proposed development though has requested that it be made sure that the residents of The Larches are issued with consultation letters. These consultation letters were previously issued.
115. The S106 agreement submitted with the application proposes the provision of 20% affordable housing on site and this is discussed in more detail within the affordable housing section to this report. The current S106 agreement does not propose financial contributions towards public art installations or play/recreational space. Supported by Policies Q15 and R2 of the Local Plan these financial contributions are requested as a matter of course on major residential developments. The application contains within its supporting documentation that such financial contributions can emerge from the development profit and the commitment tied down within legal agreements relating to the purchase of the land. However, the appropriate approach in planning terms to

handle a financial planning obligation is through the use of a S106 agreement. Officers therefore consider that the S106 agreement should also include the financial contributions towards public art and play/recreational space and that approval of the application should be on the basis of this legal agreement being entered into.

116. With regards to matters of drainage and having regards to Policy U8A of the Local Plan Northumbrian Water have been consulted on the application and have raised no objections to the application but request conditions requiring agreement on the diversion of apparatus and with regards to the disposal of surface water for the development. Such conditions can be attached on any approval.
117. With regards to contaminated land to which Policy U11 of the Local Plan relates, the application has been accompanied by a preliminary geo-environmental appraisal and this recommends that a further intrusive investigation should be implemented. A suitably worded condition can be attached to any approval to adequately investigate the site and where necessary implement remediation.
118. The application has been accompanied by a sustainability document seeking to demonstrate how a 10% reduction in carbon emissions can be achieved as required by Policy 38 of the RSS and supported by Policy U14 of the Local Plan. Though the Councils Senior Low Carbon Officer has in principle welcomed the proposed use of solar panels to meet the standard 10% energy reduction requirements, it has not been considered that the submitted technical data thus far prove its attainment. However, a condition can be attached to any approval to agree such a scheme.
119. The application site lies within flood zone 1, the least probable to suffer from flooding. However, as the site is over a hectare in size the submission of a flood risk assessment has been necessary and Policies U10 of the Local Plan and 35 of the RSS relate supported by Part 10 of the NPPF.
120. The submitted flood risk assessment makes reference to a drainage ditch at the western end of the site and recommends that this should be unaffected by the development. Policy U9 of the Local Plan specifically relates to development and watercourses. The proposed layout does not indicate any build upon or impact upon this drainage ditch inline with the recommendations of the flood risk assessment. The Environment Agency have been consulted on the application, assessed the development and submitted flood risk assessment and no objections have been raised and the only request made is that the sewerage undertaker (Northumbrian Water) be consulted on the application which has been undertaken. No objections with regards to the development flood risk are therefore raised.
121. The Coal Authority have been consulted on the application and consider that the applicant has gained appropriate and up to date information with regards to the development and coal mining information. No objections are therefore raised though a condition should be attached to any approval requiring a site investigation to be implemented prior to the commencement of the development works. Such a condition can be attached to any approval.
122. The application site does not include any designated public rights of way that could be affected by the development. The submitted layout proposes a footway and cycleway link to a pathway to the north of the site. Within the site a number of hardsurfaced paths which have served The Oaks and Rowan Court still remain and the applicant will separately be required to apply for a stopping up order and an informative can be attached to any approval to ensure the applicant is aware of this.

CONCLUSION

123. The application seeks the redevelopment of a previous housing estate now predominantly demolished and unoccupied except for a minority of properties. Although sections of the site must be considered greenfield, the development proposes the redevelopment of an established housing site with a new housing development and no objections are raised in principle to the application.
124. The proposed layout, revised during the course of the application is now considered to be acceptable with the house types proposed either the same or similar to other developments ongoing within Esh Winning. The development would suitably integrate into the locality.
125. Remaining buildings on site do include bat roosts identified by the ecological surveys undertaken on the site. As these roosts would be lost through the development a EPS license would be required from Natural England and the LPA must satisfy itself that the three derogation tests of the Habitats Directive can be met and a license potentially granted. The tests have been considered and officers conclude that there is a reasonable likelihood of an EPS license being granted and that due consideration to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 has been given by the Local Planning Authority.
126. No objections are raised with regards to matters of highway safety. The development proposes the provision of 16 no. (20% provision) affordable houses on site which is a major benefit of the proposal. No objections are raised with regards to other material planning considerations.
127. Approval of the application is therefore recommended.

RECOMMENDATION

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 16 no. affordable homes onsite
- ii. A financial contribution towards recreational/play space equivalent to £1,000 per dwelling
- iii. A financial contribution towards public art equating to 1% of development cost

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 nos.

QD637-01-01 Rev A received 4th January 2013

QD637-763B-01 received 2nd November 2012

QD637-1011-01

QD637-RSL869-01

QD637-951-01

QD637-828-01
QD637-836-01
QD637-665-01
QD637-GD-01
QD637-858FE-01 received 29th October 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E5a, E14, E16, H3, H12, H12a, H13, H14, T1, T10, T21, R2, R11, Q1, Q2, Q3, Q5, Q6, Q8, Q15, U8a, U9, U10, U11, U13, U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling and roofing materials, details of the colour treatment of entrance doors to the dwellings and details of hard-surfaces to be provided within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter 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.

4. Prior to the commencement of the development 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 the appearance of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

5. Notwithstanding any details submitted with the application no development shall commence until full details of the proposed design and layout of all areas identified on approved plan QD637-01-01 Rev A received 4th January 2013 as "shared surfaces" have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan 2004.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the glass to be used in any first floor window to bathroom or en-suite shall be obscured glazed and non-opening unless the parts that can open are at least 1.7m above floor level.

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

7. 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 may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall

thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policies Q5, Q6 and Q8 of the City of Durham Local Plan 2004.

