



## Area Planning Committee (Central and East Durham)

**Date** Tuesday 12 February 2013  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 15 January 2013 (Pages 1 - 6)
4. Declarations of Interest
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) 4/12/01083/FPA - Land off Potters Bank, Durham (Pages 7 - 26)  
Erection of 22 dwellings with associated infrastructure and landscaping.
  - b) 4/12/00913 - 81 - 82 New Elvet, Durham, DH1 3AQ. (Pages 27 - 36)  
Infilling of open access to a café and residential development to form a separate A2 office for student lettings.
  - c) PL/5/2012/0457 - Blue House Farm, Hesleden Road, Blackhall (Pages 37 - 48)  
Dwelling (Resubmission).
  - d) PL/5/2012/0411 - Evergreen Caravan Park, Coast Road, Crimdon Dene, TS27 4BW (Pages 49 - 54)  
Removal of planning condition no.3 of PLAN/2008/0554 – Relocation of dwelling (resubmission).

- e) 4/12/01139/FPA - 12 Coronation Avenue, Carville, Durham  
(Pages 55 - 60)

Erection of single storey pitched roof extension to side and rear and bay window to front of existing dwelling.

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

4 February 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

**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 15 January 2013 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chair)**

**Members of the Committee:**

Councillors J Armstrong (substituting for Councillor S Iveson), J Bailey, A Bell, J Blakey, J Brown, P Charlton, A Laing, J Moran and R Todd (substituting for Councillor C Walker)

**Apologies:**

Apologies for absence were received from Councillors G Bleasdale, S Iveson and C Walker.

**1 Declarations of Interest**

There were no declarations of interest.

**2 Minutes**

The Minutes of the meeting held on 11 December 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 4/12/00997/FPA – Land at Rowan Court and The Oaks, Esh Winning, Durham**

The Committee considered a report of the Senior Planning Officer regarding the demolition of remaining dwellings on site and redevelopment with the erection of 78 no. dwellings at land at Rowan Court and The Oaks, Esh Winning (for copy see file of Minutes).

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

In relation to Condition 5 of application 4/12/00997/FPA – The condition could be removed as Highways considered that the shared surfaces on the amended layout submitted by the applicant, was an appropriate design.

Councillor Chaplow, local member, addressed the Committee. She advised Members that the development was welcomed locally and would be beneficial to the area. She supported the application wholeheartedly and felt that the redevelopment would complete the village and attract families into the area. Speaking in regard to the houses already erected on the development, Councillor Chaplow advised the Committee that the design was extremely pleasing and revitalised the area.

Councillor Wilkinson, local member, addressed the Committee. He advised that the original estate on that land had been erected during the 1960's and by 2005 it was evident that those properties were no longer sustainable. A more attractive environment was needed for that particular part of the village. The current houses were unlettable and were not sustainable, however the new development would give residents pride in the area. The proposals addressed local need and Councillor Wilkinson advised that nearby residents were delighted with the development which had already commenced. Councillor Wilkinson also drew attention to the benefits which the Section 106 monies would bring to the area and that the development was what was needed to complete the west end of the village.

Councillor Charlton spoke in support of the application and moved that it be approved.

Councillor Moran acknowledged that there were currently two dwellings on the site which remained occupied. He was aware that the Housing team were dealing with that issue and he hoped that a mutual agreement could be reached between the Council and the residents.

In seconding the motion for approval, Councillor A Bell commented that it had been pleasing to revisit the site earlier that day and view the regeneration which had already been made in the area.

**Resolved:** That the application be approved, subject to the conditions outlined in the report, with the exception of condition 5.

**3b 4/12/00909/FPA – Land east of Littleburn Lane and Onslow Terrace, Langley Moor, Durham**

The Committee considered a report of the Senior Planning Officer regarding the residential development of 34 no. dwellings at land east of Littleburn Lane and Onslow Terrace, Langley Moor, Durham (for copy see file of Minutes).

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

- Dunelm Homes had supplied a further revised layout plan in order to address the second reason for refusal as detailed within the report recommendation. The revised layout did not alter the relationships with existing properties on Onslow Terrace from the previous one and those relationships were as per discussion in the report. 34 dwellings remain proposed. However, the internal relationships had been adjusted to the point that officers no longer objected regarding the impact on plots 7, 12 and 13. Officers therefore withdrew the second refusal reason from the recommendation.
- It was reported that Roberta Blackman-Woods MP considered that the development was suitable for the area and was happy to see that the site would host a full complement of affordable housing, both by providing the required amount of 'affordable housing' in line with the Local Plan and also by ensuring that all the homes will be accessible to a wide sector of the community.

Mr N Wood, local resident, addressed the Committee. He drew attention to various paragraphs throughout the officers report which we stressed demonstrated why the application should be refused.

Mr Wood highlighted that a succession of planning applications for development on the site, had been refused over recent years. Mr Wood pointed out that the application was contrary to Policy 4 – *The Sequential Approach to Development*, Policy H13 – *Residential Areas – Impact upon Character and Amenity* and Policy Q8 – *Layout and Design*. In referring to Policy T1 – *Traffic*, Mr Wood advised the Committee that vehicles parked on both sides of the street leading to where access to the development would be, and that additional traffic could cause congestion at the access junction, as well as prohibit access for emergency vehicles.

Mr Wood drew attention to the objection from the Parish Council on the grounds of the implications of the development upon traffic congestion namely upon Mill Road and the A690. He also drew attention to the other objections to the application and the grounds on which those objections had been made.

Mr G Brooks, representing the applicant Dunelm Homes, addressed the Committee.

He summarised the benefits of the proposed development, advising the Committee that the proposals were for a low density development of attractive properties which he believed would have a positive effect on the surrounding community. Mr Brooks advised the Committee that in providing 20% affordable housing on the site, the developer was creating wider opportunities for home ownership which would be supported through a shared equity scheme.

The Committee were advised that a recent report had considered the site to be of limited ecological value due to its size, however Mr Brooks highlighted that the adjacent railway embankment could be used as a local wildlife corridor which could be enhanced by the developer by some additional planting.

Mr Brooks highlighted that the County Durham Plan Preferred Options Paper was yet to be subject to public examination and so too was the policies relating to development on Green Belt land and in referring to the SHLAA (Strategic Housing Land Availability Assessment), he highlighted that although a “green” status site, the area was potentially suitable for residential development.

Mr Brooks concluded by advising the Committee of the employment opportunities which would also be created should the application be approved, with the creation of 20 jobs.

The Senior Planning Officer responded to the issues raised by Mr N Wood as follows:

- Planning History - In relation to the planning history of the site, whilst it was acknowledged that there had been numerous refused applications for development, the last being in 2004, it was stressed that each application should be considered on its own merits.
- Character and Appearance - it was highlighted that the wider area had a real mix of dwellings in terms of style and type, indeed there were new build houses in close proximity to the site.
- Traffic congestion – No concerns had been raised by the Highways Authority. The Highway Development Manager was in attendance at the meeting and advised the Committee that the Highways Authority had concluded that the transport network could continue to operate safely should the application be approved. Furthermore, parking in Onslow Terrace did not raise concerns, indeed the Highway Authority took the view that parked vehicles actually had a calming effect on traffic, as moving vehicles were more likely to adopt lower speeds in areas where numerous vehicles were parked.
- The Senior Planning Officer agreed that the development site was unacceptable only due to its current Green Belt status.
- Whilst acknowledging that numerous objections to the application had been received, the Senior Planning Officer advised that all objections had been dealt with within the report, and the only reason for refusal which could be supported by the Planning Authority was the Green Belt issue.

Councillor J Turnbull, local member, addressed the Committee. He advised that he was opposed to the application because of the impact it would have on traffic congestion. Councillor Turnbull advised that the A690 already had a high volume of traffic and was regularly congested. Accessing the A690 from the junction to the development site was already problematic, therefore more traffic would only serve to worsen the situation.

Councillor Turnbull also supported the objections which had been made on the grounds of fear of crime. He concurred that recently developed properties near to the development site had struggled to sell and subsequently had been rented, some to poorly behaved tenants, creating an increased fear of crime in the area.

Councillor Bailey felt that objections on the grounds of loss of value to neighbouring properties, was not a planning issue. He also felt that the planning history of the site was not a consideration as each application must be considered on its own merits.

He was satisfied that the Highways Authority had no objections to the application and he was supportive of the new jobs which the development would create. In response to a query from Councillor Bailey, the Senior Planning Officer clarified the acceptable distances between properties. Councillor Bailey stated that he disagreed with the officer recommendations and moved that the application be approved.

Councillor Blakey queried the positioning of the acoustic barrier and suggested that it should extend completely around the boundary of the development site and be subject to Environmental Health approval. Councillor Blakey agreed that the creation of 20 new jobs was invaluable for the area. Councillor Blakey also expressed concern regarding the separation distances to Onslow Terrace being under the 21m. She asked whether a condition could be imposed to look to increase the separation distances as much as possible between the new houses and Onslow Terrace without changing the layout. The PPO responded saying this could be done under condition if Members were minded to approve the application.

Councillor Armstrong outlined that regeneration of the area and job creation was vitally important, though acknowledged that the application was premature. He queried whether the application could be approved subject to the site being released from the Green Belt in the County Durham Plan. The Solicitor advised against that suggestion as the County Durham Plan was in early stages and may not be finalised for several years. The Senior Planning Officer pointed out that the applicant could reapply once the County Durham Plan was finalised.

Members commented that the site had natural boundaries and could see that in the future the site would be developed on.

The Principal Planning Officer took the opportunity to address the issue of the green belt status of the site. He acknowledged that it was a logical site for development and was coming forward as a Greenfield site out of the Green Belt in the County Durham Plan. Members were advised that there were a number of other green belt sites coming under pressure for early release and should consider whether now was an appropriate juncture to release that particular site rather than through the examination process. The Principal Planning Officer highlighted that Planning Policy did not feel confident that it was the appropriate time to release the site as other strategic decisions on land release could potentially be undermined.

In response to queries from Members it was clarified that should Committee be minded to approve the application, the site would remain Green Belt land.

Councillor Blakey seconded the motion to approve the application.

