



Area Planning Committee (Central and East)

Date Tuesday 11 June 2013
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 9 April 2013 (Pages 1 - 6)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/13/00209/FPA - Land At Finchale Primary School, Canterbury Road, Newton Hall, Durham (Pages 7 - 26)
Erection of 14 no. dwellings, formation of access and associated works.
 - b) PL/5/2013/0055 - Land East of Windsor Place, Shotton (Pages 27 - 46)
86 no. dwellings, associated boundaries, garages & roads & diversion of public right of way.
 - c) 4/13/00308 - Land adjacent to 67 Front Street, Pity Me, Durham DH1 5DE (Pages 47 - 60)
5 no. new dwellings.
 - d) 4/12/00919/OUT - Land To The Rear of 9 - 21 John Street South, Meadowfield, Durham DH7 8RP (Pages 61 - 76)
Outline application for the erection of 12 no. dwellings on plot to rear of John Street with some matters reserved.

- e) 4/13/00117/FPA - Land to the east of Lidl, Littleburn Lane, Langley Moor, Durham (Pages 77 - 88)

Two apartment blocks consisting of 12 one bed units.

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

3 June 2013

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

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, J Maslin, B Moir, G Mowbray and J Robinson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in the Council Chamber, County Hall, Durham on **Tuesday 9 April 2013 at 1.00 pm**

Present:

Councillor P Charlton (Chair)

Members of the Committee:

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, J Moran and J Robinson

1 Apologies for Absence

Apologies for absence were received from Councillors S Iveson, P Taylor and C Walker.

2 Substitute Members

There were no substitute Members.

3 Minutes

The Minutes of the meeting held on 12 March 2013 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

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

5a 4/12/00925/FPA – Land at Stoneacre Garage, Sawmills Lane, Brandon, Durham, DH7 8AB

The Committee considered a report of the Planning Officer regarding the proposed redevelopment of existing body shop to create a new car show room and formation of new parking area at land at Stoneacre Garage, Sawmills Lane, Brandon, Durham, DH7 8AB (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. It was reported that since the officers report had been published, a further letter had been received from a

resident which raised objections to the application on the basis of worsening traffic and parking issues in the area.

Mr I Hutchinson, local resident, addressed the Committee. Mr Hutchinson believed that the application was primarily to see increased sales from the company. He advised that there was insufficient space on the site for the current needs of the business. A second showroom was not required and he feared that the area would become one giant carmart should the application be approved.

This would have a detrimental effect on nearby residents and would cause a decrease in the value of nearby properties.

Mr Hutchinson advised that the Sawmills Lane site was not an appropriate location for such a company and felt that it should be relocated to a more suitable location.

Members advised that should the application be approved, surrounding residents would be subjected to 105 parked vehicles, 2 car showrooms and a bodyshop, which they would then have to live with on a daily basis.

Mr C Simpson, local resident, addressed the Committee. Members were advised that he had lived and worked in the area in excess of 40 years, during which time he recalled the premises being operated by various companies without issue, until such time as Stoneacre took over the site.

Mr Simpson advised that Stoneacre had expanded the company and site way beyond its natural capacity. He believed that further expansion would exacerbate parking issues in the nearby residential streets. Current Stoneacre staff already used the nearby streets to park and should the application be approved, more staff would be employed on the site, thus adding to the parking issues.

Members were advised that the original architect for the area had allocated lay-by's which were positioned so that Sawmills Lane did not become blocked by resident parking. Those lay-by's originally displayed "residents parking only" signs, though those signs had long since disappeared.

Sawmills Lane experienced a constant flow of traffic and due to excessive roadside parking, traffic was forced to stop and start regularly. Mr Simpson stated that this was contrary to the Kyoto agreement which aimed to reduce emissions.

Members were advised that currently there were some 35 damaged vehicles parked outside the site to be dealt with by the recovery centre, he queried where they would end up being located to should the application be approved.

Should the application be refused, Mr Simpson believed that would not have a detrimental effect on the company, nor would employment or economic activity suffer as the company could relocate elsewhere. As such the application proposals were not required.

Mr Barraclough, agent for the applicant, addressed the Committee. In relation to the objections on the grounds of intensification of site use, he advised that the

proposals were to relocate the Kia franchise into the existing bodyshop premises. The bodyshop was to be relocated to Middlesborough, as such parking would be reduced significantly. In addition to there no longer being the need to park damaged vehicles outside the site, Mr Barraclough highlighted that the proposals also included additional parking provision on the site, further reducing the roadside parking issues.

In relation to manoeuvrability on the site, Mr Barraclough advised that the tracking on the site was able to support a transporter vehicle.

In addressing the issue of the impact of the proposals on the character of the residential area, Mr Barraclough advised that the application would enhance the current site use and that the company were trying to approve the site for the benefit of the surrounding area, particularly in relation to parking issues. He clarified that there would be no additional jobs created on the site and as such there would be no additional cars in the area, on the contrary there would be less parked vehicles.

Mr Barraclough advised that there would be a reluctance by Stoneacre to relocate to an alternative site as the Sawmills Lane premises was a successful and profitable site for the company.

In relation to objections on the grounds of residential amenity, Mr Barraclough drew attention to the support the Planning Inspector had for the additional parking already approved for the site, acknowledging that it would be beneficial to the surrounding area and help to alleviate the potential for any parking conflicts on Sawmill Lane.

The Principal Planning Officer responded to all comments made as follows:

- Highway Issues – Members had taken the opportunity to fully note the highway issues during the site visit earlier that day. In planning terms, the parking/highway issues would improve should the on site parking be used correctly. The proposed parking layout made provision for all users of the site including staff and customers, and the relocation of the bodyshop to Middlesborough would also ease highway issues.
- The use of the premises as a showroom was acceptable as it would improve the façade of the current site.
- There had been no objections to the proposals by the Highways Authority.

Councillor J Turnbull, local Member, addressed the Committee. He advised the Committee that the garage had overgrown the site. He recalled that over the years the site had been used by a plethora of different companies and no issues had ever been experienced until Stoneacre took over the site.

The company had taken over the carparking bays opposite the site, to display vehicles for sale, leaving nearby residents with nowhere to park but on the roadside.

Pathways were regularly obstructed by parked vehicles and also wagons delivering to the site.

In relation to the relocation of the bodyshop to Middlesborough, Councillor Turnbull argued that would mean a loss of jobs in the local area. He also queried where all the damaged vehicles which were taken to the Stoneacre site were actually being repaired at. He believed that some vehicles were merely being held at the site, to be taken away for repair by other companies, as such there were more damaged vehicles present on the site than what were being repaired by Stoneacre.

Councillor Turnbull advised that there were no future guarantees as to how the additional on-site carparking would be utilised. Although the plans showed designated areas for sale vehicles and for customers, he argued that the company may fill up all the bays with sale vehicles, forcing customers to resort to parking on the highway.

Nearby residents constantly complained about pathway and highway obstruction, damaged paths and damaged verges. In relation to the carparking bays, Councillor Turnbull advised that earlier that day he had inspected the area and reported that there were 8 Stoneacre vehicles parked in the bays.

Councillor Turnbull believed that the company would fare better on a local industrial estate.

Members were further advised that during the summer the company would use a dropped kerb to gain access to a grassed area in order to display vehicles, which he believed to be bad practice.

In referring to paragraph 40 of the report, Councillor Brown queried whether the current application actually contradicted what the Planning Inspector had envisaged for the site. She concluded that in granting the previous application the Inspector had deemed that doing so would prevent over intensification of the site.

In response, the Principal Planning Officer clarified that the planners had used some of the Inspectors comments and findings, to inform the decision on this application and in doing so, did factor in the possibility of expansion.

Councillor P Charlton recalled that the Committee had considered several previous applications for the site and in doing so had visited the site on numerous occasions. Every time the Committee had approved previous applications, they had done so believing the site would be improved. On the site visit earlier that day Councillor Charlton was dissatisfied as to how the premises was being operated and was extremely concerned about the highway and parking issues. Councillor Charlton felt that it was quite obvious that the intention was to increase business on the site and felt that would be to the detriment of local residents. Seconded by Councillor Blakey, Councillor Charlton moved that the application be refused.

In supporting the motion to refuse the application, Councillor Bell felt that the company had outgrown the site and in fact had become a victim of their own success on that particular site. It was suggested that some signage in the layby's to indicate that they were for residents use only, might go some way to solving the parking issues.

The Solicitor took the opportunity to remind the Committee that the principle of use was already established on the site and as such the issue of the impact on residential amenity was separate to the current application. The application before Members was for internal reorganisation of the site only.

Following due consideration Members felt that notwithstanding the already established principle of use on the site, the expansion of the business to 2 separate showrooms, would intensify sales from both franchises, which in turn would have a further detrimental impact on highway and parking issues and on residential amenity. The Committee concurred that the application contradicted Saved Policy T1: Traffic Generation and Saved Policy H13: Residential Areas.

Upon a vote being taken it was,

Resolved: That the application be refused.

5b PL/5/2012/0284 – Ex Co-Op Building, Station Lane, Wingate, TS28 5DG

The Committee considered a report of the Planning Officer regarding the demolition of the former Co-Op buildings and erection of 9 no. residential units at the Ex Co-Op Building, Station Lane, Wingate, TS28 5DG (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting. Members were advised that a late representation had been received from local member, Councillor A Cox. Councillor Cox had no objection to the application and reported that he had discussed the matter with Hutton Henry Parish Council and local Members, who all shared his views.

Councillor Cox stated that the main concerns were that the bollards which were currently in place preventing access to Church Street from the ex Co-Op should remain in situ. He also hoped that the demolition and erections were completed with the minimum of disruption to residents and that all work was undertaken during reasonable hours.