8. Prior to the commencement of development precise details including a plan shall be submitted to the Local Planning Authority clearly identifying which trees and hedges that are to be removed and which are to be retained and protected during the course of construction works. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005. Said protection shall remain in situ until the development has been completed.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E14 and Q8 of the City of Durham Local Plan 2004.

9. Prior to the commencement of the development hereby approved, detailed drawings including sections showing the proposed site levels and the finished floor levels of the proposed new dwellings shall be submitted to and approved in writing by the local planning authority. Thereafter the works shall be implemented in accordance with the approved details.

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

10. No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

11. Prior to the commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon

sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

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.

12. Prior to the commencement of the development details of the diversion of existing water mains running across the site and the means of disposal of all foul and surface water resulting from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of adequate drainage and the prevention of flooding having regards to Policies U8A and U10 of the City of Durham Local Plan 2004.

13. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 2pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

14. Prior to the commencement of the development hereby approved the intrusive investigative works recommended with Section 7 of the preliminary geo-environmental appraisal report by Sirius received 29th October 2012 must be undertaken. The results of said investigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Should the results of the investigative works confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, the proposed scheme of remedial/mitigation works must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed remedial/mitigation scheme.

Reason: In the interests of the stability of the land sought for development having regards to Policy U13 of the City of Durham Local Plan 2004.

15. No development shall take place unless in accordance with the mitigation detailed within Section E of the bat survey report and Section 5 of the ecology report both undertaken by Dendra Consulting Ltd and both received 29th October 2012.

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

REASONS FOR THE RECOMMENDATION

1. The development proposes the rebuilding of a residential estate on land established for such purposes. Part of the application site can be considered

greenfield land and as a result there is a degree of conflict with Policy H3 of the Local Plan. However, the site and proposal are considered to constitute sustainable development. No harm is considered to occur to the character or appearance of the area with no significant objections raised with regards to other key issues of highway safety and residential amenity. Affordable housing requirements are met through the proposal. Bat roosts do existing in buildings on site sought for demolition and an EPS license will be required. The derogation tests have been considered and officers conclude that there is a reasonable likelihood of an EPS license being granted and that due consideration to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 has been given by the Local Planning Authority. The development is considered to accord with Policies E5a, E14, E16, H12, H12a, H13, H14, T1, T10, T21, R2, R11, Q1, Q2, Q3, Q5, Q6, Q8, Q15, U8a, U9, U10, U11, U13, U14 of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework. With regards to protected species the due regard has been attributed to the requirements of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010.

2. In particular, the development is considered to cause no detrimental impacts upon the character and appearance of the area and officers conclude that there is a reasonable likelihood of an EPS license being granted and that due consideration to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 has been given by the Local Planning Authority.
3. One letter of objection/concern has been received during the course of the application requesting assurances that access to their property shall remain during the construction phases. Ultimately the primary responsibility that any rights of access are maintained for the occupier during construction phases lies with the developer.

BACKGROUND PAPERS

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
Responses of the Highway Authority, Northumbrian Water, Environment Agency, Natural England and The Coal Authority
Planning Circular 11/95
Strategic Housing Market Assessment
County Durham Local Plan (Preferred Options)



Planning Services

Demolition of remaining dwellings on site and redevelopment with erection of 78 no. dwellings

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Date 15th January 2012

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00909/FPA
FULL APPLICATION DESCRIPTION:	Residential development of 34 no. dwellings
NAME OF APPLICANT:	Dunelm Homes
ADDRESS:	Land east of Littleburn Lane and Onslow Terrace Langley Moor Durham
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to a parcel of land covering approximately 0.8 hectares located outwith but adjacent to the settlement boundary of Langley Moor within both the designated Green Belt and forming part of the Browney Valley as defined by the Local Plan. To the west of the application site commences the built up area of Langley Moor with neighbouring residential properties on Onslow Terrace and Littleburn Lane. To the south of Littleburn Lane the Littleburn Industrial Estate is located. To the east of the application site lies the main east coast railway lane.
2. Historical maps indicate the presence of some buildings and what appear blocks of garages to be located on the southern end of the site. These buildings have since been removed from the site and returned to the landscape although some concrete surfacing still remains. However the site should be considered as being predominantly greenfield. The site boundaries are formed by a mixture of fencing and hedgerow.

The Proposal

3. The application seeks the development of the site with the erection of 34 dwellinghouses comprising of a mix of detached, semi-detached and terraced properties ranging from 2 to 4 beds and all 2 storeys in height. A total of 7 no. house types are proposed. Of the 34 dwellings sought 7 no. are proposed to be affordable homes which equates to 20% affordable housing provision on site. The affordable homes are proposed to be transferred to a registered provider.
4. Two vehicular accesses into the proposed development are sought one at the far north of the site which would provide the vehicular access to a parking court for just 6 no. properties and some visitor parking. A further access farther south provides access to

the majority of remaining properties, with 6 no. properties gaining access directly from Onslow Terrace.

5. The application is accompanied by a S106 agreement to ensure the provision of 7 no. affordable homes and to provide financial contributions of £26,000 and £34,000 towards public art installations and play/recreational space respectively.
6. This application is being referred to Committee as it constitutes a major residential development.