The Chair stated that he would not be participating in the vote, and would retain only the Chairmans' right to exercise a casting vote. He took the opportunity to advise that he found the development to be inappropriate. He was unhappy with the separation distance between properties and the impact the development would have on traffic. Furthermore he believed that there were other suitable sites within the local area and that the current Green Belt should be protected and regard had to the public examination process.

Councillors Armstrong and Bailey clarified the reasons for approving the application as follows:

- Sustainable Location close to amenities in an established urban area;
- Regeneration of the area was a priority;
- Logical location for development with a strong boundary in the existing railway line defining the edge of the built up settlement;
- The creation of employment;
- The application accorded with NPPF part 1 and NPPF part 6.

As the application had been recommended for refusal the Solicitor highlighted that there were no proposed conditions to the application. Members therefore agreed that the imposition of planning conditions would be delegated to the Principal Planning Officer (PPO) and any decision would be subject to the entering into of a Section 106 agreement for the delivery of affordable housing, commuted sums for 1% for Art and open space requirements.

Following advice from officers, Members were satisfied that the proposed acoustic barrier would safeguard against adverse noise as well as act as a deterrent to trespassers. The appropriateness of the acoustic barrier was agreed to be left to Environmental Health officers to determine.

The Solicitor reminded the Committee that should they be minded to approve the application the matter would be referred to the Secretary of State.

Upon a vote being taken it was:

**Resolved:**

That the Committee were **MINDED TO APPROVE** the application, subject to the referral of the application to the Secretary of State through the National Planning Casework Unit and in the event that the application was not called in by the Secretary of State, it be **APPROVED** subject to:-

- (i) The completion of a Section 106 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 and;
- (ii) conditions considered necessary by the Principal Planning Officer (including specific condition on separation distances and the positioning of the acoustic barrier).



# COMMITTEE REPORT

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## **APPLICATION DETAILS**

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<b>APPLICATION No:</b>	4/12/01083/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 22 dwellings with associated infrastructure and landscaping
<b>NAME OF APPLICANT:</b>	Charles Church Ltd
<b>ADDRESS:</b>	Land off Potters Bank, Durham
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<b>CASE OFFICER:</b>	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

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## **DESCRIPTION OF THE SITE AND PROPOSALS**

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### **The Site**

1. This application site is approximately 1.91 hectares in size and lies within the settlement boundary of Durham City, close to the city centre. The area is previously undeveloped and currently consists of open grassland along with young self-seeded trees and shrubs which are scattered throughout the site. The site is enclosed by mature and semi-mature trees and hedgerows.
2. The site is a reversed L-shaped plot and is accessed directly off Potters Bank to the north and then extends south before running behind existing detached properties in a westerly direction. The land rises steeply toward the south east corner of the site. To the north west, west and south west there are residential developments whilst to the south and south east lies Durham Business School and St Aidens College which form part of the Durham University complex. To the north and east there are areas of open green space.
3. There are many community facilities in the surrounding area such as schools, healthcare providers, shops and public transport links.

### **The Proposal**

4. This application proposes the construction of 22 detached dwellings with associated infrastructure and landscaping. This would result in a low density of 11.5 dwellings per hectare, reflecting the surrounding developments which mainly consist of large executive type houses.

5. The dwellings would be laid out to create an avenue type street scene with all dwellings facing inwards towards the road. The development would comprise a mix of sixteen 2 storey, two 2.5 storey and four 2/3 storey split level dwellings, each of which would have five bedrooms, garaging and front and rear gardens. Given the varying levels across the site, some retaining walls would be needed, details of which would be subject to a condition.
6. The dwellings would be constructed using various facing bricks and roof tiles and would incorporate various roof styles including hipped, gabled and cross gabled. A variety of features would be used to add interest to the design such as stone heads and cills to windows, timber garage doors and iron railings which would be used as a means of enclosure to provide distinction between public and private space. Various block paving materials would be used throughout the site along with tree, hedge and shrub planting which would be subject to a landscaping condition.
7. It is proposed that, given the executive nature of the development, that the normal requirement for four affordable houses (20%) on site is met by a financial contribution of £460,000 toward off-site provision. A contribution toward off-site recreational facilities of £22,000 and £20,000 toward public art would also be offered in accordance with Local Plan requirements.
8. This application is being referred to Committee as it relates to a major residential development.

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## **PLANNING HISTORY**

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9. None relevant.

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## **PLANNING POLICY**

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### **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 21<sup>st</sup> 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 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.
18. *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**

19. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008,* sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
20. 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:

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

28. *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.
29. *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.
30. *Policy H2 - (New Housing within Durham City)* states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.
31. *Policy H12 - Affordable Housing* seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. *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
38. *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.
39. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.
40. *Policy U15 - Energy Conservation – Renewable Resources* permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

40. Highways Authority – No objections.
41. Environment Agency – No objections. Informal advice offered relating to surface water drainage.

42. Northumbrian Water – No objections.

**INTERNAL CONSULTEE RESPONSES:**

43. Planning Policy Officers – No objections, considered to be an appropriate development.

44. Ecology Officers – No objections subject to mitigation contained in the ecology report being conditioned.

45. Tree Officer – No objection subject to appropriate tree protection measures being conditioned.

46. Environmental Health – No objections subject to conditions restricting construction hours.

47. Sustainability Officer – No objections subject to the submission of a scheme detailing renewable energy and/or carbon reduction measures.

48. Archaeology Officer – No objections subject to conditions requiring archaeological evaluation work before development commences.

49. Landscape Officer – No objections.

50. Design Officer – No objections. Amendments to design and house types suggested.

**PUBLIC RESPONSES:**

51. The application has been advertised by way of a press notice, site notice and letters to individual residents. Eighteen letters have been received in response to the consultation exercise, seventeen of which involve concerns including an increase in traffic, overdevelopment of the site, the site has a dangerous access, the loss of wildlife, flooding issues, the loss of trees and the impact on residential amenity. One letter has been received from a nearby resident which does not oppose the development in principle but has concerns regarding loss of light, loss of outlook and an overbearing impact on their property.

**APPLICANTS STATEMENT:**

52. This development offers the opportunity to create a new sustainable residential development within Durham City. The proposals for twenty two, five bedroom dwellings will deliver a range of executive homes which goes some way to satisfy the local and regional wide demand for executive homes as identified in the 2012 SHMA.

53. The proposal will infill an area of private open space of limited quality and is of little benefit or use to the residents of Durham. The proposal will create a new attractive residential development within the city, providing much needed executive homes in addition to a wide variety of additional consequential benefits. The site has been allocated and therefore the principal of residential development accepted within the Durham Local Plan Preferred Options.

54. From the earliest possible moment we have engaged with Durham County Council through the pre-application advice process to establish a satisfactory scale and development form. Following this we took the opportunity and carried out a leaflet drop

to properties in the vicinity of the development site to engage with the local community and gauge their opinions towards the proposals.

55. The proposals you see before you today are the result of a continuous and flexible design process that has adapted and changed the development following comments from the case officers and to quash any concerns raised by the local community. In certain cases the proposals have been adapted above and beyond the requirements of policy in order to retain support for the proposal.
56. The sites central location within Durham City guarantees that it is highly sustainable with regard to local amenity. The site location ensures that future residents will benefit from, and support, a wide range of existing amenities including educational, health and retail services and facilities. Additionally the central location ensures that these amenities are situated either within walking distance of the development site, or are accessible via the existing public transport network which serves the surrounding area
57. Finally, with regard to affordable housing an acceptable contribution has been negotiated with the LPA which will facilitate the development of affordable units within the City. Collectively the planning gain package is in excess of £500,000. In terms of economic impact of the development we calculate that the proposal will constitute approximately £6,250,000 worth of Gross Investment Value and will support 88 (person years) direct jobs and 44 (person years) indirect jobs based on CLG estimates.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*  
[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=M4W1OFBN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M4W1OFBN5B000)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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58. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
59. In this instance, the relevant considerations are the principle of the development, in particular the accordance with the Governments recently published National Planning Policy Framework (NPPF), the emerging County Durham Plan (CDP), the Regional Spatial Strategy (RSS) and the saved policies from the City of Durham Local Plan. Other material considerations are the scale, layout and design of the development, highways issues, affordable housing, ecology and trees and the concerns raised by local residents.

### **Principle of the development**

60. Saved Policy H2 of the City of Durham Local Plan allows for windfall development of previously developed sites within the settlement boundary of Durham City, provided that the scheme is appropriate in scale, design, location and number of units. This proposal seeks to redevelop a greenfield parcel of land within the settlement boundary of Durham City. Although the Local Plan policy refers to previously developed sites, the current proposal is within the settlement boundary and is considered to adhere to this policy to some degree. Notwithstanding this, in planning policy terms the

governments National Planning Policy Framework (NPPF) which establishes a presumption in favour of sustainable development has significantly more weight than the dated Local Plan and encourages the use of previously developed land rather than requiring it. The proposal is considered to constitute an efficient use of land in the city centre with good access to community facilities such as schools, healthcare provision, shops and public transport links. It is therefore considered that the proposal is in a sustainable location for residential development in accordance with the principles and overarching aim of the National Planning Policy Framework.

61. The emerging County Durham Plan (CDP) will aim to direct the majority of new housing to the main towns and secondary settlements of the County. Policy 1 of the draft CDP states that the council will work proactively to find solutions that mean that development can be approved wherever possible. All development proposals will be assessed against sustainability considerations; relevant considerations listed in the policy include the need to locate development with the aim of reducing the need to travel, to promote sustainable communities by allowing small-scale development to meet local needs and considerations relating to sustainable design.
62. Policy 16 of the CDP states that development on unallocated sites will be permitted provided the development is appropriate in scale, design, and, location, and has regard to the character and function of the settlement and helps to consolidate the built form of the settlement.
63. As part of the on-going production of the CDP, a 'Settlement Study' has been carried out. This study looks at the amenities within the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Durham City has primary and secondary schools, GPs and health centres, community facilities and industrial estates and is a city with sub regional significance. The conclusion which can be drawn from this is that the area is very well served by services and facilities, greatly contributing to its sustainability. Overall, it is therefore considered that the proposal generally accords with the principles of the draft CDP.
64. The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
65. The locational strategy for the North East region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
66. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
67. In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6 and 10 the focus should be on increasing housing development within urban areas, and whilst not a requirement, the priority should be suitable previously-developed sites and buildings in urban areas



ahead of greenfield sites. Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals.