The Principal Planning Officer advised the Committee that there was no intention to remove the bollards referred to in the statement by Councillor Cox, and the application made no reference at all to those bollards.

He went on to advise that the report had not fully addressed the potential for protected species to be affected by the demolition of the building. He clarified that officers had correctly applied the necessary derogation tests identified in legislation, considering whether there was any satisfactory alternative, whether the level of affected species would be maintained and whether there were other reasons of over-riding public interest. He indicated that a condition requiring compliance with the submitted mitigation strategy, rather than an informative as had been suggested in the report, would be appropriate, and requested the committee's agreement to this amendment to the recommendation.

It was further reported that during the site visit earlier that day, a Member of the Committee had suggested that Beamish Museum be approached to see whether they would be interested in taking any part of the building prior to demolition. The Principal Planning Officer had advised that he would be prepared to instigate discussions in that regard.

Seconded by Councillor Charlton, Councillor Blakey moved that the application be approved with the additional condition requested by the Principal Planning Officer, and requested that talks be instigated with Beamish Museum.

Resolved:

That the application be approved subject to the conditions detailed within the report as well as an additional condition requiring compliance with the submitted mitigation strategy relating to protected species.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00209/FPA
FULL APPLICATION DESCRIPTION:	Erection of 14 no. dwellings, formation of access and associated works
NAME OF APPLICANT:	Keepmoat Homes
ADDRESS:	Land At Finchale Primary School Canterbury Road Newton Hall Durham
ELECTORAL DIVISION:	Framwellgate and Newton Hall Henry Jones Senior Planning Officer
CASE OFFICER:	03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application relates to land to within the grounds of Finchale Primary School located off Canterbury Road, Newton Hall. The application site is located to the front (south-west) of the school building and is bordered by Canterbury Road to the west, the rear gardens of Winchester Road to the south and to the north the access road that serves the school.
2. The application site comprises predominantly of grassed land but also contains a hardsurfaced area upon which a building was formerly sited, some parking spaces and trees.

Proposal:

3. The application seeks planning permission for the erection of 14 no. dwellings, formation of access and associated works.
4. The proposed access for the development would be taken from Canterbury Road and would be located 17m south of the existing access for the school. Eleven of the dwellings proposed would gain their access via this proposed access road with three remaining properties gaining access direct from Canterbury Road.
5. Four housetypes are proposed across the development and these comprise of three variants of a detached two storey dwelling of which two housetypes would contain four beds and the other three beds. In addition a 2 ½ storey semi-detached three bed housetype is proposed. Six of the 2 ½ storey housetypes are proposed the remaining eight dwellings being the detached properties.

6. Three detached properties are proposed to front onto Canterbury Road with a row of five detached properties closest to the boundary with Winchester Road. The six 2 ½ storey dwellings are located on the eastern and northern boundary with the school. Trees and a section of hedgerow would require removal on the frontage with Canterbury Road to facilitate the development. A line of trees on the border with the gardens of Winchester Road are shown for retention.
7. The application is before planning committee as the development constitutes a major development.

PLANNING HISTORY

8. Within the wider school site planning permission for a covered walkway was approved in 1996 and a fence and gates in 1997. Demolition of a section of the school within the bounds of the application site has also previously occurred.

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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'.
11. The following elements are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
13. *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.
14. *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.

15. *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.
16. *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.
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>

LOCAL PLAN POLICY:

19. *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.
20. *Policy E15 Provision of New Trees and Hedgerows* states that the Council will encourage tree and hedgerow planting.
21. *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.
22. *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.

23. *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.
24. *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.
25. *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.
26. *Policy T21 Safeguarding the Needs of Walkers* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
27. *Policy R1 Provision of Open Space – Overall Standards* seeks to ensure that a minimum level of 2.4 ha of outdoor sports and play space per 1,000 population is maintained.
28. *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.
29. *Policy R3 Protection of Outdoor Recreation Facilities* seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.
30. *Policy R4 Land Surplus to Educational Requirements* states that development on land within the grounds of educational facilities will be permitted when it has been demonstrated to the satisfaction of the Council that it will not be needed in the future, that it will not reduce the overall standard of open space in the area and in the case of land of sport and recreational value to the community, its development is in accordance with Policy R3.
31. *Policies Q1 and Q2 General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.

32. *Policy Q5 Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
33. *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.
34. *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
35. *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.
36. *Policy U11 Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
37. *Policy U14 Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. The Highway Authority have raised no objections to the development considering that a relatively small number of additional vehicles would be utilising Canterbury Road. Advice on the requirement for a traffic regulation order to be amended and street lighting column relocated at the developer's expense is also provided.
39. Natural England have raised no objections to the proposal, advice is provided on measures of biodiversity enhancement.
40. Sport England have raised no objections.
41. Northumbrian Water originally raised some objection to the proposal on the basis of evidence of sewer flooding downstream from the development. However, following further consideration and investigation, this objection has been withdrawn.

INTERNAL CONSULTEE RESPONSES:

42. Landscape have raised no objections to the development or landscape scheme in general, some detailed queries raised on the planting proposals.
43. Environmental Health have commented with regards to the submitted site investigation and have recommended that a further "phase 2" submission and thereafter validation report will be required. Environmental Health have also advised with regards to working hours and working practices.
44. The Council's Senior Tree Officer has raised no objections to the proposal though have requested a re-planting scheme.
45. Ecology have raised no objections to the proposal although the mitigation measures within the submitted report should be conditioned on any approval.
46. The Spatial Planning Team have raised no objections.

PUBLIC RESPONSES:

47. A total of 15 no. letters of objection have been received with regards to the application and 1 no. letter raising some comments of support.
48. Objections are raised to the proposed design of the dwellings sought, the number of trees to be lost to the development and the lack of clarity within the submission on the tree works. Concerns are also raised that the proposed removal of trees could cause land stability issues and affect drainage. Reference is made to a bird box in one of the trees understood to be removed and reference to the legal protection afforded to nesting birds. Further queries and requests for clarity are made with regards to the extent of works on the boundary with Winchester Drive and final boundary treatment.
49. Much objection relates to highways matters, the location of the access on a bend and the parking and congestion problems that arise at the school drop-off and pick up times. Vehicle speeds on Canterbury Road are highlighted as being routinely high. Requests for traffic calming measures are made and queries are raised over what safety precautions will be undertaken for children's safety and queries are raised over the location of the lollipop lady. Concerns are raised that the metal barrier to protect pedestrians would be lost. A point is raised that the recommended hours of construction include the school drop-off and pick-up times, a further concern is raised that the proposed working hours are too early. The number of parking spaces proposed is considered to be insufficient and the access road is not thought to be wide enough for bin collection vehicles. A point is raised that the access road lacks a pedestrian footpath to both sides.
50. The responses include reference to the considered lack of facilities within Newton Hall which the development is considered to compound. Queries and concerns are raised on the separation distances between existing and proposed properties and the impacts upon the amenity of residents in terms of privacy and outlook. Concerns are also raised with regards to the overlooking of the school building.
51. Queries are raised over the accuracy of the application site plans and the ownership of land. Concerns are raised over whether adequate drainage measures are incorporated into the development.

52. A point is raised that a better use of the land would be the provision of a nursery building. Queries are raised over the accuracy of the siting of the proposed dwellings on Canterbury Road which it is considered appear to incorporate part of the footpath.
53. Queries are raised over the need for the housing and types of housing sought.
54. Concerns are raised over the potential impact of hazardous substances due to the submission of a geo-environmental appraisal. Queries are raised over how long the construction period is proposed to take.
55. The letter in support of the development compliments the design and layout and states that the parking and highways issues occur due to the inconsiderate parking of visitors to the school who could park more appropriately.

APPLICANTS STATEMENT:

56. The application has been supported by an accompanying Design and Access and supporting statement which states that the applicant has undertaken an analysis of housing needs in the area to provide an appropriate form of development to meet local need and integrate into the area.
57. Key constraints are identified including the proximity of existing residential development and the sloping nature of the site and these have been considered in the design and layout of the development.
58. The development is considered to accord with the principles of the National Planning Policy Framework.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=4/13/00209/FP>
[A](#)

PLANNING CONSIDERATIONS AND ASSESSMENT

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character and appearance of the area, impacts on residential amenity, impacts on highway safety, flood risk and ecology.

The Principle of the Development

60. The proposed development site consisting in part of hardsurfaced land and wholly within the curtilage of the school, comprises previously developed land. The application site being within Newton Hall is also located within the Durham City settlement boundary as defined by the Local Plan. Policy H2 of the Local Plan accepts the principle of new housing development comprising of windfall development of previously developed land within Durham City.
61. Policy R4 of the Local Plan accepts the principle of development on land within the grounds of educational facilities provided it has been demonstrated to the satisfaction of the Council that it will not be needed in the future. With the application

site identified specifically for disposal officers consider that the demonstration of the lack of need for retention for educational purposes has been met.

62. The NPPF emphasises that planning applications that accord with an up-to-date Local Plan should be approved unless other material considerations indicate otherwise. The principle of the development is considered to accord with the principles of sustainable development within the NPPF namely representing an efficient use of brownfield land and providing a wide choice of housing within a suitable location.
63. Sport England have been consulted on the application as the application proposes the use of land within the grounds of a school and no objections have been raised to the loss of the parcel of land for redevelopment.
64. Some public objection to the proposal relates to a considered lack of need for housing and that the local area lack services and facilities. However, the location of housing at such a site and in such a location accords with the policies contained within the Development Plan, the key starting point for decision making and officers do not consider that objection should be raised on the grounds of a considered lack of need whilst the site is considered to be adequately catered for in terms of facilities and alternative transport options. Further comments have been received considering that a more suitable use of the land would be for the provision of a nursery. However, ultimately the Local Planning Authority must consider the merits of the application as submitted and as officers do not consider it would be appropriate to raise objection to the principle of housing, officers equally consider that an objection could not be raised on the grounds that an alternative use for the site may exist.
65. Overall the development proposal is considered to be acceptable in principle, wholly in accordance with the key Local Plan policies on the siting of housing in such a location.