PLANNING HISTORY

7. In 1992 planning permission was refused for a residential development on part of the application site and an appeal was dismissed on the grounds that residential development at the site was unacceptable in principle and would harm the character and appearance of the area.
8. In 1995 an application for use of part of the site for the purposes of a car park was withdrawn. Later in 1995 planning permission was refused for an industrial development on the site on the grounds of harm to the amenities of residents and harm to highway safety.
9. Also in 1995 planning permission was refused for a mixed use development of 5 no. residential properties and 5 no. business and workshop units on the grounds of harm to residential amenity, that the development would be contrary to the Local Plan and the intention to separate the residential and commercial uses in the area and harm to highway safety.
10. In 1997 The Inspectorate dismissed an appeal of the Council's decision to refuse planning permission in outline for a residential development on the site. The Inspector found the development contrary to the provisions of the Local Plan and policies to preclude residential development on the land.
11. In 2004 planning permission was refused for a residential development of 13 no. dwellings (in outline) on the grounds that it constituted the unacceptable development of greenfield land, unacceptable residential development beyond a settlement and inappropriate development in the Green Belt.
12. Although not relating to the application site, also of some relevance to the proposal is the approval in 2009 on nearby land for a mixed use development comprising of a supermarket (full planning permission) and outline application including details of access for the erection of children's nursery and erection of 19 no. dwellings. In 2010 approval of the reserved matters for the residential development comprising of 17 no. dwellings which includes the erection of 12 no. dwellings arranged around a turning head located off Onslow Terrace.
13. In addition following the grant of outline consent in 2004, approval of the reserved matters for 18 no. dwellings to the north of the application site (now known as Wesley Court) was granted in 2005.

PLANNING POLICY

NATIONAL POLICY

14. 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.
15. 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’.
16. The following elements are considered relevant to this proposal;
17. *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 21st century.
18. *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.
19. *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.
20. *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.
21. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
22. *NPPF Part 9 – Protecting the Green Belt.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
23. *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.

24. *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.
25. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

26. *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.
27. 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:
28. *Policy 2 - Sustainable Development* states that planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
29. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
30. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.

31. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
32. *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.
33. *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.
34. *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.
35. *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.
36. *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)

37. *Policy E1 Durham City Green Belt* - outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
38. *Policy E7 Development in the Countryside* - advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
39. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
40. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
41. *Policy 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.

42. *Policy H5 - New Housing in the Countryside* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
43. *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.
44. *Policy H12A - The Type and Size of Housing* states that the Council will monitor new housing completions and where a certain need is not being met negotiate with developers to ensure the correct balance of the type, density and size of housing provided.
45. *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.
46. *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.
47. *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.
48. *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.
49. *Policy R14 – Browney Valley* – Seeks to encourage the informal recreational potential of the Browney Valley whilst ensuring that all development proposals also accord with other land designations within the Browney Valley including the Green Belt and areas of high landscape value.
50. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.
51. *Policy Q3 - External Parking Areas* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
52. *Policy Q5 - Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

53. *Policy Q6 – Structural Landscaping* requires new development on the edge of settlements to incorporate peripheral structural landscaping
54. *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.
55. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
56. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
57. *Policy U10 - Development in Flood Risk Areas* states that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative, less vulnerable areas are unavailable, that no unacceptable risk would result, or that appropriate mitigation measures can be secured.
58. *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.
59. *Policy U12 - Development near Contaminated Land* states that development will only be permitted within the vicinity of contaminated land where it can be demonstrated that measures can be undertaken to prevent any harmful affects of said contamination.
60. *Policy U13 - Development on Unstable Land* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
61. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

62. Northumbrian Water have raised no objections to the application.
63. The Highway Authority have raised no objections to the application.

64. The Environment Agency advises the LPA of the proximity of the application site to industrial units, some of which will be regulated under Environmental Permitting Regulations. Potentially new occupiers of properties could be exposed to noise from industrial units though only in very limited instances would the Environment Agency revoke an operator's license. Advice is also provided with regards to land contamination and foul water disposal guidance and good practice.
65. The Coal Authority have raised no objections but do request that a condition be placed on any approval requiring an intrusive investigation and where necessary remedial works undertaken prior to the commencement of the development.
66. Brandon and Byshottles Parish Council object to the proposal on the grounds of the implications of the development upon traffic congestion namely upon Mill Road and the A690.

INTERNAL CONSULTEE RESPONSES:

67. The Councils Senior Low Carbon Officer has objected to the proposal as it stands with no adequate demonstration of a 10% reduction in carbon emissions or compliance with the relevant building regulations pertaining to energy reduction.
68. Landscape have raised no objections though additional requests on characteristics of soil and also excavation levels are made.
69. Ecology have raised no objections regarding the impacts of the development upon protected species, however some concerns over the landscaping scheme and proposed planting of cotoneaster (an invasive species) are raised.
70. Archaeology have raised no objections subject to conditions on archaeological evaluation and mitigation being applied to any approval.
71. Design and Conservation make reference to the location of the site within the Green Belt and make a series of layout alteration requests.
72. Planning Policy object to the proposal in principle due to the location of the site within the Green Belt and also raise some objections to the submitted layout.
73. Senior Tree Officer raises no objections.
74. Environmental Health raise no objections though request further details on a proposed acoustic barrier and details of the property such as windows and ventilation details.

PUBLIC RESPONSES:

75. 15 no. letters of objection have been received with regards to the development and a petition opposed to the development with 52 signatures has also been received.
76. Some objection relates to highways issues with objections raised with regards to more traffic and congestion, inadequate parking and dangers to children playing in the street. A query is raised as to whether infrastructure improvements have been considered.
77. Objections are raised regarding the impact of the development upon views, privacy and noise and disruption emerging from the build. Concerns are raised that an increase in crime could occur as a result of the increase in population.

78. Questions are raised over the need of the development and reference is made to nearby recently built properties which have struggled to sell, remained empty or have been rented to poorly behaved tenants.
79. Objections are raised to the building of the homes on Green Belt land and one respondent seeks clarification that the land subject to the application has some designation and protection. Reference is made to the history of refused planning applications at the site and an understanding that an ombudsman stated that development could not come forward on the land for at least 30 years. Some respondents state that the properties would be too close to the railway line to the rear.
80. Concerns are raised over the potential for flooding due to the development of greenfield land and the capacity of sewers and reference is made to the flood damage caused at Newburn, Tyne and Wear.
81. It is understood that a further residential development is also being sought on a neighbouring parcel of land.
82. Objections are raised to the layout/design of the development with properties considered to be “squeezed” onto the site.
83. It is considered that the land subject to the application is a wildlife habitat. Objections are raised over the impacts of the development upon property values. Questions are also raised over the boundary line of the development site not matching that of the land registry title.