68. Overall, in terms of the proposals accordance with planning policy, it is considered that due to the site being located within the settlement boundary close to community facilities, shops, schools and public transport links, it is considered to be in a sustainable location for residential development. In terms of the NPPF, this advises that there should be a presumption in favour of sustainable development such as the one proposed. The proposal is also considered to contribute toward the need for executive and affordable housing in the city, thereby addressing the Council's aspirations to deliver high quality housing and focus development in the main towns. Officers therefore consider the principle of bringing this site forward for residential development is acceptable, and generally accords with the NPPF, the draft CDP, the RSS and saved Local Plan policies.

### **Scale, layout and design of the development**

69. The NPPF's twelve core planning principles states that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design, the NPPF states, is "indivisible from good planning."
70. Policy H13 of the LP states that planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. Policies Q1, Q2 and Q8 list design features which will be encouraged within residential areas. In addition, saved Policy Q8 of this plan 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. These policies are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.
71. Generally, the proposals have been well designed to create a well connected, accessible development which reflects the scale and character of the existing dwellings that surround the site. The building line would be parallel to the road and inward facing, creating a strong frontage and an avenue type development.
72. The proposed dwellings are all of traditional brick and tile construction, with vertical emphasis fenestration and feature window sills and heads, all with private rear garden areas and off-street parking. A condition to require a detailed schedule of bricks and tiles to be used on the development should be imposed to ensure these are suitable and take account of the materials in the locality. Details of acceptable boundary and plot-division wrought iron railings form part of the application and thus a condition is not required to control these details, however, in order to ensure that the development retains its open plan appearance, permitted development rights should be removed to ensure no inappropriate boundary enclosures are erected to the front of properties.
73. At the detailed level, the houses will be simple in form and appropriate in scale, with detailing drawn from the local context and vernacular. There is widespread use of brick within the immediate locality; accordingly the main walling materials should be brick, and colours and textures would be chosen to reflect these characteristics. However individual dwellings will incorporate additional features or contrasting materials to create focal points. For example, the development would incorporate various roof styles including hipped, gabled and cross gabled in order to break down the scale and massing of the site. A variety of features would be used to add interest to the design

such as stone heads and cills to windows, timber garage doors and iron railings which would be used as a means of enclosure to provide distinction between public and private space.

74. In terms of density, Policy 30 of the draft CDP discusses density of housing. It states that, while development should make efficient use of land, it should also support good design and provide adequate open space. Densities of 30-50 dwellings per hectare are permissible in the vicinity of town centres. In “more peripheral” locations, densities of around 30 hectares are appropriate. In this instance, given its surroundings, the proposed density of 11.5 units per hectare would provide a spacious, open development which would be harmonious with the surrounding residential areas.
75. In terms of amenity and the privacy of existing and future residents, saved policy Q8 of the City of Durham Local Plan requires main elevations which face each other to have a separation distance of 21 metres whilst the distance between main elevations and gables should be at least 13 metres. In all instances, to both existing residents which surround the application site, and to future residents of the development, these distancing standards are exceeded.
76. One objector has raised significant concerns regarding the impact of the proposed ‘plot 1’ on his property known as ‘The Orchard’ In particular, concerns have been raised regarding the overbearing and dominant impact of the proposed dwelling due to the rising levels. Amendments to plans have been sought and received which has resulted in the main gable end of ‘plot 1’ being over 35 metres away from the rear elevation of ‘The Orchard’. This has resulted in far less impact on the existing property and is well in excess of what the distancing standards in the Durham City Local Plan require.
77. Overall, the development in terms of scale, design and layout is considered to be entirely appropriate for this particular location. Furthermore, permitted development rights for the site would also be removed in order to ensure that the development retains its open plan appearance. Overall, it is considered that the scale and layout of the development is acceptable and the design is of a high standard, therefore the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.

## **Highways Issues**

78. Both pedestrian and vehicular access will be from the north east corner of the site off Potters Bank. Each dwelling would have off-street parking provision and garaging, and would result in a total of 88 proposed parking spaces. The Councils Highways Officers have assessed the proposals and are satisfied that both the access to the site and the level of parking provision is acceptable. Therefore the proposals are considered to be in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

## **Affordable housing**

79. The provision of affordable housing where a need has been identified is encouraged through the NPPF, in addition Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.

80. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings or above 0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA, NPPF, Policy H12 of the LP and Policy 30 of the RSS therefore provide the justification for seeking the delivery of affordable housing provision through this site.
81. The applicant has argued that given the location of the development and its surroundings, and the fact that the 2012 SHMA has identified the need to deliver a range of executive homes in order to satisfy both local and regional demand, that a contribution toward off-site affordable housing is given which would enable both the delivery of executive housing on this site and affordable housing elsewhere in Durham City. Colleagues in planning policy have accepted this proposal.
82. The monies will be ring fenced to the surrounding city boundaries and used to address the balance of affordable housing that has been provided in recent years back into the central City areas. Therefore the offsite provision meets the aspirations of the Local Plan and RSS whilst supporting the emerging policy in the County Durham Plan to provide executive housing in a sustainable location.
83. In view of this, it is considered that the contribution this scheme will make toward meeting the housing needs of all sectors of the community should be afforded significant weight in the determination of this application.

## **Ecology and Trees**

84. Saved Policy E16 of the City of Durham Local Plan is aimed at protecting and enhancing the nature conservation assets of the former district. Development proposals outside specifically protected sites such as the application site 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 should be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
85. In this instance, an ecology report has been submitted by the applicant which recommends that various mitigation measures are carried out in order to offset the impact of the development. The Council's Senior Ecologist has confirmed that the submitted ecology report is satisfactory and that no objections would be raised on the basis that the mitigation is conditioned as part of any planning consent.
86. Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that 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.
87. In terms of the trees on the application site, the applicant has submitted an arboricultural survey in support of the application. The site is surrounded by a mix of semi-mature hedging consisting of various species such as, Common hawthorn, Common elder, that is interlaced with traditional hedgerow tree species, including Common ash, Common sycamore and other tree species. The arboricultural survey has identified that the majority of boundary trees and hedgerows, and particularly the group of trees on the western boundary, should be retained and protected during the development. The Council's Tree Officer has concluded that it is imperative that the

protective measures are implemented before any ground preparation is commenced to ensure the root protection area of associated hedgerows and trees are duly protected. As such, a condition should be imposed to ensure the trees are appropriately protected before any development commences in accordance with Local Plan Policy E14.

### **Other issues**

88. The applicant has commissioned and submitted an archaeological desk-based assessment which includes a review of historic mapping evidence. Although the assessment suggests some background potential for archaeology, particularly from the prehistoric period, the historic maps indicate that this site has been in agricultural use for much of the recent past. Therefore, in this instance it is considered that the likelihood of encountering sufficient archaeology to affect the overall feasibility of the scheme is low. However, the assessment recommends that the site be evaluated through a programme of trial trenching before any works are commenced on site, Archaeology Officers have agreed with this approach and recommended it is controlled by use of an appropriate condition.
89. In terms of flood risk, the applicant has submitted a flood risk assessment in accordance with the requirements of the NPPF which concludes that the site has a less than 1 in 1000 annual probability of river flooding and there are no water courses in the area. The Environment Agency have been consulted on the application and have offered no objections to the proposals. They have however offered advice with regard to good management of surface water drainage. Given the concerns raised by local residents regarding surface water drainage, a condition should be imposed requiring the developer to submit a surface water drainage scheme to be agreed before development commences.

### **Letters of concern from nearby residents**

90. Letters have been received from local residents who raise concerns relating to an increase in traffic, overdevelopment of the site, that the site has a dangerous access, the loss of wildlife, flooding issues, the loss of trees and the impact on residential amenity.
91. In terms of an increase in traffic and dangerous access, these issues have been assessed by the council's Highways Officers and have found to be acceptable. With regard to an over development of the site, the emerging County Durham Plan advises that in town or city centre sites such as the one proposed, densities of 30-50 units per hectare would be permissible. Clearly, the proposed density of 11.5 units per hectare is far below this and therefore is not considered to be overdevelopment of the site. In terms of trees and ecology, these issues have been considered by the appropriate officers and found to be acceptable subject to tree protection and other ecological mitigation works being conditioned. Finally, in terms of residential amenity, it is considered that in all instances, the distancing standards as set out in the Local Plan which seek to protect residential amenity are far exceeded in all instances and no unacceptable overbearing impacts will occur.
92. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts are not considered to warrant refusal of planning permission.

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## CONCLUSION

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93. Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposed residential development is in a highly sustainable location with good access to public transport, local shops, healthcare providers, schools and other community facilities.
94. The scale, layout and density of the development is considered to be entirely appropriate for this location and the design of the dwellings is of a high quality. The development would deliver a range of executive homes which would contribute toward the local and regional wide demand for executive homes as identified in the 2012 SHMA. In addition, the development would result in a planning gain contribution of over £500,000 including a financial contribution toward affordable housing in Durham City area, recreational facilities and public art.
95. On the basis of the above, officers recommended that the application be approved.

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## RECOMMENDATION

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

- i. affordable housing (£460,000),
- ii. recreational facilities (£22,000) and;
- iii. public art (£20,000).

### Conditions:

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

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

2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing materials and retaining wall materials have been submitted to and approved in writing by the Local planning authority. The development shall thereafter be constructed in accordance with the approved details.

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

3. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Friday, 0800 hours and 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and to comply with saved policy H13 of the City of Durham Local Plan.

4. No development shall commence until a scheme for tree protection has been submitted and agreed in writing with the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the agreed tree protection scheme as to be retained, are protected by the erection of fencing in accordance with BS.5837:2012.

Reason: In the interests of the visual amenity of the area and to comply with the National Planning Policy Framework part 11.

5. No development shall take place unless in accordance with the mitigation detailed within the contents of Section F.2 (Mitigation Requirements) of the ' Extended phase 1 Survey, Land at Potters Bank, Durham, Report No 2 written by E3 Ecology Ltd and dated October 2012.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

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

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

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

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

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

Reason: To ensure appropriate drainage is maintained in accordance with saved policy U8a of the City of Durham Local Plan.