Impacts Upon the Character and Appearance of the Area

66. Policies Q8 and H13 provide the principal Local Plan advice on the design and layout of residential development within a predominantly residential area. Policies E14 and E15 relate to tree retention and provision whilst Policy Q5 relates to landscaping. Part 7 of the NPPF advises on the importance of good design within development proposals.
67. Some public objection to the development proposal relates to the design of the proposed housetypes sought although some support has also been received.
68. Officers initially raised objection to the appearance of the proposed housetypes submitted and requested that the applicant address these, seeking to provide designs with better reference to the character and appearance of the area. As a result the standard housetypes first submitted have been revised somewhat with some use of render, cladding and revised fenestration detailing. Final material choices are recommended for agreement via condition but officers now consider that the elevations of the dwellings proposed are now adequately bespoke and are befitting to the vernacular in the area. Some public concern relates to the introduction of 2 ½ storey dwellings with dormers. Officers appreciate that this would introduce a new housetype into the immediate area, however, the houses are

considered to be well designed and the impact of their slightly greater height is reduced due to their location on the lower sections of the application site.

69. Some public concern relates to the loss of trees. It is acknowledged that some trees and sections of hedgerow would be lost to the development and most notable of these are those which front onto Canterbury Road itself. However, the amended plans submitted during the course of the application now allow for the retention of the trees on the boundary with Winchester Road which will add greater maturity to the site and also benefit those closest residents. Neither the Council's Senior Landscape Architect nor Senior Tree Officer have objected to the principle of the tree loss. A landscaping scheme would be implemented to which conditions on any planning permission can relate and this would further compensate for the losses.
70. Overall the layout and design of the dwellings is considered to be appropriate with no harm caused to the character or appearance of the area.

Residential Amenity

71. Some public opposition to the development raises concerns over the proximity at which the dwellings would be built to existing property and the loss of privacy and amenity.
72. Policy Q8 of the Local Plan provides specific guidance on residential development to ensure adequate privacy and amenity for all. Similarly Policy H13 of the Local Plan also seeks to protect the amenity of existing residents from new developments.
73. Amended plans have been received during the course of the application in part seeking to improve the relationships between the proposed development and neighbouring dwellings. Officers consider that these amendments have successfully resolved privacy and amenity concerns. The 2 ½ storey housetypes have been relocated so that they border the school curtilage not properties on Winchester Drive. Plots 09-13 have been moved farther from the shared boundary and re-orientated so as face the properties of Winchester Road on a more acute angle. The separation distance of 21m between facing windows is met as a result of the changes. The very nearest point of the proposed plot 13 dwelling would be 19m from the rear extension of No. 2 Winchester Road, however, the first floor windows closest to No. 2 Winchester Road are not to a habitable room but rather a landing and bathroom reducing concern, the window to the bedroom in this rear elevation would be located 21m away from the extension at No. 2. The revisions to the layout made during the course of the application now permit the retention of trees along the boundary with the Winchester Road properties which will also provide greater screening.
74. Concerns with regards to matters of residential amenity have also been raised by the occupiers of No. 69 Canterbury Road. No. 69 Canterbury Road has a ground floor window to dining space and a rear conservatory extension that would flank the proposed plot 14 dwelling. The revised plans have again sought to ease impact upon the occupiers of this property. The proposed plot 14 dwelling has been moved farther forward and farther away from the gable end of No. 69 Canterbury Road resulting in greater outlook for both the dining room space and conservatory extension at No. 69. It should be noted that Policy Q8 of the Local Plan recommends that 13m should remain between a window and a two storey gable end

to ensure adequate outlook. The plot 14 dwelling would be sited 9m from the adjacent dining room window at No. 69. However, in this particular instance officers consider that the relationship is acceptable. The dining space within No. 69 is open plan with the conservatory space to the immediate rear and its large glazed nature providing further outlook and light for the dining space. Despite the conflict with the distance requirements of Policy Q8, officers believe that there are mitigating factors and that the impact upon the amenity of the occupiers of No. 69 is reduced to the point where significant objection is not raised by officers.

75. Separation distances from the properties to front onto Canterbury Road to those opposite exceed the requirements of Policy Q8 of the Local Plan. Separation distances within the proposed estate itself also meet the requirements of Policy Q8 and each property is considered to be provided with acceptable levels of privacy and amenity.
76. With regards to the concerns raised over the overlooking of the school classrooms the nearest of the proposed properties are again located 21m from the existing school building. Although a school is not a residential property and as a result Policy Q8 of the Local Plan does not strictly apply it still provides a guide on what is considered appropriate separation between property. Officers would also mention that the school playing fields are located adjacent to existing residential properties so the proximity of dwellings to the children is already somewhat established in the area. With these factors in mind, officers do not consider that objections should be raised with regards to an overlooking of the school grounds or the children.
77. Overall officers consider that the development is acceptable in terms of its impacts upon residential amenity for both existing and prospective occupiers.

Highways Issues

78. Matters regarding congestion and highway safety have been a key concern within the public responses to the application with points raised on matters of congestion, vehicle speeds, pedestrian safety (particularly children), inadequate parking and footpath provision.
79. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF seeks to promote sustainable transport choices. With regards to plans and decisions paragraph 32 of the NPPF advises that safe and suitable access to a site should be achieved for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
80. The Highway Authority have been consulted on the application and provided written responses, officers have also held a meeting with the Highway Authority in the light of the public concern and site specific issues with particular regards to the school. No objections have been raised by the Highway Authority, however. It is considered that a relatively small number of additional vehicles would be utilising Canterbury Road as a result of the development. The view of the Highway Authority is that the number of movements as a result of the development of 14 no. dwellings and indeed access arrangements would not be such that it would add or compound to any

highway congestion or safety problems that would warrant objection to the application.

81. No objections have been raised from the Highway Authority to the final layout, parking or footpath arrangements albeit a query on material choices is raised which can be resolved under a condition. The Highway Authority acknowledge that a keep clear traffic regulation order and pedestrian barrier will have to be amended in consultation with the Highway Area Engineer but again no objections are raised to the requirements of this having regards to highway safety.
82. In terms of sustainable transport access, officers again raise no objections. The application site is within an established residential area with acceptable access to public transport. Parking provision is considered appropriate for the site and its location.
83. On balance the proposed development is considered to be acceptable from a highway perspective both in terms of safety and having regards to sustainable transport access.

Flood Risk and Drainage

84. Part 10 of the NPPF in part advises on flood risk information requirements on applications and the criteria when determining applications. Policy U8A of the Local Plan advises on surface and foul water disposal.
85. Some public objection to the application relates to drainage and also the implications of tree removal and drainage.
86. The application site itself is located within Flood Risk Zone 1 essentially the area at least risk of flood events. The location of the development within this flood risk zone, the size and scale of the site and development are such that there is no requirement for a site specific flood risk assessment to accompany the application nor are the Environment Agency a statutory consultee.
87. It is proposed that the development would connect to the main sewers system. Northumbrian Water have been consulted with regards to drainage matters and at first did raise an objection to the development scheme on the grounds that there has been a history of sewer flooding downstream of the application site and that there is a need to undertake a feasibility study to investigate a solution. Northumbrian Water have now undertaken a study and concluded that this development would not increase the risk of flooding downstream and have withdrawn the objection.
88. With regards to the concerns raised over tree removal and impacts on drainage and the water table, firstly the latest proposed layout substantially increases the number of trees to be retained than originally proposed with the line of trees to the rear of Winchester Road to now be retained. This will reduce the potential for impact. Other trees are still proposed to be lost to facilitate the development including those that flank Canterbury Road. However, officers do not consider that there is clear demonstrable evidence that the loss of the remaining trees sought would pose harm to the drainage in the area and as a result officers do not raise an objection to the development proposal as a result.
89. Overall officers do not raise objections to the development proposal on the grounds of matters of flood risk or drainage.

90. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through Part 11 of the NPPF most notably at paragraphs 118 and 119.
91. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
92. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.
93. The application has been accompanied by an extended phase 1 habitat survey and this assesses the site and development with regards to the range of potential protected species namely otters, water voles, great crested newts, badgers, red squirrels, bats, reptiles and nesting birds. The report concludes that the development proposals are highly unlikely to affect these species. The exception to this is that the trees, shrubs and hedgerows do have the potential to offer nesting opportunities. Within the public responses reference is made to a bird box in one of the trees and the legal protection afforded to nesting birds. Due to the revisions to the layout the particular tree on the boundary with the Winchester Road properties understood to contain the bird box is now no longer proposed for removal so this particular concern has been removed. For all other trees, hedgerow and shrub removals then works can be undertaken outwith of the bird breeding season or alternatively inspection will be needed by an ecologist prior to commencement and this is detailed within the mitigation section to the submitted ecological report. With regards to ecological enhancements the report also advises within the mitigation measures that a bat box is incorporated into a property on the eastern side of the site.
94. Natural England have raised no objections to the proposal but state that consideration should be had to biodiversity enhancements, however, and the submitted ecology survey does consider this within a mitigation strategy. The Council's ecology team have raised no objections to the proposal although the mitigation measures within the submitted report should be conditioned on any approval.
95. It is not considered that a European Protected Species License is required and therefore a detailed assessment against the "derogation tests" is not necessary.
96. Having regards to the above officers raise no objection with regards to the impact of the development upon protected species and nature conservation assets. As a

result no objections are raised having regards to Part 11 of the NPPF and Policy E16 of the Local Plan.