APPLICANTS STATEMENT:

84. The applicant has submitted a statement in support of the application considering that the development has been designed to provide an attractive place to live which will have a direct and positive effect on the surrounding community. A choice of high quality homes is proposed with a 20% affordable housing provision giving wider opportunities for home ownership, supporting a sustainable, inclusive and mixed community.
85. The design will offer greater security by infill of the open land to the rear of existing housing.
86. A recent report summarises the site as having very limited ecological value due to the site being too small and too subject to human disturbance to pose value. The adjacent railway embankment provides a linear area of habitat that can be used as a local wildlife corridor which can be improved by some additional planting incorporated within the proposed design.
87. The surrounding community will benefit from the financial contributions towards recreational space and public art.
88. The applicant has also within a submitted planning statement sought to support the principle of the development within the Green Belt making reference to the identification of the site as being “green” in the Strategic Housing Land Availability Assessment, identifying the railway line as the more appropriate marker for the Green Belt to commence and supporting this with documentation from the Planning Inspectorate.

PLANNING CONSIDERATIONS AND ASSESSMENT

89. 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, impact upon the character and appearance of the area, impacts on residential amenity, impacts on highway safety and ecology.

The Principle of the Development

90. The principle of the development is a key consideration regarding the determination of this application. The application site lies beyond the settlement boundary which defines the built up areas of Langley Moor, Meadowfield and Brandon from the countryside beyond and the site is located within the designated Green Belt.
91. Some public objection to the proposal relates to the status of the land subject to the application as being Green Belt and also refers to the quite extensive history of refused planning applications to develop the site.
92. The applicant, fully aware of the designation of the land, has supplied supporting documentation to justify the development. The applicant considers that it would be acceptable for the removal of the site from the Green Belt to occur, the railway line bordering the site to the east would mark a more appropriate commencement of the Green Belt rather than the present designation. Some support for this view, from a Planning Inspector is included in the applicant's enclosures and is annotated by the applicant as being "an extract from a recent Inspectors report prepared for the City of Durham Council". The Planning Inspector essentially does state that the railway line is a more defensible boundary of the Green Belt and recommends exclusion of the application site from the Green Belt.
93. These comments from the Inspectorate were contained within the Planning Inspectors Report on the draft City of Durham Local Plan prior to its adoption in 2004. The comments are therefore of some age and the then City Council, as was their right, rejected this particular response of the Inspector and choose to include the land subject to the application within the Green Belt. This Green Belt boundary and the Local Plan were subsequently adopted.
94. The applicant makes reference to the "green" status of the application site within the Strategic Housing Land Availability Assessment (SHLAA). The applicant also makes reference to the considered sustainability of the site and its reasonably close proximity to local facilities, employment and public transport links.
95. The NPPF reaffirms that the starting point for decision making on development proposals is that applications should be determined in accordance with the Development Plan (the existing Local Plan and RSS) unless material planning considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
96. Policy E1 of the Local Plan relates to the designated Green Belt and this development proposal of an essentially standard residential development of 34 no. dwellings does not

meet any of the development types considered acceptable in principle in the Green Belt through that policy. Similarly the development is also in conflict with those forms of development that Part 9 of the NPPF establishes as acceptable in principle in the Green Belt. The proposal is therefore inappropriate development, which by definition is harmful to the Green Belt significantly affecting the openness of the Green Belt and such developments should only be approved in very special circumstances.

97. Planning Policy have been consulted on the application and it is stated that the County Durham Plan Preferred Options Paper recommends that the 2004 Green Belt boundary is realigned to exclude the site. However, this recommendation has yet to be tested at an examination in public and at present the application site remains within the Green Belt which is a designation affording national importance and the conclusion of Planning Policy is that the application should be refused as the site remains within the Green Belt and the development constitutes inappropriate development.
98. In May 2012 a report was agreed by Cabinet entitled "Assessing Development Proposals in a Changing National Planning System" and seeks to provide advice on the Council's approach to decision making on planning applications in the context of a changing planning system, the NPPF, any conflict with existing Local Plans and the weight to be attributed to the emerging County Durham Local Plan.
99. The report states with regards to development proposals in the currently designated Green Belt that "it is highly unlikely that proposals that involve the development of green belt land will be viewed favourably". The report highlights that the SHLAA to which the applicant makes reference to is not an allocations document and acceptance of "green" sites now could prejudice the opportunity for others to promote their sites through plan preparation. The report also provides some advice on how to consider the principle of development proposals where said development does not accord with the Development Plan but does strike some accord with the emerging County Durham Plan and in regards to this states that the benefits of the development and sustainability issues should be considered but that Green Belt sites are highly unlikely to be acceptable for inappropriate development.
100. Local Authorities should not refuse planning applications solely on the basis of prematurity alone, however, it is appropriate to refuse applications which it is considered prejudice decisions about the pattern of development in the area which should properly be considered as part of the development plan preparation process.
101. Officers consider that this development proposal is one such case. The emerging County Durham Plan identifies the site for Green Belt deletion. However, this recommendation has yet to be tested at an examination in public and the proposed Green Belt deletions have been subject to public opposition. The Governments' Localism agenda should be considered and for this to have real meaning, these concerns should be debated through the Plan preparation process to establish the merits of arguments before a decision on the final approach is taken.
102. Officers acknowledge the points raised by the developer in support of the application and do acknowledge that the site is relatively close to the high street running through Langley Moor, its services and facilities. Furthermore, 20% affordable housing is proposed and this is a further benefit. However, officers do not consider that these factors constitute reason to depart from the Local Plan or constitute the very special circumstances to accept the inappropriate development.
103. On balance, officers do object to the principle of the development. The application site lies within the designated Green Belt and the residential development proposed is

considered to constitute inappropriate development without the existence of very special circumstances that would outweigh the harm to the Green Belt.