9. 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: Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14/15 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East and Part 11 of the NPPF.

10. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site Location Plan PB-001, Proposed Site Layout PB-002 REV B, Sections A-C PB-008, Sections D-D & E-E PB-009 REV A, Wessex 1 Plans and Elevations WX1-WD01 REV A, Melbourne Plans and Elevations MB-WD01 REV A, Cuthbert Plans and Elevations CB-WD01 REV A, Holland Plans and Elevations HO-WD01 REV B, Wessex 2 Plans and Elevations WSX2-WD01, Bewick BW-WD01 REV B, Surface Finishes Layout PB-006.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy Q8 of the City of Durham Local Plan.

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

- viii) Archive preparation and deposition with recognised repositories.
- ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications  
The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E25 of the former City of Durham District Plan as the site has archaeological potential.

12. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication.

Reason: To comply with Para. 141 of the NPPF, making the information generated publicly accessible.

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

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

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## **REASONS FOR THE RECOMMENDATION**

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

NPPF Part 1, NPPF Part 4, NPPF Part 6, NPPF Part 7, NPPF Part 10 and NPPF Part 11

Regional Spatial Strategy Policy 2, Policy 4, Policy 7, Policy 8, Policy 24, Policy 30 and Policy 38.

City of Durham Local Plan Policy E14, Policy E16, Policy H2, Policy H12, Policy H13, Policy T1, Policy T10, Policy R2, Policy Q8, Policy U8a, Policy U14 and Policy U15.

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, the impact on the street scene and surrounding occupiers, character of the area, affordable housing, highways, amenity, trees and ecology issues.
3. Objections received have been fully assessed either within this report or during the planning application process and their impacts are not considered to warrant refusal of planning permission.

### Proactive and positive working

1. In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been



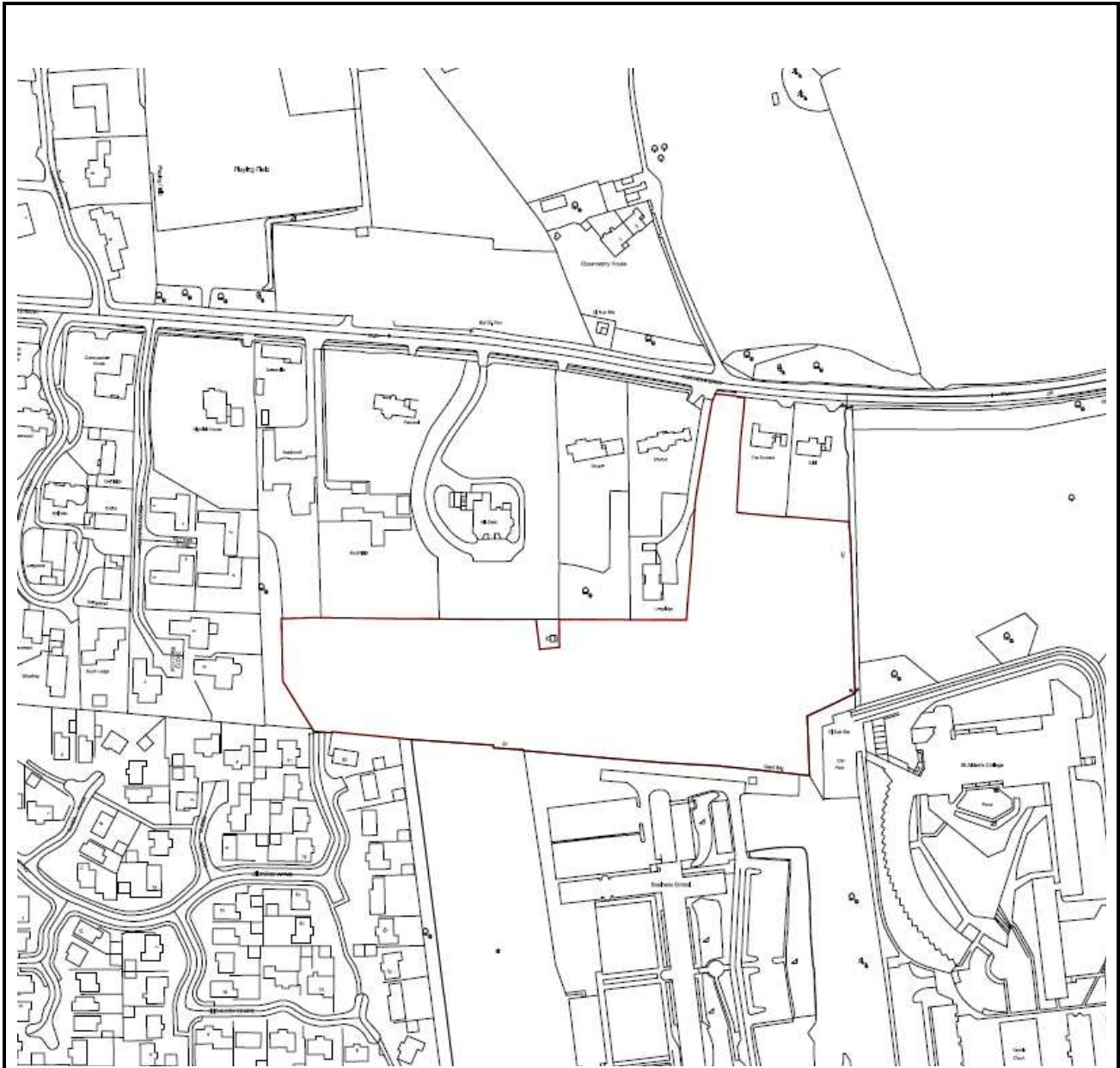
made within the 13 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
National Planning Policy Framework  
Draft County Durham Plan  
Internal consultee responses



**Planning Services**

Land off Potters Bank, Durham City

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**Date** February  
 2013



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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00913
<b>FULL APPLICATION DESCRIPTION:</b>	Infilling of open access to a café and residential development to form a separate A2 office for student lettings.
<b>NAME OF APPLICANT:</b>	Q Students.
<b>ADDRESS:</b>	81 - 82 New Elvet, Durham, DH1 3AQ.
<b>ELECTORAL DIVISION:</b>	Durham.
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961 susan.hyde@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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- 1. SITE:** The application site relates to a three storey building which is not listed but is of some historic significance within Durham (City Centre) Conservation Area. The building occupies a prominent corner position on the east side of New Elvet at the end of a cluster of commercial properties following the route of Elvet Bridge where it turns the corner onto New Elvet. The application site marks the transition between the shopping area and the University Buildings which progress to the south along New Elvet. Within Old Elvet and New Elvet there is a great architectural diversity from simple 19<sup>th</sup> Century buildings to grand Georgian townhouses. To the rear of the application site (west) are modern apartments
- 2. PROPOSAL:** The application seeks planning permission for the conversion of the existing covered passage in to an A2 estate agents office. The wall on the side elevation already exists and is used as a display window for the estate agent. Physical works would involve installing a frameless glass screen on the front elevation with an entrance door. Internally a wall would be inserted to form a separate w.c from the office, and a blank rear wall. In addition the existing windows and door into the adjoining A3 café are proposed to be bricked up to form the side elevation of the A2 office.
- 3.** This scheme is being reported to the Planning Committee at the request of Councillor David Freeman.

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### PLANNING HISTORY

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- 4.** In 2001 planning permission was granted for the part demolition of the existing garage buildings, erection of 35 no. residential flats with basement car park area and formation of a Class A3 restaurant unit. Conservation area consent for the demolition of the garage was also granted in 2001.

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## PLANNING POLICY

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### NATIONAL POLICY

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

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

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

8. NPPF Part 2 – Ensuring the vitality of Town Centres. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

9. *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.

10. *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.

11. *NPPF Part 12 – Conserving and enhancing the historic environment.* Part 12 sets out the governments aims in relation to the conservation and enhancement of the historic environment and gives guidance in relation to matters concerning heritage assets.

### REGIONAL PLANNING POLICY

12. *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.

13. 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. 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:

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

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

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

16. E6 Durham City Centre Conservation Area states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

17. T1 Traffic Generation – 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.

18. 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.

19. 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.

20. Q4 Pedestrian Areas requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.

21. U5 Pollution Prevention General states that development that generates pollution will not be considered acceptable if it results in unacceptable adverse impacts upon the local environment, amenity of nearby land or property or would unnecessarily constrain development on neighbouring land.

22. 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.

23. S2B Permits professional and financial services (A2) and food and drink (A3) provided they do not undermine the retail character of the street.

24. T21 Walking seeks to safeguard the needs of walkers and pedestrians.

25. CC1 Vitality and Viability of Durham City Centre. Seeks to protect and enhance the vitality and viability of the city centre.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. Highways Development Management have considered the application and have put forward no objections on highways grounds.

### **INTERNAL CONSULTEE RESPONSES:**

27. Design and Conservation Officers have no objection to the application.

### **PUBLIC RESPONSES:**

28. The City of Durham Trust object to the planning application on the grounds that it will make the existing café darker, it forms an office in a secondary retail area of Durham City, and the fascia signs are not in keeping with the Conservation Area.

29. Sixteen letters of objection have been received from members of the public in relation to the applications. Objections are put forward on the basis that there are too many A2 estate agents in this area and not enough retail premises. In addition there are vacant A2 offices on New Elvet and new development should not be supported when there are existing empty properties. The estate agents would adversely affect the existing café by making it darker and removing the fire exit from the existing café making it harder for the café to operate effectively. In addition the café uses this area for outdoor seating and a smoking area which are appropriate uses.

30. The open access is used as the main pedestrian access to the apartments to the rear and although there is a footpath adjacent to the access this is too narrow for the volume of pedestrians. The application site is very well used as the main pedestrian access to the flats and also forms part of a covered walkway which runs along the full length of the apartments. The earlier planning application 01/0003 for the residential apartments included the open walkway as an integral part of the scheme. The loss of the walkway would be detrimental to the residential amenity of the flats as they would lose the covered access, walk through the bins when they are put out for collection 3 days a week and the remaining pavement is too narrow for safe disabled access and egress in the case of fire.