Other Issues

97. One public respondent has noticed the submission of a geo-environmental appraisal and as a result has expressed some concern over hazardous substances and land contamination. The submission of an initial geo-environmental appraisal is standard practice on many planning applications. Policy U11 of the Local Plan relates to development and contaminated land and officers have consulted Environmental Health to provide expert advice in relation to the matter. Environmental Health have commented on the submitted geo-environmental appraisal and application and have recommended that a further detailed “phase 2” submission and thereafter validation report will be required. Such a submission and assessment can be resolved via the attachment of a condition on any application.
98. Some public objection to the application has related to the accuracy of the submitted drawings and matters of land ownership. A public response submitted on the originally submitted plans considered that the boundary was incorrectly drawn and included land within the ownership of the objector. Officers raised this issue with the applicant who has acknowledged that they were at fault with the drawing of this boundary. Replacement plans clarifying the application site boundary were subsequently submitted seeking to correct the application site and exclude land within the ownership of the neighbouring resident. Officers now understand that the application site and declarations made under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 are correct although would add that ultimately land ownership is a separate legal matter beyond the remit of the Local Planning Authority.
99. Concerns have also been raised within the public responses that there is a lack of clarity on the submitted plans as to what is happening with the boundary between the proposed dwellings and Winchester Road and that new fencing would appear to encroach onto neighbouring land. Officers have raised this issue with the applicant and again it is acknowledged that some incorrect plotting of boundaries have been made on plan incorrectly incorporating neighbouring land. The applicant has suggested that the intention would be to leave the existing boundary to the rear of Winchester Road in place although officers consider that this matter should be ultimately resolved through the attachment of a condition on any approval to precisely resolve all enclosures proposed within the site. A further concern has been raised that land to the frontage of proposed plot 14 is inaccurate and incorporates sections of the public footpath. Officers have raised this with the applicant who has confirmed that this is not the case. The applicant is aware that the footpath to the site frontage must remain and it would not be acceptable to develop on the public highway.
100. A query is raised within the public responses as to how long the construction period for the development would take. Ultimately, the duration of the construction works is largely in the hands of the developer once planning permission has been granted and officers cannot prescribe when the development should be completed. However, from discussions with the applicant, officers understand that should planning permission be forthcoming the applicant would be seeking to develop the site as soon as possible and that for a development of 14 no. houses build out times should not be particularly lengthy.
101. Some public concern has been raised at the proposed working hours and that these are too early. The working hours proposed by Environmental Health are

standard and no earlier than are generally applied to most developments. With regards to the periods of time when school drop off and collection is occurring, officers have discussed these matters with the applicant who has confirmed that they have been in discussions with the headteacher of the school planning the most appropriate and safe means of approaching the construction works should planning permission be forthcoming.

102. As the planning application proposes 14 no. dwellings only the scale of the development is below that of the threshold at which affordable housing is required as set out within the latest evidence base the Strategic Housing Market Assessment (SHMA) where affordable housing is only requested on developments of 15 or more dwellings. However, a section 106 agreement is proposed offering financial contributions of £14,000 towards recreational space and playspace facilities and £12,000 towards public art installations having regards to Policies R2 and Q15 of the Local Plan respectively.

CONCLUSION

103. The proposed development seeks the redevelopment of previously developed land within a settlement boundary with a small residential estate and such a development is in principle considered to wholly accord with the provisions of the Local Plan and having regards to the aims of sustainable development running through the NPPF.

104. Revisions to the layout and appearance of the proposed dwellings have been made during the course of the application and these have reduced officers concerns with regards to both the impacts of the development upon visual amenity and the amenity of local residents to the point that officers do not raise objection to the scheme on these grounds.

105. A further key consideration and point of concern from public responses relates to highway safety with particular reference to the proximity of the development to the school and impacts at school opening and closure. However, the Highway Authority have raised no objections having regards to highways issues.

106. Officers raise no objections having regards to other key material planning considerations such as impacts on nature consideration assets and matters of flood risk and drainage.

107. As a result approval of the application is recommended.

RECOMMENDATION

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

- i) A financial contribution of £14,000 towards recreational and playspace improvements
- ii) A financial contribution of £12, 000 for public art installations

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 and details:

Location Plan QD718-LP-10 Rev A received 24th April 2013

Planning Layout QD718-01-01 Rev D received 20th May 2013

Unit Type 1011 Contemporary 3b5p QD718-1011-02 received 20th May 2013

Unit Type 1176 Contemporary 4b7p QD718-1176-02 received 20th May 2013

Unit Type 999 Contemporary 3b5p QD718-999-02 received 20th May 2013

Unit Type 1203 Contemporary 4b7p QD718-1203-01 received 20th May 2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to relevant Policies E14, E15, E16, H2, H13, T1, T10, T21, R1, R2, R3, R4, Q1, Q2, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004

3. Notwithstanding any details of materials submitted within the application no development shall commence until full details of the make, colour and texture of all walling, roofing and hardsurfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area having regards to Policies Q8 and H13 of the City of Durham Local Plan.

4. Notwithstanding any details submitted within the application no development shall commence until precise details of the materials and colour treatment of all windows, doors, canopies and rainwater goods to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area having regards to Policies Q8 and H13 of the City of Durham Local Plan.

5. Tree removals as part of the redevelopment shall be limited to those as shown on planning layout QD718-LP-10 Rev A received 24th April 2013. The remaining trees to be retained shall be protected by the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Said protection shall be erected prior to development commencing and retained until the completion of the development.

Reason: To define the consent and in the interests of the preservation of trees having regards to Policies E14 and Q8 of the City of Durham Local Plan 2004.

6. No development shall commence until detailed scaled drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new dwellings and those of existing neighbouring buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the agreed details.

Reason: To define the consent and ensure the development is acceptable having regards to both visual amenity and residential amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

7. No development shall commence until full details of the means of enclosures to be utilised within and on the boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To define the consent and ensure the development is acceptable having regards to both visual amenity and residential amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan.

8. The development hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site. Said landscaping scheme may provide for the planting of trees and/or shrubs (including species, sizes, numbers and densities), the movement of earth, seeding of land with grass, or other works for improving the appearance of the development. Details of species, sizes, numbers and densities shall be provided. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity having regards to Policies Q5 and Q8 of the City of Durham Local Plan.

9. No development shall take place unless in accordance with the mitigation and enhancements detailed within section 5.0 of the ecology report job reference "KHL_Finchale_Eco1.1" received 12th March 2013.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004 and Part 11 of the NPPF.

10. No development shall commence until:
 - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and said report has been submitted to and approved by the Local Planning Authority;
 - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the Local Planning Authority;

For each part of the development proposal, the "contamination proposals" relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development and completed prior to the occupation of any dwelling.

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

After remediation measures are implemented, a final validation statement shall be submitted in accordance with the “contamination proposals” and agreed in writing by the Local Planning Authority prior to the occupation of any dwelling.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised having regards to Policy U11 of the City of Durham Local Plan.

11. No development shall take place until a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan 2004.

12. No development works shall be undertaken outside the hours of 7.30am and 6pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

REASONS FOR THE RECOMMENDATION

108. The development is considered to represent an appropriate re-use of previously developed land within a settlement boundary and the development is considered to constitute sustainable development. No significant objections are raised with regards to key issues of highway safety, visual amenity, residential amenity, flood risk or ecology. The development is considered in general accordance with Policies E14, E15, E16, H2, H13, T1, T10, T21, R1, R2, R3, R4, Q1, Q2, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.

109. This decision has been taken having regard to the policies and proposals of the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010.

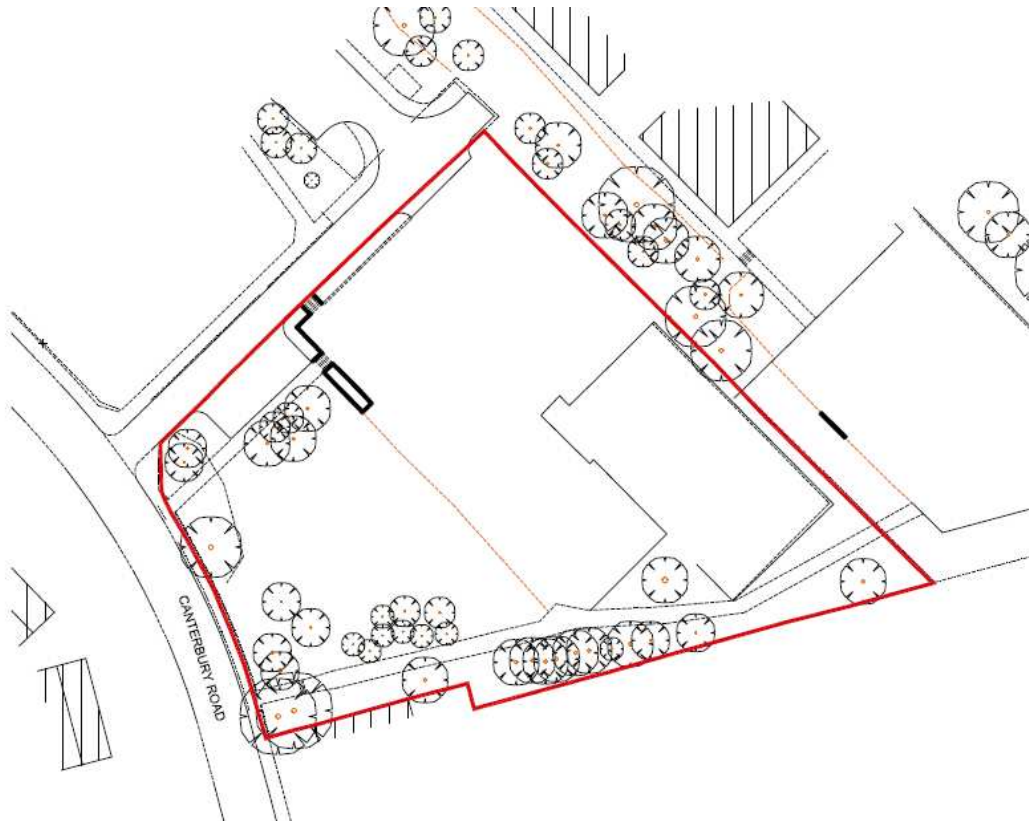
110. A total of 15 no. letters of objection were received with regards to the proposal raising objection on a variety of grounds including highway safety and residential amenity. These objections have been considered in detail within the report but the objections/concerns raised are not considered to justify the refusal of the application having regards to all material planning considerations.