104. With reference to the planning history of the site and points raised in regards to this by local residents, there exists an extensive history of refusals for development proposals on the site. All these decisions pre-date the adoption of the Local Plan and it is considered that full consideration of this application on its own merits and set against the current Development Plan and material considerations should be undertaken. Reference is made within the public objections received to a Local Government Ombudsman stating that development could not come forward on the land for at least 30 years. Officers could not from their history search find this statement and the role of the Ombudsman is to consider whether maladministration may have occurred in the determination of an application rather than comment on planning merits. The objector may be referring to one of the several appeal decisions on the application site but again officers would reiterate each application should be determined on its own merits and in the context of the Development Plan and material considerations at that time.

Impact Upon the Character and Appearance of the Area

105. Part 7 of the NPPF relates to the design of all new development and with good design considered a key aspect of sustainable development, indivisible from good planning. Policies H13, Q1, Q2 and Q8 of the Local Plan seek to ensure that new development is appropriately designed whilst Policy E14 seeks to retain trees and hedgerows of value where possible and replace those lost. Policies Q5 and Q6 of the Local Plan seek to ensure that new development is served by appropriate landscaping schemes.
106. Due to the objections raised with regards to the principle of the development and the harm caused to the openness of the Green Belt officers must also object to the impact of the development upon the character and appearance of the site and area.
107. Setting aside the Green Belt land designation officers do not raise any particular objections to the proposed house types which would relate acceptably to the nearby dwellings which comprise of traditional terraced properties on Onslow Terrace itself and recently developed properties at Wesley Court.
108. Planning Policy have commented on the house types and layout and consider that the development is quite high density and question the adequacy of the size of the house types and some external curtilages. Design and Conservation have also been consulted on the application, the application is not within a Conservation Area but advice was sought purely on urban design grounds. Some modifications to the layout are recommended to better relate to the layout and building line of the surrounds. Officers concerns, are however, less strong on this.
109. Some public objections make reference to the layout and density of the development, considering that the properties appear “squeezed” onto the site.
110. Officers do have some objections to some separations distances between properties generated through the layout and this is discussed in more detail within the discussion on residential amenity in the next section to this report. In order to provide adequate separation between and amenity for all residents some reduction in housing numbers and density would be beneficial.
111. However, the impact of the development upon the Green Belt and its openness remains a fundamental issue notwithstanding the detailed discussions on the layout and housetypes.

112. As the development constitutes inappropriate development in the Green Belt, by definition harmful to the Green Belt officers must object to the impact of the development upon the character and appearance of the area having regard to Policy E1 of the Local Plan.

Impacts upon Residential Amenity

113. Proposed residential developments must ensure the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved and catered for in accordance with the most relevant Local Plan Policies H13 and Q8.
114. Concerns over the impacts of the development upon residential amenity namely loss of privacy, loss of views, noise and disturbance through the build are raised within the public objections to the development. In addition some concern over a potential increase in crime due to a rise in population is also raised.
115. Policy Q8 provides recommended separation distances to provide adequate privacy and amenity. Between main facing windows 21m should remain between properties, from a window to a blank two storey gable 13m should remain and from a window to a blank single storey gable 6m should remain.
116. The proposed layout includes some relationships which do not adhere to the guidance within Policy Q8 and in some instances officers consider that the relationships are unacceptable. With regards to relationships with the existing terraced properties the shortest separation distances would exist between the proposed detached properties and the dwellings directly opposite namely numbers 17-22 Onslow Terrace. Separation distances vary from between 19.4m to 20m between flanking habitable room windows. This separation is between 1 to 1.6m below that sought by Policy Q8 but officers would consider that this is only a relatively modest reduction in separation from that which guidance considers appropriate. Furthermore it must also be considered that the established building line between existing terraces in the immediate area establish far less separation between properties. Separation between the existing terraces is around 15m far less than that which this development would propose. One objection raised within the design advice from Design and Conservation is that the detached properties proposed to front onto the street are set too far back into the site in comparison to the established building line. To recess the detached properties farther into the site in order to provide 21m from the terraces opposite would worsen this impact raised by design colleagues. Having regards to this design point, the relatively modest reduction in separation from the guidelines of Policy Q8 and also taking into consideration the established building line on the street frontage officers do not raise objection on to the impact upon the residential amenity of the occupiers of 17-22 Onslow Terrace which the development frontage would flank.
117. However, officers do object to some relationships within the development itself which are considered to fall so significantly short of separation recommendations to be deemed unacceptable. The gable end of plot 9 is 10.6m from the rear of plot 7, the gable of plot 14 is 10.4m from the front of plots 12 and 13. Such separation is considered to be too significantly short of the 13m separation recommendation within Policy Q8. The rear and front elevations of the properties affected would have two storey builds so close as to block outlook and appear overbearing to which officers raise objection. A similar relationship also exists between the rear of plot 1 and the gable of plot 3, however, separation is greater and not so below the recommendations of Policy Q8 to raise objection.