31. The new office would be built over two drainage manholes.

### **APPLICANTS STATEMENT:**

32. The applicant has the opportunity to make better use of some under-utilised covered space in New Elvet. They seek an office for their student lettings business in a visible location which is frequented by students. This location is ideal as it adjacent to lecture theatres, close to the student union, and on a well walked route between the Science Site, City Centre and Colleges.

33. The applicant owns the unit and the site is appropriate for the proposed letting office. Indeed the site lends itself to the scheme as the alterations to the existing building are minimal. It is also relevant that the adjacent café bar does not have landlord consent to use the site for outdoor seating or smoking. In addition there is no formal right of way through



the site. The proposal will remove some of the potential nuisance caused by the outdoor seating area and smoking.

34. The proposal supports a local business and should help to secure their economic future and that of their staff.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development of the site, the scale, layout and design of the proposed A2 estate agents, the impact of the proposed scheme upon the City of Durham Conservation Area, and the impact on residential amenity / pedestrian safety.

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

36. The principle of the development on the site is the key material planning consideration. Planning Policy S2B supports A2 uses such as estate agents providing they do not undermine the retail character of the area. The justification for the policy provides further clarification about the balance between the Use Classes and states 'the Council considers a figure of 50% of the total street frontage is an appropriate maximum guideline for the occupation of the ground floor by non-retail uses in secondary retail areas identified in Policy S2B'.

37. In this case the secondary shopping area runs from the application site to Elvet Bridge on the west side of New Elvet only. The site is currently used as a pedestrian access for the residents of St Andrews Court to the rear and as an outdoor seating area for the adjacent café. (This external seating area does not appear to have the benefit of planning permission). A survey of the adjacent premises was undertaken as part of the planning application and there are no retail shops in this part of the secondary shopping area with cafes pubs and estate agents forming the present and historic ground floor business uses. As such the planning application for an A2 estate agent use would represent a further non-retail use and is in conflict with this Policy S2B.

38. It is also of relevance that the adjacent shopping area on Elvet Bridge does not allow any further development for A2 uses in local plan Policy S3. The Local Plan seeks to preserve the retail character of the City Centre and the application site forms an important visual corner site in the approach into the City from New Elvet. It is noted that the justification for the Policy states that 'A3 uses such as cafes and restaurants generally make a greater contribution to the vitality of town and city centres, particularly in the evening, and it is Government policy to encourage such vitality.' Although adopted in 2004 this statement is still considered relevant and the existing café 'The Establishment' that joins the application site is considered to fulfil this function. It is noted that the side elevation of the café is currently partly obscured by the

side window displaying estate agents details and this matter is being separately investigated to establish whether there has been any breach of planning control.

### **The scale, layout and design of the proposed A2 development.**

39. Although the building is not listed it is of some historical significance and is located in the Durham (City Centre) Conservation Area. The property occupies a prominent corner position on the west side of the street and is occupied by a café on the ground floor and residential flats above. It is considered by Conservation Officers that the building dates back to the 17<sup>th</sup> Century or early 18<sup>th</sup> Century but the entire ground floor was removed in the 20<sup>th</sup> Century and altered into a café following planning approval in 2001.

40. The proposed physical works in association with the conversion of the covered access would involve installing frameless glass screens to be contained within the existing opening in the building frontage and the insertion of walls to form a small w.c. and a store. These works are considered an acceptable form of built development in the Conservation Area as they would not compromise the buildings appearance and mirror the existing front elevation of the adjacent café. Indeed the building has a contemporary appearance at ground level with a simple fenestration pattern of large glazed windows set back behind prominent columns and the alterations as proposed would be in keeping with this treatment.

41. As such the built form of the development is considered in keeping with the Conservation Area.

### **Pedestrian Access to Apartments to the rear.**

42. The planning application 01/00803 granted consent for the part demolition of the existing garage buildings and erection of 35 residential flats with basement car park area and Class A3 restaurant unit. This consent has been implemented and the pedestrian access to the flats included the covered access that now forms this planning application. Indeed the layout of the flats includes a covered pedestrian access that links into this application site.

43. Local and National Planning Policies seek to ensure a good quality of design and layout and protect pedestrian rights of way. The current layout provides two pedestrian access points on to New Elvet – with the application site providing a continuous covered access / egress, a wider access, and a clear view of New Elvet. The loss of the covered access would lead to residents having a partially uncovered access, a narrower pedestrian access which has a pinch point at the egress onto New Elvet as the pavement narrows and there is a pedestrian barrier due to the change in levels. Residents are also concerned that this access will be impeded three times a week as refuse bins will be collected and deposited on this narrow stretch of pavement.

44. Officers consider that the loss of the covered pedestrian access would detrimentally affect the quality of the layout of the original planning application. One of the integral features of the 2001 consent for 35 residential apartments was the covered pedestrian access which had a clear view onto New Elvet. Officers consider that this layout increases the perception of pedestrian safety, whereas the proposed partial closure introduces a blind corner which reduces the perception of safety for users of the access.

45. Objectors have also raised concerns about the impact of commercial bins on the pedestrian route – this would be the bins from the apartments, café and estate agents office which could transiently block the pavement. Whilst bin collections are transient the objectors' concerns are acknowledged as having a possible impact on the access and

gress as the pavement narrows and there is a difference in levels between the pavement and the vehicular access.

46. Policy T21 of the Local Plan is relevant and notes that the council will seek to safeguard the needs of walkers by ensuring that a safe, attractive and convenient footpath network be maintained in the city and that wherever possible footpaths should be capable of use by people with disabilities, the elderly and those with children. It is acknowledged that highways officers have offered no objections to the proposal. Whilst the diverted pedestrian route may achieve technical requirements, however, it is considered by planning officers to represent a significantly less satisfactory option.

47. The loss of the pedestrian access is therefore considered to detract from the pedestrian access of the residential apartments and be contrary to Local Plan Policies T21, Q2, and NPPF Part 8.

### **Other matters raised by Objectors**

48. The impact on the existing café which is now named 'Establishment' is also a relevant material consideration. The proposal involves blocking up the side windows and fire exit of the café to form the side elevation of the proposed Estate Agents Office. In addition the proposal involves the loss of the external seating area (which does not appear to have the benefit of planning permission) and an additional impact on the access to the cooling system and store. The leaseholder of the café has objected as he considers that the above will detrimentally affect the economic viability of the café through the loss of the outdoor seating area, the loss of the side window, the impact on the cooling system and the impact on the access to the store. These are mainly private legal issues, however, and not matters that have a bearing on whether or not planning permission should be granted.

49. In addition residents have raised concerns over whether the land is within the applicants' ownership. This issue has been clarified with the applicant and he has confirmed that the correct certificates have been served and that he is the owner of the land. This does not, however, have a bearing on whether or not planning permission should be granted.

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## **CONCLUSION**

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50. In summary, Officers object to the application as the development proposes an estate agents use which conflicts with Policy S2B as the secondary shopping centre does not support further A2 uses. In addition the development is considered to detrimentally affect the existing pedestrian access to the residential apartments to the rear of St Andrews Court which is contrary to Local Plan Policies T21, Q2, and NPPF Part 8.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons;

1. The proposed development of an A2 estate agents office is considered to detract from the economic viability of the secondary shopping area in Durham City by detrimentally affecting the character of the retail area and the setting of an existing A3 café which is contrary to the City of Durham Local Plan Policy S2B.

2. The proposed development would detract from the residential amenity of the existing residential development to the rear of the application site by closing a section of the primary covered pedestrian access, resulting in an unsatisfactory and less attractive pedestrian route. This is considered to be contrary to the City of Durham Local Plan Policies T21, Q2, and NPPF Part 8.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