STATEMENT OF PROACTIVE ENGAGEMENT

111. Officers have held meetings with the applicant and kept them continually updated with progress on the planning application. Equally officers have held meetings with members of the public concerned with the development proposal and sought to answer their queries in regards to the proposal.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
Planning Circular 11/95
Strategic Housing Market Assessment
County Durham Local Plan (Preferred Options)



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of 14 no. dwellings, formation of access and associated works</p>	
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2013/0055
FULL APPLICATION DESCRIPTION:	86 no. dwellings, associated boundaries, garages & roads & diversion of public right of way
NAME OF APPLICANT:	Keepmoat
ADDRESS:	Land East of Windsor Place, Shotton
ELECTORAL DIVISION:	Shotton
CASE OFFICER:	Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. This application site is greenfield land of approximately 2.01 hectares located within the settlement limits for Shotton Colliery. The site is situated within surrounding area comprising a mix of residential and commercial /industrial uses. It is bounded to the south and west by existing residential development. To the north the site abuts the highway, Front Street and to the east of the site there is an existing scrap yard and builders yard.
2. Within the site there is an area of young woodland along the eastern boundary. The proposal involves the removal of the majority of this area of woodland, a financial contribution would be made through the Section 106 Agreement for off site compensatory ecological works. There is also an area of landscaping to the north west of the site, this landscaping is to be retained.

Proposal

3. Full planning permission is sought for the erection of 86 no. dwellings, associated boundaries, garages roads & diversion of a public right of way.
4. There would be eight house types on site, the dwellings would be of the following types:
 - 2 bed (2 storeys) 1.5 parking spaces – 18 units
 - 3 bed (2 storeys) 2 parking spaces – 21 units
 - 3 bed (2 storeys) 2 parking spaces – 19 units
 - 3 bed (2 storeys) attached garage + 1 space – 5 units
 - 3 bed (2 storeys) 2 parking spaces – 3 units
 - 3 bed (2.5 storeys) integral garage + 1 space – 5 units
 - 3 bed (2.5 storeys) Attached garage + 1 space – 11 units
 - 4 bed (2 storeys) Integral garage +1 space – 4 units

5. The proposed house types have been amended within the application to Keepmoats simpler house types. The proposed dwelling houses would comprise of a mix of contemporary detached, semi-detached and mid-terrace dwellings. The development would provide 9 no. affordable units, which equates to an affordable housing provision of 10%. It is proposed to transfer the affordable homes to a registered provider.
6. Access to the site would be taken from Front Street. The development includes the extinguishment of Shotton public footpath no. 7 through Section 257 of the Town and Country Planning Act.
7. A Section 106 Agreement accompanies the scheme to provide £43,000 for recreation space, £5,000 for off site ecological works and to ensure the provision of the 9 no. affordable residential units.
8. The application is reported to committee as it constitutes major residential development.

PLANNING HISTORY

9. PLAN/2008/0082 – 86 no. dwellings - Withdrawn
- 10.04/568 – Residential development comprising 94 no. dwellings – Approved 02/09/2004. This previous application related to a larger site but included the land subject to the current proposal. Miller Homes developed the southern half of the development allowed under the previous consent.

PLANNING POLICY

NATIONAL POLICY

11. 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.
12. 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'.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

14. *NPPF Part 1 – Building a Strong Competitive Economy* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

15. *NPPF Part 4 promoting Sustainable Transport* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
16. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
17. *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.
18. *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.
19. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
20. *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.

LOCAL PLAN POLICY:

21. *Policy 1- General Principles of Development* states that 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.
22. Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
23. *Policy 35 – Design and Layout of Development* states that 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.

24. *Policy 36 – Design for Access and Means of Travel* seeks to ensure good access and encourage alternative means of travel to the private car.

25. *Policy 37 – The design and layout of development* should seek to minimise the level of parking provision (other than for cyclists and disabled people).

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

27. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

28. *Policy SH4* - 3.3 ha of land east of Windsor Place is allocated for housing. Development should incorporate existing tree belts along the site's eastern and north western boundaries and the retention or diversion of the existing public rights of way.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *The Highways Authority* has confirmed that the scheme has been amended to comply with the highways requirements and is therefore acceptable from a highways point of view.

30. *Environment Agency* initial comments have been received, additional details of surface water drainage were required and these are currently under consideration by the Environment Agency. Members shall be updated during committee of the further comments from the Environment Agency.

31. *Northumbrian Water* offers no objections

32. *Coal Authority* no objections

INTERNAL CONSULTEE RESPONSES:

33. *Landscape Officer* Objects to the loss of the woodland and is not satisfied that the off site financial contribution for ecological works can compensate for the loss of the woodland.

34. *Ecology Officer* is satisfied with the proposed mitigation measures for water voles. The loss of the majority of the woodland is of concern.

35. *Drainage Engineer* no comments offered

36. *Tree Officer* offers no objection subject to suitable protective measures for trees and appropriate future maintenance.

37. *Public Rights of Way Officer* is satisfied that the site plan shows pedestrian public access is suitably served into and out of the site via the pedestrian footway link to

Shotton Lane to the south of the site and via the main estate road footways to Front Street to the north of the site. The site plan also shows pedestrian access is suitably served within the site via footways adjoining the estate roads.

38. *Senior Low Carbon Officer* Disagrees with the method the applicant uses to calculate renewable energy data.
39. *Outdoor Sport and Leisure Officer* No objections
40. *Air Quality Officer* considers that the proposed development will not have any significant impact on air quality and in particular nitrogen dioxide concentration levels at existing receptors. Therefore no further screening of air quality is required. The previous traffic impact assessment and subsequent information are sufficient.
41. *Contaminated Land Officer* No objections
42. *Environmental Health Officer* has recommended suitable conditions
43. *Technical Support Officer – Open Spaces* no objection

PUBLIC RESPONSES:

44. The application has been advertised by way of a press notice, a site notice and letters to individual residents. Two e-mails of objection have been received from one property and two e-mails of objection have been received from another property making the following comments:
45. Concerns of proximity of plot 43 to 3 Eden View and the overshadowing the proposed dwelling house would create.
46. Concerns regarding access for fence maintenance from plot 43 to plot 38.
47. It would be better if the development faced onto Windsor Place instead of residents having to look at fencing.
48. Shrubs will block access to the rear of 25 Windsor Place

APPLICANTS STATEMENT:

49. The applicants statement has been taken from the design and access statement submitted in support of the application.
50. The site was subject to a previous application in 2008 which was subsequently withdrawn.
51. The proposals have been redrafted to update the house types to current standards and current planning policy has been reviewed.
52. Keepmoat have undertaken an analysis of housing needs in the area to provide an appropriate form of development and range of house types to meet local need and to ensure a positive intervention into the existing community.
53. The existing streetscapes to Front Street both East and West of the site are both fragmented and of poor quality. The development provides an opportunity to make a marked improvement to the visual amenity and provide a strong gateway feature into Shotton Colliery when approaching from the east.

54. A varied palette of materials throughout the proposal could facilitate a significant improvement to the existing environment.
55. A strong frontage is necessary to define the streetscape of Front Street, natural surveillance of the inner streets is facilitated through the orientation of the units and organisation into identifiable streets.
56. It is considered that the number of units is appropriate for this site.
57. The new development seeks to be of an appropriate scale, massing and design in relation to the character of the surrounding area. It is therefore considered that 2-2.5 storey development provides an appropriate response to the local context.
58. The road layout for the proposed development has been designed to be easily comprehensible for users.
59. There are no through roads in the proposal. Subtle curves on the road network encourage low speed vehicular movement and allow a pedestrian friendly approach.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and design, residential amenity, pollution control, landscape and trees, ecology, drainage, sustainability and highways.

Principle of the development

61. In terms of national planning policy, the National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Running throughout the NPPF is a 'golden thread' setting out a presumption in favour of sustainable development. The NPPF does not specifically define sustainable development, however Paragraph 6 states that the policies contained in paragraphs 18-219 of the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. The NPPF goes on to state that there are three dimensions to sustainable development: economic, social and environmental. These aspects should not be taken in isolation, as they are mutually dependant. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
62. It is considered that the site is located within a sustainable settlement. Sustainable housing development is achieved by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is reasonably well served by facilities and services. The application site is located approximately 3 miles from the larger settlement of Peterlee where a wider range of facilities and services are available. The area is also serviced by good public transport links.
63. The site is identified within the Strategic Housing Land Availability Assessment (SHLAA) as potentially suitable for housing development.