118. All other relationships between properties within and outside of the development site are considered to accord with the requirements of Policy Q8 and as a result adequate privacy and amenity are considered to remain for these properties.
119. With regards to the public objections raised with regards to noise and disturbance caused by the development with the existing plot containing a green space any development of any nature is bound to create an increase in activity at the site. Some noise during the construction phase of any development will again be expected. However, the development of a relatively small number of properties as proposed will not pose any exceptionally disturbing activities above or beyond what can be expected for any new development adjacent to existing property and the construction phase would be temporary. If the site were to be development then the impact of noise from commuting vehicles, passing pedestrians, children playing etc will be an increase from the present situation but it would remain commensurate with any residential development adjacent to existing residential property.
120. Officers do not consider that the potential for noise or disturbance is such that it would warrant refusal of the application on such grounds alone. The proposed working hours condition requested by Environmental Health is standard on such developments and is considered suitable at the site. It must be taken into consideration that if working hours are heavily restricted this would result in a more protracted build time.
121. Some public objection relates to the loss of a view caused by the development. However, the loss of a private view is not a matter to be attributed material weight.
122. With regards to the issue of a potential for an increase in crime as a result of the increase in population emerging from the public consultation exercise, crime and a fear of crime is a material planning consideration. However, officers do not consider that significant weight could be added to the concern that a sheer increase in population would in turn cause an increase in crime. Within any new development should the use itself or specific design or layout of the development raise potentially raise crime levels or fear of crime then those are occasions where significant weight can be attributed. However, officers consider that to raise objection to a scheme due to a sheer increase in population and increase in crime in turn would be unreasonable and without a clear basis for demonstrable harm.
123. A further key issue with regards to the development is a consideration of the impacts of the proximity of the east coast mainline to the proposed dwellings which abuts the site to the east. The proximity of the development to the railway line is raised by public respondents.
124. Paragraph 123 of the NPPF advises on noise issues and development and includes the statement that impacts of noise should be mitigated and reduced including through the use of conditions. Reference is also made within the NPPF to the DEFRA publication Noise Policy Statement for England, the detail within PPG24 having been cancelled by the NPPF.
125. The application has been accompanied by a noise and vibration assessment and this has been assessed in detail by Environmental Health. Essentially Environmental Health consider that without some mitigation measures decibel levels within the development could be considered unacceptable. However, an adequate acoustic fence could be utilised to bring noise levels down to an acceptable level and full details would be needed. With regards to vibration through comparing the assessment and relevant British Standards relatively low levels of vibration should occur falling within the bracket of "Low Probability of Adverse Comment". Therefore though some impact may occur, Environmental Health are suggesting it would unlikely be significant.

126. With the above in mind officers consider that a condition to agree adequate acoustic screening/fencing would bring the impacts of noise from the railway within acceptable levels and as a result officers do not raise significant objection to the development on these grounds.
127. The Environment Agency raise the point of the proximity of the development to an industrial estate and that some industrial units will be regulated under Environmental Permitting Regulations. Potentially new occupiers of properties could be exposed to noise from industrial units though only in very limited instances would the Environment Agency revoke an operators license. Officers acknowledge the points raised by the Environment Agency but the Environment Agency have not as such raised an objection to the development on these grounds. Officers consider that it should be noted that the proposed residential properties would be no nearer to the industrial estate than existing dwellings on Onslow Terrace and Littleburn Lane. Furthermore the very nearest industrial units comprise of an MOT service garage and a furniture store therefore more of a light industrial and storage nature as oppose to the most significantly noisy or disruptive forms of industry.
128. The NPPF states at paragraph 123 that “development will often create some noise and businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. Officers consider therefore that the NPPF is, wherever possible, seeking to establish that new and existing developments can develop alongside one another, ultimately the Environmental Protection Act governs the acceptability of noise and disturbance to which the NPPF also makes reference. With all these factors in mind officers do not raise objection to the location of the residential development within close proximity to the Littleburn Industrial Estate.

Highway Safety

129. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also seeks to promote sustainable transport choices.
130. Matters of highway safety, increases in traffic, parking issues and dangers to children playing in the street are concerns raised within several public responses and the response of the Parish Council. Queries are also raised within the public responses as to whether infrastructure improvements would be needed for the development. It is also noted that previous planning applications have been refused in part on the grounds of highway safety and the inappropriate combination of residential and industrial traffic.
131. Officers certainly acknowledge the main routes within Langley Moor are very busy. The Parish Council specifically mention the A690 and Mill Road as a particular congestion concern. With the route north to access the A690 off Littleburn Lane blocked off by bollards all vehicular traffic from the development would have travel south onto Mill Road. Furthermore officers also note that an extant planning permission to erect 12 no. dwellings on land adjacent to a sub-station to the north east of the site which if ever implemented would utilise the same route.
132. However, the Highway Authority have been consulted on the application to provide their consideration of highways matters. No objections in principle have been raised during the course of the application regarding the levels of traffic to be generated, parking provision or acceptability of access arrangements. Some more detailed modifications were received from the Highway Authority with regards to matters of footpath location,

service strip formation within the layout but these have all since been resolved through the submission of a revised plan from the applicant.

133. The degree of concern from local residents and the Parish Council alike is acknowledged. However, the Highway Authority do not consider that either the scale, layout or access arrangements do pose a highway safety issue to residents to warrant objection. Officers concur with the views of the Highway Authority and do not raise objections to the scheme on matters regarding highways issues. Without reason to object to the scheme or require alterations to the local infrastructure (through junction improvements and the like) to make the development acceptable from a highways perspective officers do not consider that demands for infrastructure improvements as queried in the public responses can be made.

Ecology

134. Policy E16 of the Local Plan and Policy 33 of the RSS seek to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the Part 11 of the NPPF most notably at paragraphs 118 and 119.
135. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
136. The impacts of the development upon wildlife is a concern that has emerged from the public responses to the development with a resident considering that the application site is a wildlife habitat.
137. The application has been accompanied by a Phase 1 habitat survey to identify any areas of ecological interest on the site and if necessary outline the means by which that interest can be maintained or enhanced. With regards to protected species the submitted survey found no evidence of protected species on site with no suitable trees or buildings for bat roosts, no suitable habitat for badgers, nesting birds or amphibians. It is stated that the hedge adjacent to the rail track may provide limited bat feeding habitat though not suitable roosting habitat.
138. Ecology have been consulted on the application and no objections to the findings of the submitted ecology report are raised. However, it is not considered that the proposed planting of a cotoneaster to increase food supply for birds is suitable as cotoneaster is an invasive species. Officers consider that an appropriate landscaping scheme could be handled via a condition should planning permission be granted.
139. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. It is not considered that a license from Natural England would be required to implement the development and as a result it is not considered that the Local Planning Authority must consider a detailed assessment against the 3 no. "derogation tests" of the Habitats Directive.
140. As a result no objections to the development are raised with regards to the impact of the development upon nature conservation interests having regards to Policy E16 of the Local Plan, Policy 33 of the RSS, Part 11 of the NPPF or having regards to the provisions of Conservation of Habitats and Species Regulations 2010.