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

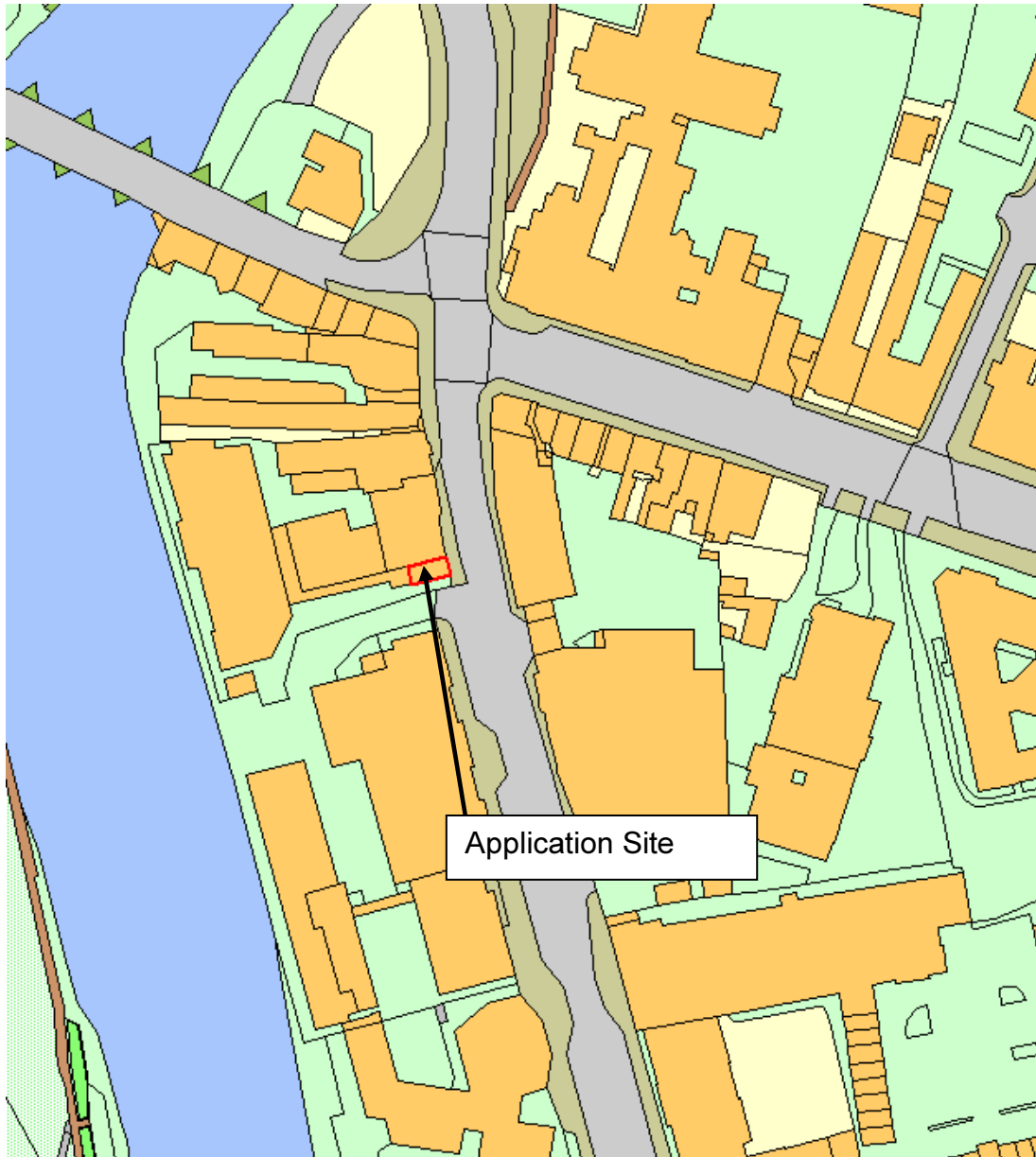
Saved District of Easington Local Plan

Responses from Objectors

Response from the City of Durham Trust

Response from Highways Development Management

Response from Design and Conservation Section



Application Site



**Planning Services**

Infilling of open access to a café and residential development to form a separate A2 office for student lettings.

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**Comments**

**Date 1<sup>st</sup> February 2013**

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	PL/5/2012/0457
FULL APPLICATION DESCRIPTION	DWELLING(RESUBMISSION)
NAME OF APPLICANT	MR R OLAMAN
SITE ADDRESS	BLUE HOUSE FARM, HESLEDEN ROAD, BLACKHALL
ELECTORAL DIVISION	
CASE OFFICER	Laura Eden 03000263980 dmcentraleast@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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Site:

1. The application relates to an enclosed area of vacant land that lies to the north of Blue House Farm, within the settlement limits of Blackhall. The site is accessed from Whindyke off a shared access road that is also used by 1 to 3 Blue House Court.

Proposal:

2. Planning permission is sought for the erection of a two-storey detached property, constructed from facing brickwork, a tiled roof and white UPVC windows. The property would occupy a relatively central position within the plot, with gardens to all sides and two parking spaces located to the south of the plot. It is proposed to have an overall height of 7.25 metres and 5.25 metres to the eaves. Plans have been submitted showing the entry access into the site being widened, the existing stone wall reduced in height and the hedge line to the south being retained.
3. The scheme is being reported to the Planning Committee due to a request being received as part of the previous application from the Local Councillor.

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### PLANNING HISTORY

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4. This case relates to the resubmission of a previously withdrawn application, PL/5/2012/0374, due to concerns relating to red line outline and ownership implications.

5. Neighbours within Whindyke, especially those closest to the Blue House development, have highlighted their concerns to the Council in relation to the unfinished appearance of the site, problems relating to access, in addition to the general mess and disturbance. Furthermore, there are historic problems within the estate generally relating to un-adopted roads and sewers. These have been responded to on an individual basis and will be covered in more detail later in the report.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

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

### **REGIONAL PLAN POLICY**

10. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.*
11. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies.



12. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
13. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

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

##### District of Easington Local Plan

14. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
15. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
16. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
17. Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

18. Parish Council – Planning Authority would need to put in place enforceable measures where possible to ensure the adjacent residents are not adversely affected.
19. Northumbrian Water – No comments to make
20. Cllr Crute – Although accepting the need for infill development does not consider this is the correct place due to the problems that have been experienced at the adjacent site in relation to highway safety, noise, mess and disturbance.

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

21. Highways – The proposal is deemed acceptable from a highways point of view

22. Landscape – Would request that a condition is imposed to protect the existing hedge during construction works
23. Ecology – No objections
24. Environmental Health – Recommend three conditions to minimise disturbance to neighbours

#### **PUBLIC RESPONSES:**

25. The application was advertised by a site notice and neighbour notification letters – Three letters of objection have been received and two of these were from the same property. The stated grounds of objection include the impact of the development on local residents due to the previous history of the site, traffic obstruction, mess and disturbance.

#### **APPLICANTS STATEMENT:**

26. I have owned blue house farm for nearly thirty years and the one-acre of land around it. There was a nine-acre field next to it that we rented from the council each year. In the late nineties the field was sold to a developer and approx. 70 houses built on it causing considerable disruption to me while they were built. The drains were brought through our land or the site could not have gone ahead. In return the developer brought the roadway from the estate into my land to maintain existing access I was made redundant in 2002 so applied for planning permission for 5 dwellings known as blue house court and commissioned the build of plot no 4 with a local builder and sold it in july 2006 and then commissioned plot 5 in the same way, selling in oct 2007. They were built and completed in a timely manor and caused no great disruption, however it was high risk for little return so I advertised the other plots, 1, 2 and 3 for sale.
27. Plot one was sold in june 2008 with a clause retaining vehicular right over it for the other plots but for the roadway to be constructed by the buyer.
28. Plot 3 was sold in nov 2008.
29. Plot 2 could not be sold so I retained it and entered into a contract with the buyer of plot one, who was a partner in a building company, for his company to build me a house at the same time as he built on the other 2 plots.
30. The design of my house was altered from the original application and the builder submitted the modified plans in his name for planning and building reg control. The builder was responsible for the cdm (construction design management) of the site and I was a client who was paying a builder to build a house.
31. The company went into liquidation and I was left with an unfinished house that had been largely paid for but was not finished. I have finished it myself within the permitted working hours and have lived in it since jan 2011. I have a road and a drive in front of my house that I use, however I have to drive over the unfinished road in front of plot one to get to my house. I seek planning permission for land attached to blue house farm in order raise funds in order refurbish the interior of the farm house as I believe it is a unique and old historic building worth saving for future generations (it is over two hundred years old). There were farm building on the site of the application that were demolished some time ago. If I knocked the farmhouse down

many more houses could be built than the one I am applying for and I will be affected as much as any one else while work goes on but I believe it will be worth it to preserve the old farmhouse.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=121385>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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32. The main planning issues in determination of this application are: -

- Principle of development
- Impact on residential amenity
- Impact on visual amenity
- Highways
- Landscape and Ecology
- Environmental Health
- Other considerations

### **Principle of development**

33. The NPPF advises that housing applications should be considered in the context of a presumption in favour of sustainable development. The site lies within the settlement limits for Blackhall, in a predominantly residential area therefore is considered to meet this objective.
34. The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a sustainable site situated within the settlement of Blackhall, it is considered to accord with the general principles of RSS in terms of a sequential approach for development. The aims of this policy are reflected in the NPPF, therefore the potential abolition of Regional Strategies would not affect the outcome of this application.
35. The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.
36. Policy 67 of the Local Plan, although dated, is still considered relevant and broadly in accordance with the NPPF. The policy states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although it is not entirely clear whether the application site is greenfield or brownfield, it is considered that it is in a sustainable location within the settlement boundary and therefore meets the broad aims and objectives of Policy 67.

However, in any event, greater weight must now be afforded to the NPPF than Policy 67 and it is considered that the proposal satisfies the criteria of sustainability in the NPPF.

### **Impact on residential amenity**

37. In terms of neighbouring amenity policy 35 of the Local plan aims to ensure that the development has no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the use of adjacent land or buildings in terms of privacy and visual intrusion. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
38. The local plan recommends distancing standards for new development to help protect neighbouring amenity, these being opposing elevations containing habitable windows should be at least 21 metres and opposing elevations containing habitable windows to gable should be at least 13.5 metres. The house is positioned 13.5 metres from the rear of Blue House Farm to the south and 14.0 metres from the main elevation of 1 Blue House Court to the east. None of the relevant elevations within the proposed property benefit from habitable windows within them therefore privacy standards are achieved. As a result it is considered that the development accords with the relevant local plan policy and would not adversely impact on residential amenity.

### **Impact on visual amenity**

39. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy 35 of the District of Easington Local Plan requires developments to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Furthermore, policy 8 of the Regional Spatial Strategy for the North East of England sets out that all development should be sympathetic to their surroundings.
40. The proposed dwelling is considered to reflect the scale and character of the properties within the Whindyke estate rather than the more substantial dwellings constructed as part of Blue House Court. The suggested materials are reflective of adjacent properties however a condition requiring samples to be agreed would be added to ensure a high quality development. The property would benefit from gardens to all sides of the property. Although not large individually, it is considered that together they would provide a reasonable amount of amenity space for future occupiers. Furthermore, the existing wall and hedge on site would be retained to the benefit of the street scene.
41. The site occupies a visually prominent position being located just off the estate road. It is on slightly elevated terrain and is currently overgrown. It is considered that the redevelopment of the site provides an opportunity to help improve the overall appearance of the estate.

### **Highways**

42. Policies 1 and 36 of the District of Easington Local Plan requires developments to provide satisfactory and safe provision in relation to highways. The highways officer

has assessed the proposal and advises that the site layout plan is considered to be acceptable.

43. The Highways Authority currently permits a maximum of 5 dwellings to be served by a private shared drive arrangement, the proposed dwelling would be the fourth therefore in principle this is acceptable. The access onto Whindyke would be widened to 4.5 metres and the existing wall would be reduced to 1 metre in height therefore would result in satisfactory arrangements. Furthermore, the two on-site car parking spaces are deemed to be an acceptable level of provision for a three-bedroom property.
44. The proposal is therefore considered to comply the intentions of the relevant local plan policy and is deemed to be acceptable from a highways point of view.

### **Landscape and Ecology**

45. Paragraph 11 of the NPPF and policy 1 of the Local Plan require Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the council's ecologist has not raised any objections to the scheme.
46. Policy 1 also states that important trees and hedges should be protected from development, and the existing hedge on site is shown as being retained. The landscape officer has suggested that a condition is added to ensure that it is protected during construction works.