64. The District of Easington Local Plan proposals map identifies the application site as being within the settlement limits for Shotton Colliery. The site is identified as allocated housing land by virtue of local plan policy SH4 of the District of Easington Local Plan. The site is also allocated for housing in the emerging County Durham Plan. The application site constitutes land which has regained Greenfield status as it has been vacant of development for approximately 60 years. Historically the site was part of the mineral railway and reclaimed colliery housing land. The site was allocated for housing land to meet local housing need on the edge of the village. In allocating the site it was considered that the area is well related to the provision of local services and its allocation for housing would serve to round off the physical framework of the settlement.
65. The allocation of the land by policy SH4 of the District of Easington Local Plan for housing development sets out the following criteria which proposals for residential development of the site should meet:
- The existing public right of way going through the site should be retained or diverted.
 - Vehicular access to the site should be gained from Front Street.
 - The trees on the north-western boundary should be retained.
 - A comprehensive landscaping belt should be established along its eastern boundary utilising, enhancing and extending the existing belt of trees.
66. Shotton Public Footpath No. 7 crosses through the application site. This existing public right of way shall be extinguished through a Section 257 Agreement. The Council's Public Rights of Way Officer has recommended the extinguishment of the public right of way as its diversion would be unattractive to users and householders. The site plan as proposed is considered to demonstrate that pedestrian public access is suitably served into and out of the site.
67. Vehicular access would be gained from Front Street. The proposed access to the site is considered to be acceptable in terms of highway safety.
68. Trees on the north western boundary are to be retained. The land where these trees are located is not part of the land for sale and shall be retained as highway verge.
69. The proposed development would lead to the loss of the majority of the landscaping belt along the eastern boundary of the application site. The principle of this was established during the 2008 application for a similar residential development proposal, for the construction of 86 no. dwellings. During the 2008 application a financial contribution was agreed for a small commuted sum towards off site ecological works. This sum has been reviewed and has risen slightly to account for rising costs since the previous application in 2008. Additional compensation for the woodland would be in the form of on site landscaping. A balanced view must be taken as to whether or not the benefit of new residential development in the village outweighs the loss of the woodland.
70. The village of Shotton Colliery is an area identified for regeneration. It is considered that the proposed development would create economic, social and environmental benefits for the area.
71. The proposal would offer good economic benefits to the area. Economic benefits would be apparent during the construction phase of the development, with local facilities and services benefitting once the properties are brought into occupation.

The development would contribute to the growth of the area and would contribute towards a strong competitive local economy.

72. Shotton Colliery has been identified as an area requiring new homes. New housing development in the area would contribute to the growth of the community. Social benefit would also be achieved through the provision of 10% affordable housing within the scheme. The development would also provide a contribution towards recreation space and off-site ecological works.
73. The proposals would create an environmental loss, however this would be somewhat compensated through the commuted sum for off site ecological works and on site landscaping. The existing area of landscaping to the eastern boundary of the site is in a poor state; it has not been managed and is being used as an area to dispose of rubbish. However, the removal of the majority of the woodland has previously been agreed during an earlier planning application for the development of the site.
74. The development of the site will contribute to the environmental improvement of the village, as the development of this part of Shotton Colliery will strengthen the physical framework of the settlement. In addition the site is currently visually unattractive; the creation of a strong frontage along this part of Front Street will improve the appearance of the area.
75. It is considered that the proposed development will contribute to sustainable development in terms on economic, social and environmental benefits to the area.
76. On balance, while the removal of a large part of the woodland along the eastern boundary of the site is contrary to local plan policy SH4 of the District of Easington Local Plan it is considered that the regeneration benefits to the area outweigh the loss of this area of woodland. It is considered appropriate to condition the suitable protection of trees which will remain on site.
77. It is considered that the principle of the development would be acceptable in terms of the presumption in favour of sustainable development contained within the NPPF. The development does not completely conform to local plan policy SH4, however it does conform with the general theme of regeneration and sustainability which the policy is seeking to achieve.

Layout and Design

78. Part 7 of the NPPF relates to the design of all new development. Good design is a key aspect of sustainable development, and is considered to be indivisible from good planning.
79. The proposed dwellings are part of the Keepmoat standard of house types. The 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. The majority of the dwellings would be constructed using Hanson Kimbolton Red Multi; the rest of the dwellings would be constructed using Ibstock Throckley Hadrian Buff bricks. The roof covering would be Russell roof tiles. All sample materials were submitted to the local planning authority 28/5/2013. Details of boundary treatments form part of the application and thus a condition is not required to control these details.
80. At the detailed level, the houses will be simple in form and appropriate in scale, with detailing drawn from the local context and vernacular. The development would provide a strong elevation to Front Street, as dwellings along the northern boundary

of the site would front onto Front Street and would be formed of varying house types and would make use of attractive enclosures.

81. The development in terms of scale, design and layout is considered to be appropriate for this location in terms of the character and appearance of the area.
82. The proposed development would be in accordance with policies 1 and 35 of the District of Easington Local Plan.

Residential amenity

83. Proposed residential developments must ensure that residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved and achieved in accordance with policy 1 of the District of Easington Local Plan.
84. Appendix 6 of the District of Easington Local Plan sets out the minimum privacy distances between dwellings. A minimum of 21 metres should be provided between main elevations of one or two storey dwellings facing each other and a minimum distance of 13.5 metres between a main elevation containing windows to habitable rooms and the gable elevation of an adjacent building.
85. The application site generally meets the amenity distances as set out in Appendix 6 of the District of Easington Local Plan. Within the site there are two specific areas where the development falls short of these distances. Plot 50 to number 38 Windsor Place would have a distance of 20 metres between main elevations and plot 38 to plot 46 would have a distance of 12 metres between a main elevation and a gable elevation. It is considered that the reduction in amenity space distances in these two areas would not be significantly detrimental to the residential amenity of existing neighbouring properties or to proposed dwelling houses due to the minimal nature of the reduction in amenity distances.
86. Each dwelling would have its own private garden to the rear ranging in depth from 6 metres to over 10 metres, with larger dwelling houses generally having larger rear gardens.
87. In terms of residential amenity the proposed development is considered to be in accordance with policy 35 and Appendix 6 of the District of Easington Local Plan.

Pollution Control

88. Pollution control can be broken down into three separate areas of concern air quality, contaminated land and issues of noise, dust and light. Each of these areas shall be addressed in turn.
89. The impact on existing air quality in an area is a material planning consideration. The development site is not within an identified Air Quality Management Area, however it must be considered whether or not traffic arising from the proposal would be significantly detrimental to air quality.
90. Early assessment of the scheme suggested that an air quality assessment would be required. This has since been discounted as in this particular case the transport consultants have identified that the greatest estimated increase in traffic flow levels is 6% to the east of the site. Further the principal means of communication to the east is the link with the A19. This route passes through open countryside and then the industrial estate with no existing receptors on this section of route.

91. The transportation engineer also points out that the proposed site is not within or in close proximity of an Air Quality Management Area (AQMA), that is indeed the case. A review has been carried out by the Council's Air Quality Officer into the results of previous non continuous monitoring at a site that is closest to the proposed development together with the prevailing predicted modelled background levels of Nitrous Oxide from the National Atmospheric Emissions Inventory. All of the results are significantly below the National Air Quality Objective for this pollutant. The outcome of the review of the background air quality in this area has determined that it is not a 'sensitive' area or an identified area of 'poor air quality'.
92. For these reasons it is considered that the proposed development will not have any significant impact on air quality and in particular nitrogen dioxide concentration levels at existing receptors. Therefore no further screening of the air quality is required. The previous traffic impact assessment and subsequent information are sufficient.
93. There have been no former industrial uses on the site and for this reason it is considered that there is no significant risk to the end users or other identified receptors in terms of contaminated land issues. The Council's contaminated land officer has raised no objections to the proposed development.
94. The scheme has been assessed in terms of noise, dust and light impacts by the Council's Environmental Health Officer.
95. The issues of dust and light are related to construction issues and can be controlled through appropriate conditions.
96. In terms of potential noise impacts the site is adjacent to a busy road to the north and an industrial B2 site to the east. The impact of these adjoining uses must be considered in terms of their impacts on the proposed development site.
97. The applicant has provided a noise report which appears sufficient to appropriately judge the impact of noise, relating to road traffic, on the development. The report identifies a number of mitigating works which should be implemented to bring the noise level within the WHO parameters.
98. The development is also in close proximity to Shotton Airfield, which is located directly to the north. The airfield is used for a number of purposes including parachutists and emergency helicopters. The Council's pollution control department has received a number of complaints relating to the airfield, specifically the constant circling of planes; however as air traffic is exempt from control by the Environmental Protection Act 1990 an objection cannot be raised to the development on the basis of its proximity to the airfield.
99. The Council's Environmental Health Officer is not in agreement with the development specifically due to the proximity of an existing B2 (Industrial Use) adjacent to the site and risk of excessive noise, specifically impact noise, however it is recognised that the unit does not appear to currently operate as a scrap yard, there is also a fairly new development in reasonably close proximity to the south, where no complaints have been received relating to noise. In addition the fact that the industrial site has permission to operate materially changes the nature of the area and therefore there is a greater expectation and allowance of noise levels.
100. Additional information was required demonstrating noise mitigation measures due to the presence of the B2 site to the east of the proposed residential site. It appears that the site is not currently in operation as anything more than a vehicle storage

yard at this time. As the site is not currently used the applicant was unable to provide a valid current assessment of the potential noise from the site and therefore historical data was used of a previously monitored scrap yard.

101. The assessment demonstrated that the assumed noise level would be 64.2 db(A) in the gardens and 59.4db (A) at the facade of the nearest proposed dwelling. These figures are produced at the nearest sensitive dwelling, assuming the type of machinery which operates in a scrap yard will run 100% of the time and therefore the worst case scenario.
102. The acceptable level given within the WHO guidelines is 55db(A) within gardens and 35db(A) in the lounge. Solutions to reduce the noise levels to these standards have been proposed and include acoustic fencing.
103. Considering the above and the proposed mitigation measures it is considered that the development would be acceptable subject to suitably worded conditions.