Other Issues

141. The application is accompanied by a S106 agreement that proposes 20% affordable housing provision on site and financial contributions of £26,000 and £34,000 towards public art installations and play/recreational space respectively. No objections are therefore raised to the development having regards to matters of affordable housing provision, public art and play and recreational facilities having regards to relevant Policies H12, R2 and Q15 of the Local Plan.
142. Some public respondents question the need for the development and reference is made to nearby newbuild properties that have struggled to sell, remained empty or have been rented privately (including to poorly behaved tenants).
143. Officers consider that objection to the need for the development as such could not be raised if the proposal was considered to accord with the provisions of the Development Plan and material planning considerations did not indicate otherwise. Officers have raised objection to the principle of the proposal on the grounds of constituting inappropriate development and therefore officers do not consider that there is a need for the development as such on the application site that would represent the very special circumstances needed to outweigh the harm caused to the Green Belt. Officers would not however, object purely on the grounds that housing as such is not needed at all. The emerging County Durham Plan supported by the Strategic Housing Market Assessment (SHMA) does identify housing delivery need. Although full weight cannot be provided to the content of the emerging County Durham Plan at this stage the cabinet report "Assessing Development Proposals in a changing National Planning System" emphasises that the direction set out in the emerging documents is unlikely to change, and this can be considered in decision making, with the emphasis on certain key settlements and Durham City as an economic driver. The emerging County Durham Local Plan allocates 550 dwellings to the Langley Moor, Brandon and Meadowfield area over the plan period. Officers therefore consider that objection to new housing as such on a basis of no need should not be raised but this does not override the objections raised to the principle of the development at this particular site.
144. Some public objection relates to the potential for flooding due to the development of a greenfield site, the capacity of the sewers and reference is made to the flood damage caused at Newburn, Tyne and Wear. The application site lies in Flood Zone 1, the least probable to flood and due to the size of the site no flood risk assessment is required to accompany the application. Regardless of this the applicant has submitted a flood risk assessment and officers have consulted the Environment Agency and Northumbrian Water as a matter of course. The Environment Agency have raised no objections to the submitted flood risk assessment or to the development having regards to flood risk. Northumbrian Water have also raised no objections to the proposed development with no concerns raised regarding sewer capacity. As a result and having regards to Policies U8A and U10 of the Local Plan, Policy 35 of the RSS and Part 10 of the NPPF, no objections with regards to matters of drainage or flood risk are raised by officers.
145. With regards to matters of potential contamination affecting the application site, the application has been accompanied by a geo-environmental appraisal. Environmental Health have not raised any objections to the content of this report. On any approval a suitably worded condition can be attached to adequately investigate the site and where necessary implement remediation having regards to Policies U11 and U12 of the Local Plan.
146. The application has been accompanied by a sustainability document seeking to demonstrate how a 10% reduction in carbon emissions can be achieved as required by Policy 38 of the RSS and supported by Policy U14 of the Local Plan. The Councils Senior Low Carbon Officer has objected to the proposal as it stands with no adequate

demonstration of a 10% reduction in carbon emissions or compliance with the relevant building regulations pertaining to energy reduction. The views of the Senior Low Carbon Officer are noted and the current submission with regards to energy reduction considered inadequate. Ultimately, however, a condition could be attached to any planning permission requiring an acceptable scheme to be devised and agreed.

147. The application site lies within the Coal Authority's coal mining referral area and the applicant has submitted a coal mining risk assessment. The Coal Authority have been consulted on the application and no objections have been raised though they do request that a condition be placed on any approval requiring an intrusive investigation and where necessary remedial works undertaken prior to the commencement of the development. Should planning permission be granted such a condition could be attached.
148. A heritage statement undertaken by the University of Durham Archaeological Services has been submitted with the application and has been assessed by the Councils Senior Archaeologist. No objections to the submitted reports are raised by the Senior Archaeologist though should planning permission be granted conditions should be attached to any approval regarding archaeological evaluation and mitigation having regards to Policy E24 of the Local Plan and Part 12 of the NPPF.
149. Within the public responses to the application a query is raised that it is understood that further residential development is also being sought on a neighbouring parcel of land. From officers planning history search the most relevant proposal that the query could relate to is the extant planning permission originally dating from 2009 for a mixed use development (including the Lidl store) which included the erection of 17 no. dwellings 12 of which are located to the north east of the application site adjacent to the sub station which have not been developed.
150. Some public responses raises concerns over the impact of the development upon property values. However, the impact of a development upon property values is not a material planning consideration.
151. A query has also been raised that the boundary of the development does not match that of the land registry title. The applicant has certified within the application form that they do own all of the land enclosed by the red line of the application site. Ultimately, matters of land ownership are separate legal matters beyond the remit of the Local Planning Authority.

CONCLUSION

1. The application seeks a residential development on land designated within the Local Plan as being Green Belt land. Development on Green Belt land is inappropriate and by definition harmful to the Green Belt, unless it falls under a specific category of development as defined within Policy E1 of the Local Plan and Part 9 of the NPPF or unless very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt.
2. The applicant has sought to support the principle of the development within the Green Belt including through making reference to the SHLAA, identifying the railway line as the more suitable marker to delineate the Green Belt as well as emphasising the considered sustainable nature of the development.