### **Environmental Health**

47. Although a Phase 1: Desk Top Study Report has been submitted in support of this application at the time of preparing the report for Committee no response had been received from Environmental Health in relation to this. A condition relating to contaminated land is therefore suggested, unless updated advice is received prior to determination.
48. In relation to all other matters such as noise and dust environmental health have suggested conditions relating to hours of operation, no burning of materials on site and recommendations on floodlighting. Given that the current scheme relates to a single dwelling only it is not considered necessary to impose conditions of this nature. Instead it is proposed to add informatives relating to considerate construction and wheel washing to bring these matters to the developers attention.

### **Other considerations**

49. The stated grounds of objection from local residents as part of this application and indeed historic complaints made to the Council mainly relate to the manner in which properties 1 to 3 Blue House Court have been constructed. These concerns specifically relate to traffic obstruction, general inconsiderate construction, mess and disturbance and the fear that if another dwelling is approved this will exacerbate the current situation.
50. The three houses are now largely finished with the exception of the amenity and parking areas. Although no.1 and no.3 were sold the applicant for this current submission retained no.2 and this is now his home. He is the only person to have completed his section of the shared driveway. During the application process the

applicant was approached to see if he would upgrade the access adjacent to Whindyke and no.1 to try and overcome some of the neighbours concerns. Although he agreed, given that the land falls outside his ownership it is not possible to condition this as part of the approved plans.

51. It is acknowledged that the approved planning application for the Blue House Court development shows that the properties will benefit from a shared driveway that will provide them with off street parking and access to their garages once the development is complete. This aspect of the development was not subject to a planning condition governing timescales as it is not standard practice to do so on a development of this scale therefore the Local Planning Authority has no powers to enforce this work is completed within certain timescales. As a consequence of some of the internal areas not being complete it has been reported that residents are parking on the road causing congestion within Whindyke. As the roads within this estate are not adopted it would be a private civil matter for the land owner to enforce if they are not happy for people to be parking on their land. The same is the case for dirt and debris that may escape from the development site onto the adjacent roads.
52. The site of the Blue House Court development does look untidy due to left over building materials being stored within the front garden on no.1 and the gardens not being formally landscaped. Discussions have taken place with the Council's Enforcement section to see whether the current situation would warrant a Section 215 notice being served. Due to the site being largely screened from public views by the existing fencing and that the building material is mainly sited behind this it is not considered that the public harm caused is as great when compared to other more visually prominent sites across the County that have fallen into disrepair. Although enforcement can pursue the adjacent development when workloads allow it would not be considered to be a priority site. In any event this is considered to be a separate matter compared to the assessment of the current development.
53. The UK planning system is effectively plan led therefore all applications should be assessed against the relevant development plan policies. As this report has already outlined, in terms of this particular site the principle of development is acceptable in policy terms as too are the detailed issues relating to visual and residential amenity, highway safety and landscaping. Although the concerns of the neighbouring properties are noted permission cannot be withheld on the basis of how the adjacent developments proceeded. Furthermore, it is not considered reasonable to impose conditions relating to the timing of development as it is not standard practice to do so on a development of this scale. Informatives would however be added in relation to considerate construction practices and street cleaning to try and address the concerns of the residents. The site currently appears untidy and it is hoped that through the granting of permission this would improve the overall appearance of the area for the benefit of adjacent residents.

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## **CONCLUSION**

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54. To conclude, the site represents a sustainable location for new housing development being located within the settlement boundaries of Blackhall. The relevant distancing standards are achieved therefore it is not considered the development would adversely impact on neighbouring properties. The proposed dwelling is considered to reflect the character and appearance of adjacent properties. Matters in relation to highways, landscape, environmental health and ecology are also considered to be

acceptable. Whilst residents concerns are noted it is not considered that they would outweigh the aforementioned considerations.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Application forms, location plan, design and access statement, drg. no. 2C, drg. no. 1A and Arboricultural Method Statement all received 19/12/2012

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until the hedge indicated to be retained is protected in accordance with BS:5837:2012.

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

5. No development shall take place until a site investigation and Desk top Study (Phase 1) has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site;

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

A geo technical report with 'added information' will not be acceptable as a full contaminated land risk assessment.

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment. If any historical land use which may cause contamination of the site is

found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

### Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority.

This report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority.

### Phase 3 - Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.

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## **REASONS FOR THE RECOMMENDATION**

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

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN  
NATIONAL PLANNING POLICY  
FRAMEWORK  
NATIONAL PLANNING POLICY  
FRAMEWORK

REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY

GEN01 – General Principles of Development  
ENV35 - Environmental Design: Impact of  
Development

ENV36 – Design for access and means of travel  
HOU67 - Windfall housing sites  
Part 6 - Delivering a wide choice of high quality  
homes

Part 7 - Requiring Good Design

Policy 4 - (Sequential Approach)

Policy 8 - (Protecting and Enhancing the  
Environment)

2. In particular the development was considered acceptable having regard to consideration of issues relating to the principle of development, residential and visual amenity, highway safety and landscaping.
3. The stated grounds of objection relating to the impact of the development on local residents due to the previous history of the site, traffic obstruction, mess and disturbance were not considered sufficient to lead to reasons to refuse the application because the development is considered to be in accordance with local and national planning policy.
4. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems



arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework, Parts 6 and 7
- Consultation Responses



**Planning Services**

**DWELLING (RESUBMISSION) at BLUE HOUSE FARM, BLACKHALL PL/5/2012/0457**

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**Comments**

**Date** 12 February 2013

**Scale** 1:1250

## Planning Services

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

<b>APPLICATION NO:</b>	<b>PL/5/2012/0411</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>REMOVAL OF PLANNING CONDITION NO.3 OF PLAN/2008/0554 - RELOCATION OF DWELLING (RESUBMISSION)</b>
<b>NAME OF APPLICANT</b>	<b>MR R DRUMMOND</b>
<b>SITE ADDRESS</b>	<b>EVERGREEN CARAVAN PARK, COAST ROAD, CRIMDON DENE, TS27 4BW</b>
<b>ELECTORAL DIVISION</b>	
<b>CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL****Site:**

1. The application site is situated off the Coast Road in the Crimdon Dene area, which is in the south easternmost corner of the former District of Easington, close to the boundary with Hartlepool. It is not within a settlement boundary and as such is classed as being in the countryside. Evergreen Park is an established rural enterprise that operates as a caravan park. A managers house to which this application relates lies outside of the caravan park boundary to the west.

**Proposal:**

2. Planning permission was granted in 2008, contrary to officers recommendation, for a managers house to the west of caravan park boundary. Officers recommended refusal due to the encroachment into the countryside that would occur should the application be approved. However, the applicant submitted information with the application which gave details of personal family related health issues. Members took this into account and approved the application subject to a condition which tied the dwelling into the caravan park business.
3. The applicant has now completed the dwelling and has recently applied to HM Revenue and Customs for a VAT refund claim, as is allowed under the Self Build VAT Refund Scheme. However, this refund is not allowed if a dwelling is explicitly linked to a business which restricts the occupancy of it.

4. This application is being reported to committee after a request from a local councillor.

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## **PLANNING HISTORY**

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5. 04/177 – Replacement of owners bungalow with dormer bungalow. Approved.
6. 08/0431 – Relocation of dwelling (Outline). Withdrawn.
7. PLAN/2008/0554 – Relocation of Dwelling. Approved.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. 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.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal:

10. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

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

### **REGIONAL PLAN POLICY:**

#### Regional Spatial Strategy for the North East

11. 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.
12. 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.

13. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
14. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

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

##### District of Easington Local Plan

15. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
16. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other polices.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

17. None received.

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

18. None received.

#### **PUBLIC RESPONSES:**

19. None received.

#### **APPLICANTS STATEMENT:**

20. When the application came before the Committee of Easington Council the applicant attended the meeting and listened to the debate among councillors. The applicant was given the opportunity to address the committee and restricted what he said to the circumstances of his sons illness. The committee appeared to be impressed by his address and were clearly sympathetic. The committee in fact resolved to grant planning permission on the basis of the special circumstances of his sons illness. Up

to that point there had been no mention of restricting occupation of the new dwelling to the business. The committee was advised that special circumstances could not be made the subject of a condition and eventually it emerged from the discussion that a suitable way round the problem might be for the permission to be 'tied' to the caravan park in the sense that it was to be accommodation for an owner or manager. The applicant was asked to express a view on this there and then at the committee because it was made clear to him that the only alternative to this course would be to refuse the application as recommended by the officer. The applicant, who intended to live in the dwelling and occupy it with his family, and who had not had the opportunity to take legal advice, could not see any objection to the proposed tie and said so. It was on that basis that Easington Committee granted consent subject to the condition.

21. The applicant also states that for as long as the planning permission is tied to the business he is unable to obtain repayment of VAT paid on the self-build of the new dwelling and therefore the issue is of financial importance as well as being a point of principle.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=120688>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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22. This application proposes the removal of an occupancy condition and therefore the only consideration is whether planning policy has changed sufficiently to warrant the condition being removed. The planning condition reads as follows.
23. *"The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed, or last employed prior to retirement, at the adjacent caravan park currently known as Evergreen Park, Coast Road, Crimdon, or a spouse and/or dependent of such a person residing with him or her, or a widow or widower of such a person"*.
24. The most relevant policies relating to this application are saved policies 1 & 3 of the District of Easington Local Plan and part 6 (Delivering a wide choice of high quality homes), paragraph 55 of the National Planning Policy Framework (NPPF).
25. The site is located outside of any settlement limit and as such it is regarded as being in the countryside. District of Easington Local Plan saved policy 3 states that development in the countryside will not be approved unless allowed by other policies.
26. Following on from this, the national guidance as contained in the NPPF requires that, in the promotion of sustainable development in rural areas, new housing should be located in settlements with access to services and that local planning authorities should avoid new homes in the countryside "...unless there are special circumstances" including "the essential need for a rural worker to live permanently at or near their place of work in the countryside;" This condition was agreed by members of the planning committee when the managers house was approved in 2008 in order to ensure that the occupancy of the dwelling was tied to the business and so it could not be sold on the open market.
27. When the original application came in one of the reasons for the new dwelling was for a quieter family home outside of the caravan park to improve the quality of life for

a member of the family with serious health concerns. The operation of the caravan park by the applicant is clearly linked to the existing bungalow and indeed consideration was given previously to the health grounds. However, it is considered that health grounds alone would not justify the dwelling in this location therefore members resolved to impose the condition previously linking it to the business. There has been no material change in policy terms which would make the dwelling acceptable without this intrinsic link.