3. Officers do not consider that the arguments put forward constitute the very special circumstances to permit the departure from the Development Plan and approve the development. It is considered premature to accept the development on Green Belt land in the context of the emerging County Durham Plan and would harm future objectives and choices in the plan-making process.
4. Furthermore officers raise objections to the layout of the residential development with some specific relationships between properties considered unacceptable, failing to preserve adequate amenity for prospective residents.

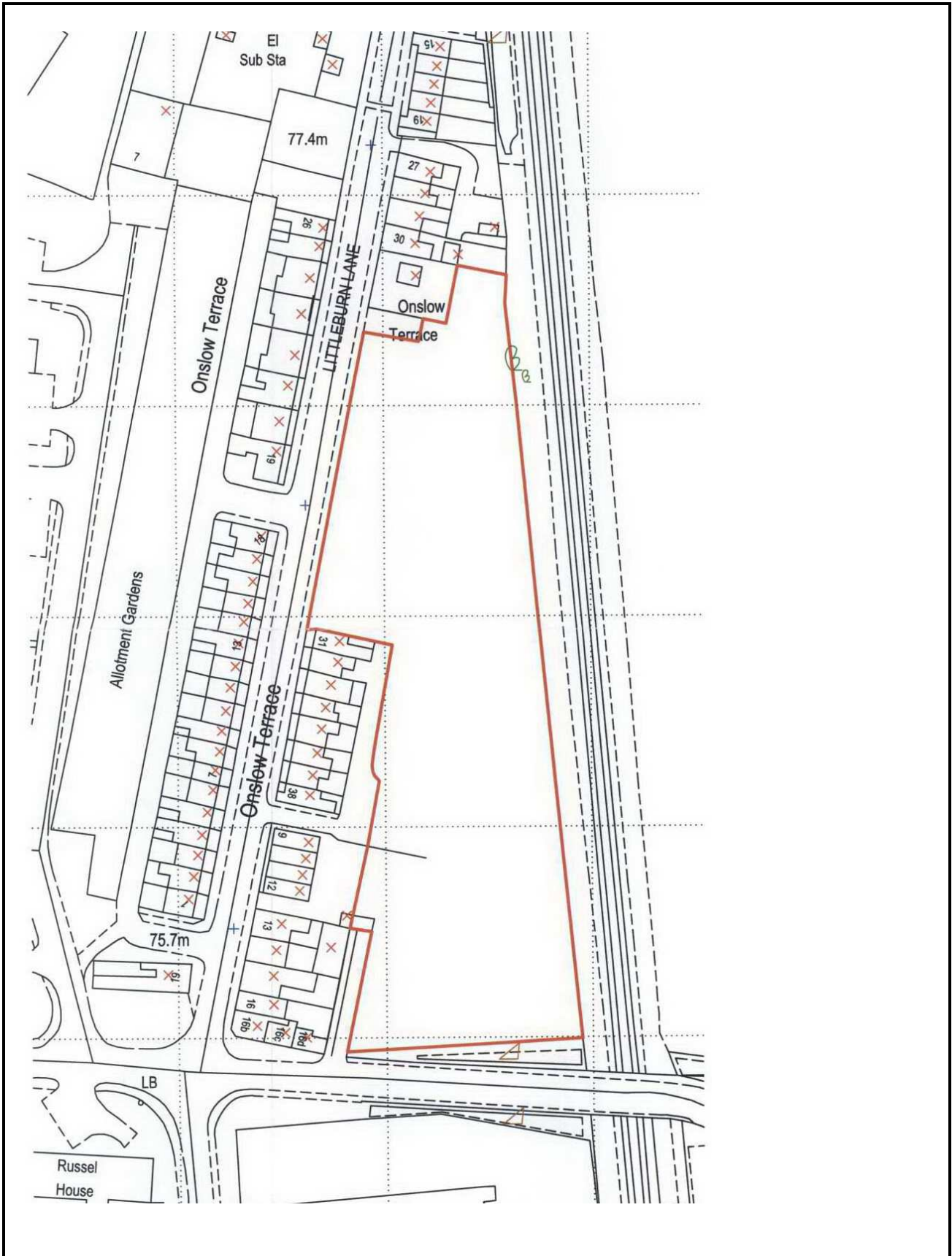
RECOMMENDATION


That the application be **refused** for the following reasons:

1. The application proposes a residential development on land forming part of the designated Durham City Green Belt. The proposed development constitutes inappropriate development, by definition harmful to the Green Belt and the development would significantly affect and harm the openness of the Green Belt. It is not considered that very special circumstances have been demonstrated within the application that would warrant departure from the Development Plan or that outweigh the harm to the Green Belt. The development is considered contrary to the provisions of Policy E1 of the City of Durham Local Plan 2004 and Part 9 of the National Planning Policy Framework.
2. The separation distances between dwellings at plots 9 to 7 and plot 14 to plots 12 and 13 are considered to be significantly below the guidance recommended within Policy Q8 of the City of Durham Local Plan 2004. As a result, the occupiers of the plots 7, 12 and 13 would be detrimentally affected through a significant loss of outlook and through the creation of an overbearing impact upon them. As a result the development is considered to fail to preserve adequate amenity for all occupiers contrary to the provisions of Policy Q8 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

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
Responses of the Highway Authority, Northumbrian Water, Environment Agency, The Coal Authority and Parish Council
Planning Circular 11/95
Strategic Housing Market Assessment
County Durham Local Plan (Preferred Options)
Cabinet Report "Assessing Development Proposals in a changing National Planning System"




Durham
 County Council

Planning Services

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Residential development of 34 no. dwellings

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**Date 15th January
2012**

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