28. The inability to claim VAT through a restriction by condition is not a material planning consideration.

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## **CONCLUSION**

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28. In light of the above it is considered that the removal of the condition would result in a dwelling in an unsustainable countryside location, without any special circumstances and would not conform with saved policies 1 & 3 of the Easington District Local Plan or part 6 of the National Planning Policy Framework.
29. Furthermore, it is not considered that the removal of the condition, in order for the applicant to claim back VAT on the dwelling is a material planning consideration.

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## **RECOMMENDATION**

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

1. The proposal would result in residential development in an unsustainable countryside location contrary to saved policies 1 & 3 of the District of Easington Local Plan and part 6, paragraph 55 of the National Planning Policy Framework.

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## **REASONS FOR THE RECOMMENDATION**

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
2. The reasons set out by the applicant were not considered sufficient to justify the removal of the occupancy condition which would result in a dwelling in an unsustainable countryside location as required by part 6, paragraph 55 of the NPPF.

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## **BACKGROUND PAPERS**

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



Planning Services

Proposed **REMOVAL OF PLANNING CONDITION NO.3 OF PLAN/2008/0554 - RELOCATION OF DWELLING (RESUBMISSION) at EVERGREEN CARAVAN PARK COAST ROAD, CRIMDON DENE TS27 4BW PL/5/2012/0411**

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**Comments**

**Date** February 2013

**Scale** 1:3500



# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	4/12/01139/FPA
FULL APPLICATION DESCRIPTION:	Erection of single storey pitched roof extension to side and rear and bay window to front of existing dwelling
NAME OF APPLICANT:	Mr F Simmonds
ADDRESS:	12 Coronation Avenue, Carville, Durham
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Stephen Potter, Assistant Planning Officer, 03000 263962, Stephen.potter@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. SITE
2. The application site relates to a 1950's semi detached dwelling set within a residential area of Carville.
3. PROPOSAL
4. The application seeks planning permission for the erection of a single storey extension to the side of the existing dwelling measuring 1.7 metres in width, 3.9 metres in height with a pitched roof profile, forming part of a wrap around with a single storey extension to the rear measuring 3 metres in length, a width of 7.5 metres and a height of 3.7 metres also incorporating a pitched roof profile. The proposal includes the construction of a bay window to the front of the dwelling projecting 0.95 metres from the front elevation, a width of 2.4 metres and a height of 3.2 metres incorporating a pitched roof profile.
5. With the benefit of a site visit officers note the construction of a hard surface to the front and a shed to the rear of the property. The works do not form part of this application however were the subject of a Housholder Enquiry submitted prior to this application. After assessment and on the basis of the documents and information provided planning permission would not be required for the works.
6. The application is reported to committee as the applicant is related to an employee of the Council.

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## PLANNING HISTORY

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7. No relevant planning history.

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## PLANNING POLICY

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## NATIONAL POLICY

8. 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.
9. 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’
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

## LOCAL PLAN POLICY:

1. *Policy Q9 – Alterations and Extensions*. – Sets out that extensions to residential properties will be permitted where the design, scale and materials are sympathetic to the character and appearance of the area, respects the character of the area and amenity of adjoining occupiers and properties.
2. *Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

12. None

### INTERNAL CONSULTEE RESPONSES:

13. None

### PUBLIC RESPONSES:

14. None

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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15. 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, layout and design, impact upon its surroundings, landscape and ecology, and highway safety.
16. The application site lies within the settlement boundary of Carville. The application seeks planning permission for residential extensions and alterations to which relevant policy Q9 of the Local Plan accept in principle.

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

17. Policy Q9 of the Local Plan requires all residential extensions and alterations to remain sympathetic and subordinate to the existing dwelling.
18. The proposed single storey extension to the side elevation is set well behind the front building line of the existing dwelling and also incorporates a pitched roof with the ridge height set well below the ridge of the main dwelling and as such remains suitably subordinate to the main dwelling.
19. The extension to rear is single storey in nature and does not have an excessive projection at 3 metres. The rear extension also incorporates a pitched roof. Overall the single storey extension is considered to be a relatively modest addition to the rear.
20. The construction of a bay window would provide a projection of 0.95 metres and would include the provision of a pitched roof. With the benefit of a site visit officers note examples of a variety of bay windows to surrounding properties.
21. Such modest extensions and alterations would appear subservient in relation to the host dwelling and are considered appropriate to the property. The design of the proposal considered acceptable with no harm caused to the character or appearance of the host property or local area.

### **Residential Amenity**

22. The proposed single storey side extension is set well behind the front building line of the existing dwelling and would project 1.7 metres, to the shared boundary with the neighbouring property of no. 14 Coronation Avenue. The side elevation of no. 14 houses an obscure glazed ground floor access door; the side extension therefore would not flank windows to habitable rooms to the side elevation of no. 14.
23. The single storey extension to the rear would extend the full width of the dwelling adjoining the proposed side extension forming a wrap around; proposals would also see the demolition of an original outbuilding to the boundary of no. 10 Coronation Avenue. No windows are proposed to the South East or North West elevations and with good levels of separation to the rear of the property no concerns with regard to loss of privacy are raised as a result.

24. Given the modest projection of both the side and rear extensions proposed, no concerns with regards to the creation of an overbearing impact or a loss of light to the neighbouring properties are raised.
25. Likewise the proposed bay window to the front elevation would be modest in scale raising no significant concerns with regards to a loss of privacy, light, outlook or creation of an overbearing feature.
26. No letters of objection have been received in response the Councils consultation exercise. The proposed extensions are not considered to cause any harm to the residential amenity of neighbouring occupiers in accordance with policy Q9 of the Local Plan.

### **Highway Safety**

27. The existing dwelling currently does not benefit from in-curtilage parking although construction of such parking had begun at the time of the officer's site visit. Policy Q9 of the Local Plan states that additional parking provision may be required where there is an increase in bedroom accommodation. The proposed extensions would not provide additional bedroom accommodation and as a result no harm to highway safety considered to occur in accordance with policies Q9 and T1 of the Local Plan.

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## **CONCLUSION**

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28. The proposal is considered to accord with relevant development plan policies. The design of the extensions are considered acceptable with no harm caused to the character or appearance of the host property or local area. The proposed extensions are not considered to cause any harm to the residential amenity of neighbouring occupiers with no objections raised with regards to other material planning considerations and approval is therefore recommended.

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## **RECOMMENDATION**

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APPROVED subject to the following conditions

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans CAR-12-12 as received 20<sup>th</sup> December 2012.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies Q9 and T1 of the City of Durham Local Plan 2004.*

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy Q9 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. A The proposed development is considered to be an acceptable development in principle with no harm caused to the character or appearance of the area, the amenities of neighbouring occupiers or upon highway safety in accordance with Policies Q9 and T1 of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies of the National Planning Policy Framework and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. In particular the development was considered to cause no harm to the character or appearance of the area or upon the residential amenity of neighbouring occupiers.

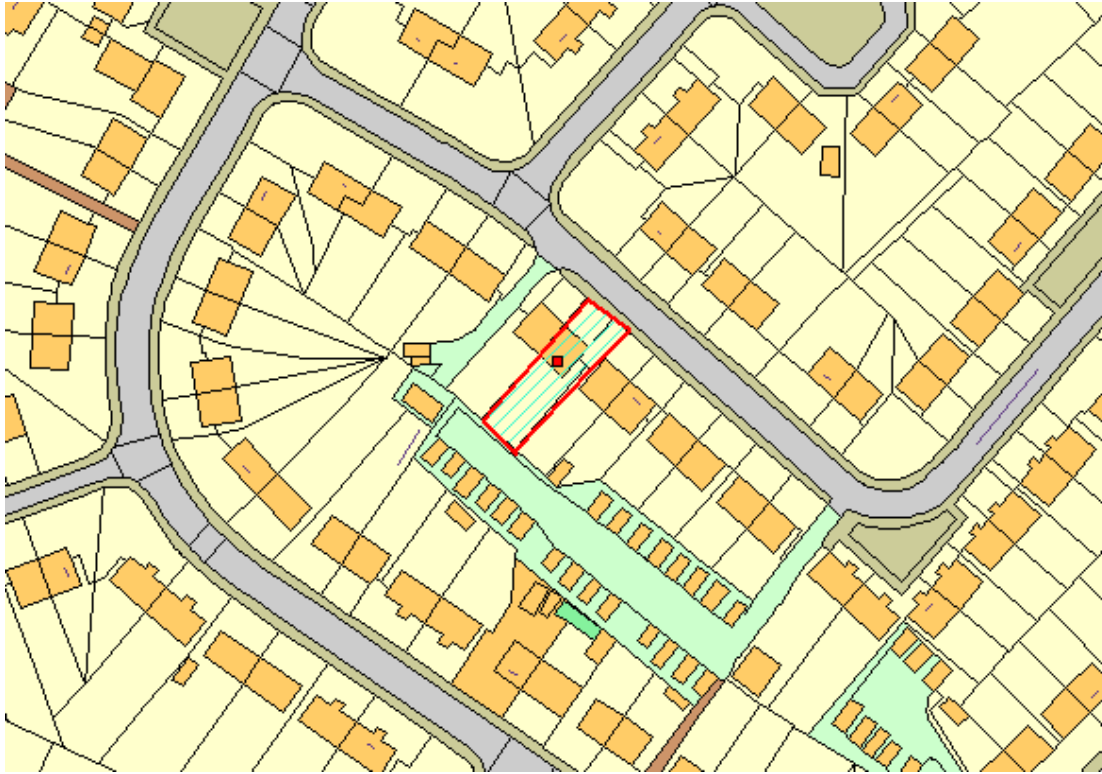
In dealing with the application, the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans  
National Planning Policy Framework  
City of Durham Local Plan 2004



**Planning Services**

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**Comments**

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**Date** 01 February 2013

**Scale** 1:1250