Landscape and Trees

104. There is an established woodland to the eastern boundary of the application site and a landscape belt to the north west of the site. The landscaping to the north west of the site is to be retained however the existing woodland to the east of the site shall primarily be removed to accommodate the development. As stated previously the woodland has been badly managed, the existing trees are relatively young and have not matured into specimen trees. The woodland is currently visually unattractive and has been used as a dumping ground for household waste.
105. The woodland is plantation Sycamore and Ash. It is very neglected with fly tipping and rubbish. There is little understorey cover. It has obviously not been managed in recent years, with no thinning.
106. The Council's landscape section has concerns regarding the loss of the woodland to the eastern boundary of the application site.
107. It is recognised by the landscape officer that the site is allocated for residential development, as it is allocated for housing in the District of Easington Local Plan, it features in the SHLAA, it is an allocated site in the emerging County Durham Plan, and there has been a previous application for housing very similar to the present application which was submitted in 2008.
108. The landscape officer considers that the site is suitable for housing from a landscape perspective. The main issue concerns the loss of woodland, and the change in landscape character. This site is presently unattractive though well screened from the countryside, so development would not be detrimental to the landscape quality.
109. The loss of the woodland is however of concern, which will result in loss of amenity open space, green infrastructure, habitat, screening and a landscape feature. The Council's landscape officer feels that the woodland should be retained and incorporated into the development, even though its condition is poor, it would respond to good long term management including a clean-up of fly tipping.
110. It is considered by officers that it is unfortunate to lose this area of woodland however in the circumstance there are a number of factors which outweigh the benefit of retaining the woodland. The predominant factor being that the regeneration benefits to the area are considered to be of a significant level to warrant

the support of this application. In addition the principle of the development has been somewhat established through the 2008 planning application for a similar development. During this process officers agreed to the removal of most of the woodland to accommodate the housing development and the regeneration benefits it would bring to the area. In addition a small compensatory financial contribution for off-site ecological works was agreed.

111. As the woodland is relatively young and in a poor state it is considered that the regeneration benefit to the area outweighs its retention.
112. The proposed development provides for retention of limited tree cover within the site. A number of trees will be retained adjacent to plot number 29 as this area of land relates to a wayleave upon which development cannot take place. It is considered appropriate to condition tree protective measures and future management of retained trees set out in the applicant's tree report.
113. Although the retention of the existing woodland would have been the ideal option it is considered that other factors outweigh its retention. A landscaping plan has been submitted with the application, it is considered that the details proposed are satisfactory. The implementation of the submitted landscaping plan shall be a planning condition.
114. It is considered that residential development of the site is acceptable in principle, and is consistent with the CDLSS adopted strategy as a landscape Improvement Area, in addition the site is allocated for housing development in the District of Easington Local Plan and in the emerging County Durham Plan. It is unfortunate that an area of woodland will be lost as a result of the development; however on balance it is considered that the regeneration benefits of the proposed residential development outweigh the loss of the woodland.

Ecology

115. The presence of protected species such as water voles is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting places of protected species unless it is carried out with the benefit of a licence from Natural England.
116. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 2010 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
 - the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.

117. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 2010 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
118. The proposed development presented a risk to water voles as there is a watercourse to the south of the site which links to a watercourse which holds records of water voles. The Councils ecologist recommended that the development should actively improve the watercourse for the water voles and provide a substantial adequate inaccessible buffer zone alongside it.
119. A water vole method statement was submitted 20/5/2013 detailing site design and working methods for the protection of water voles. The proposed works include enhancement to the ditch adjacent to the south of the site through additional planting on both bank sides where it runs along the length of the development.
120. A minimum buffer zone of 1.6m will be retained between the fence lines forming the bottom of the gardens of those dwellings to the south of the development and the ditch. The fencing forming the garden boundaries along the southern development boundary will be close boarded and a minimum of 2m high, to deter dumping of rubbish and garden waste along the ditch. A contract clause will be incorporated in the sale contracts of those houses bounding the ditch preventing dumping of garden and other waste along the watercourse.
121. As an additional ecological enhancement, planting within the remainder of the site should include native trees and flower and berry bearing species to provide a good invertebrate resource for other species such as bats and birds.
122. Prior to works commencing, an ecologist will undertake a checking survey of the ditch to confirm that water voles remain absent and prior to commencement of construction work to the southern part of the site, vegetation should be strimmed short in areas within 5m of the ditch affected by the works to discourage voles from entering the area, should they investigate the ditch during the construction period.
123. All materials will be stored outside the 1.6m ditch buffer zone throughout the construction period. Heavy machinery will be kept out of the above buffer zone during the construction period.
124. To help maintain the value of the ditch the area will be litter picked at the start and end of works, ensuring that all construction related materials are removed periodically through the contract period and on completion. Any bank re-creation will use topsoil rather than clay or sub soils, which would prevent future burrowing.
125. The Councils Ecologist has assessed the water vole method statement and is satisfied with the proposed mitigation measures and has concluded that the development would not constitute a breach of the Conservation (Natural Habitats etc) Regulations 2010. It is considered appropriate to condition the mitigation measures set out in the submitted water vole statement.

Drainage

126. Foul water shall be disposed of into the public sewer. This has been agreed with Northumbrian Water previously by virtue of planning application PLAN/2008/0082. Northumbrian Water has confirmed that this arrangement can be carried forward with

this application. Surface Water shall be discharged to the water course to the east of plot 29 on the eastern boundary. Northumbrian Water is satisfied with this arrangement.

Sustainability

127. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

128. The development would be expected to achieve at least 10% of energy supply from renewable resources. No details have been supplied to show how this would be achieved. A condition is therefore considered to be appropriate in this case to require details to demonstrate how energy efficiency is being addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

Highways

129. The Transport Statement indicates that the AM peak hour vehicle generated trips from the development would be 21 arrivals. This equates to approximately 1 vehicle movement every 3 minutes or so during the peak periods, which is not deemed to be significant and as such the local road network is expected to accommodate the traffic generated by the development without the need for any mitigation works.

130. The proposed access would be taken from Front Street, from a highways perspective this is considered to be acceptable. In addition the proposed road layout within the site is considered to be acceptable.

131. On the basis of garage spaces being classed as 50% parking space it is considered that the overall parking provision would be 165%, which is deemed to be acceptable for the proposed development.

132. The proposal is considered to be in accordance with policies 36 and 37 of the District of Easington Local Plan.

Section 106 Agreement

133. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and regulation 122 of the Community Infrastructure Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests –

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

134. A Section 106 Agreement is proposed to provide a contribution of £500 per dwelling to be utilised for local recreation space, the provision of 9 no. affordable housing units and the provision of £5,000 for off-site ecological works.

135. In terms of the commuted sum payment for local recreation space this is required as recreation space cannot be provided on site and off site provision is therefore required to make the proposed development acceptable in planning terms as the new houses will increase the demand for outdoor recreation facilities in the area. Such a payment will be clearly related to the proposed development as the residents of the new houses will have the ability to use these facilities.

136. There is a requirement for 10% affordable housing in this area. The provision of 10% affordable housing is considered to be of benefit to the community. This is considered to be a fair and reasonable affordable housing requirement for the site.

137. In compensation for the loss of a section of woodland on the site a financial contribution of £5000 shall be secured through Section 106.

138. The Section 106 contributions meet the above tests and therefore complies with the relevant guidance.

CONCLUSION

It is considered that the positive contribution the proposed scheme would make to regeneration and the housing supply in the area is a significant factor in favour of the application. The site is allocated for housing in both the District of Easington Local Plan and the emerging County Durham Plan. The proposal will help ensure the creation of sustainable communities, and development which meets the housing needs of all sectors of the community. In addition the benefits to the community in terms of affordable housing, contributions towards recreation facilities are all material benefits for the residents of Shotton.

RECOMMENDATION

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

- A financial contribution of £43,000 towards open space provision.
- The provision of 9 affordable residential units to be managed by a Registered Social Landlord
- A financial contribution of £5,000 towards off site ecological works

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

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

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

Plan Ref No.	Description	Date Received
	Site Location Plan	12/2/2013
QD168-01-01T	Site Layout	20/5/2013
QD168-836-01	Unit Type 836 Brick 3b5p	20/5/2013

QD168-858FE-01	Unit Type 858FE Brick 3b5p	20/5/2013
QD168-951-01	Unit 951 3b 5p	20/5/2013
QD168-999-01	Unit Type 999 3b5p	20/5/2013
QD168-1011-01	Unit Type 1011 Brick 3b5p	20/5/2013
QD168-1176-01	Unit 1176 4b7p	20/5/2013
QD168-95-10C	Unit Type 763B brick 3b5p	20/5/2013
QD168-21-01	Street Lighting	20/5/2013
QD168-95-11	Fence Type Details	20/5/2013
QD168-GD-01	Garage Plans and Elevations	20/5/2013
QD168-PP-01C	Rendered Plan 1	20/5/2013
QD168-SS-01B	Site Sections	20/5/2013
QD168-95-10C	External Finishes	20/5/2013
QD168-01-30	Enclosures Layout	20/5/2013
QD168-665-01	Unit Type 665 2b4p	20/5/2013
QD168-99-01	Site Compund Layout	31/5/2013
2008SD/125D	Compund Detail	31/5/2013
	Urbis Street Lighting Column Details	20/5/2013
c-983-01 Revision B	Detailed plot landscape proposals sheet 1 of 2	20/5/2013
c-983-02 Revision B	Detailed plotlandscape proposals sheet 2 of 2	20/5/2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policies 1, 18, 35, 36, 37, 66 74 and SH4 of the District of Easington Local Plan.

3. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of;

Monday to Friday - 08:00 to 1800
Saturdays - 0800 to 1300

No construction works shall be carried out on bank holidays and Sundays.

Reason: In the interests of preserving the amenity of residents in accordance with policy 35 of the District of Easington Local Plan.

4. No development shall take place unless in accordance with the mitigation detailed within Water Vole Method Statement Shotton received 20th of May 2013 by E3 Ecology Ltd.

Reason: To conserve protected species and their habitat in accordance with Policy 18 of the District of Easington Local Plan.

5. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme of acoustic mitigation measures have been submitted to and approved in writing by the Local Planning Authority, such that the actual and conceptual noise levels do not exceed:

55 dB(A) 16hr in outdoor living areas
35 dB(A) 16hr in all rooms during the day time (07.00-23.00)
30 dB (A) 8hr in all bedrooms during the night time (2300 - 0700)
45 dB LAmax in bedrooms during the night-time

The approved scheme shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity having regards to Policy 35 of the District of Easington Local Plan.

6. Tree works shall be implemented in accordance with the details contained within the Tree Report Addendum prepared by Batsons received 31st of May 2013 including adherence to the mitigation measures detailed. Any trees to be retained must be protected from the development in accordance with the submitted details and in accordance with BS 5837:2012. Said protection must be in situ prior to the commencement of development and must be retained until the cessation of works on the development.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policy 1 of the District of Easington Local Plan.

7. The external walls of the development hereby approved shall be constructed of Hanson Kimbolton Red Multi bricks or Ibstock Throckley Hadrian Buff bricks and the roof covering for all dwellings shall be Russell roof tiles in accordance with brick and roof tile samples submitted to the local planning authority 28/5/2013.

Reason: In the interests of the visual amenity of the area and to comply with policy 35 of the District of Easington Local Plan

8. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy 1 of the District of Easington Local Plan.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shown on plans c-983-01 Revision B and c-983-02 revision B received 20/5/2013 shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with a tree constraints plan in accordance with

BS.5837:2005 to be submitted and approved in writing by the Local Planning Authority.

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

INFORMATIVES

1. The best practicable means shall be used to prevent noise/ dust or disturbance to local residents resulting from building work which will be carried out on the site. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The contractor shall have regard to the relevant parts of BS 5228 2009 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

REASONS FOR THE RECOMMENDATION

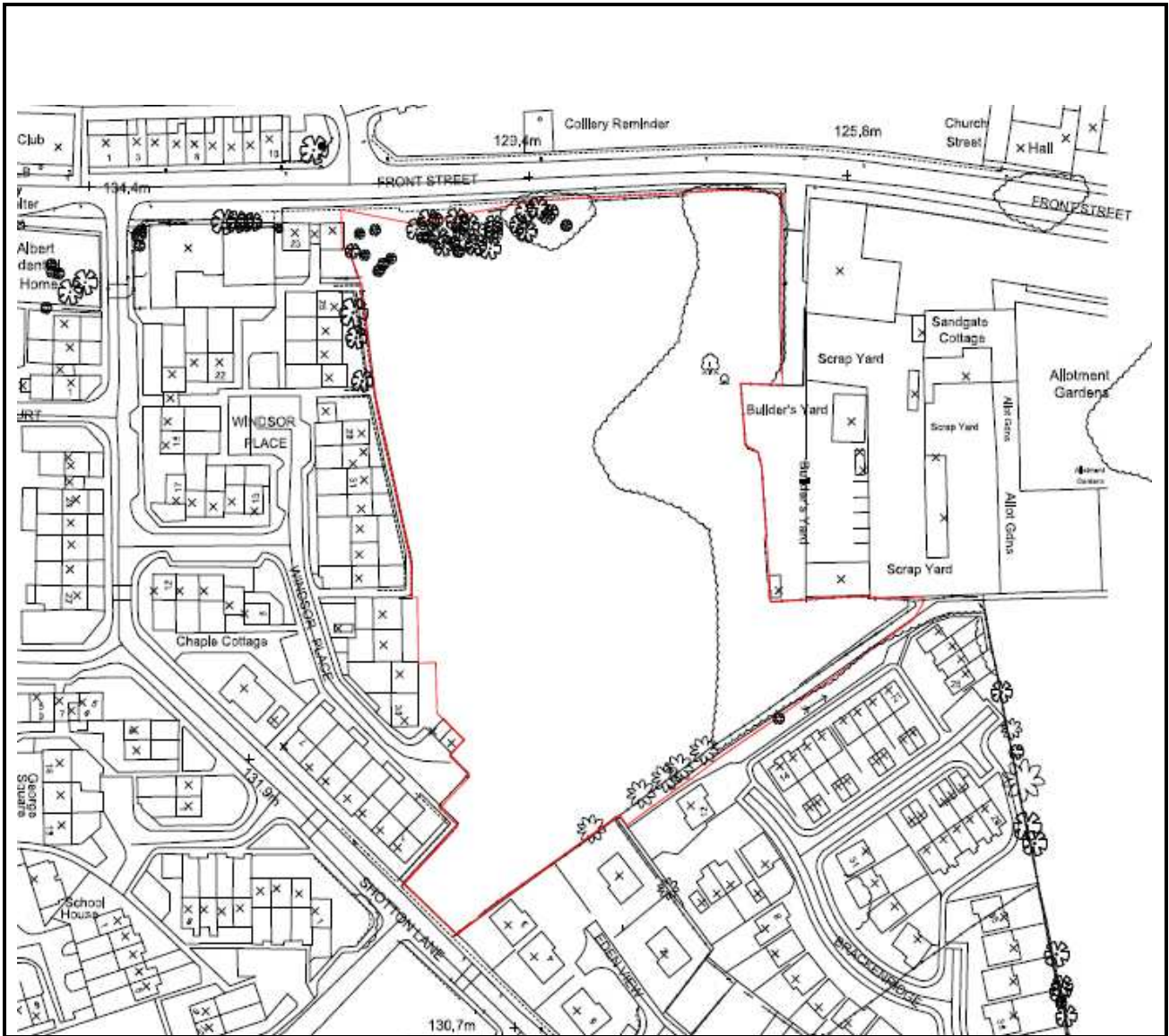
1. The proposed development is considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policies 1 and SH4 of the District of Easington Local Plan and the NPPF.
2. The development was considered to be acceptable in terms of its siting, design and layout and its resultant impacts on the amenity of neighbouring properties in accordance with policies 1 and 35 of the District of Easington Local Plan.
3. The proposed development would not cause any significant detrimental impacts to protected species in accordance with the NPPF.
4. The development is considered to be acceptable in terms of its impact on landscape and trees when considering the balance between landscape retention and regeneration benefits to the area in accordance with policies 1 and SH4 of the District of Easington Local Plan and the NPPF.
5. The proposal would be suitable in terms of highway safety in accordance with policies of the District of Easington Local Plan.
6. Objections to the proposals were not considered sufficient to warrant refusal of planning permission.


STATEMENT OF PROACTIVE ENGAGEMENT

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 in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Form, Plans and Supporting Documents
National Planning Policy Framework



 <p>Durham County Council</p> <p>Planning Services</p>	<p>86 no. dwellings, associated boundaries, garages & roads & diversion of public right of way</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 11th June 2013</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00308
FULL APPLICATION DESCRIPTION:	5 no. new dwellings
NAME OF APPLICANT:	Mr A J Sinkinson
ADDRESS:	Land adjacent to 67 Front Street, Pity Me, Durham DH1 5DE
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes an area of land to the North of 67 Front Street, Pity Me. The land is within the limits of development for Durham City. The application site has an area of approximately 0.093 Hectares. It was a piece of land, which was left over from the Smithfield, Pity Me development site. The site slopes upwards significantly to the east, towards properties at Smithfield.
2. The site was originally heavily planted however it was cleared of vegetation by Yuills. Subsequently this site was replanted with trees which were not maintained by the previous owners of the site nor the present owners resulting in the saplings becoming swamped by vegetation growth which in most cases has caused the death of these trees.
3. To the north of the site is mature tree planting which is protected by a Tree Preservation Order. To the west of the site is the busy Rotary Way roundabout. To the east of the site is housing at Smithfield and to the south of the site is the terrace of Front Street.
4. Access to the site would be taken from Front Street, Pity Me. The application includes proposals to extend the highway from Front Street along the site frontage.

The proposal

5. Planning permission is sought for the erection of 5 no. dwelling houses.
6. Plots 1 and 2 would each have 4 no. bedrooms, an integral garage and one off street parking space to the front. Plots 3, 4, and 5 would each have 5 no. bedrooms and two off street parking spaces. The dwellings would be of a relatively simple traditional appearance and would work with the levels on the site. The properties would have three floors, but appear as a two-storey dwelling with accommodation in the roof space to the front elevations and as two storey dwellings to the rear.

7. The application is reported to committee at the request of the divisional Councillor for Framwellgate Moor.

PLANNING HISTORY

8. 4/11/00776 Erection of 1 no. dwelling house Approved 2/2/2012

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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'.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 1 – Building a Strong Competitive Economy* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
14. *NPPF Part 4 Promoting Sustainable Transport* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

17. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

17. *H2 New Housing in Durham City* supports the development of new housing within the settlement boundary of Durham City provided the development is in accordance with other local plan policies.
18. *Q1 General Principles – Designing for People* sets out the criteria which development should consider in relation to meeting the needs of users of the development.
19. *Q2 General Principles – Designing for Accessibility* sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
20. *Q8 Layout and Design* –sets out the requirements, which all new residential development should adhere to.
21. *H13 The Character of Residential Areas* seeks to protect the character, appearance and amenity of residential areas.
22. *Policy H14 - Improving & Creating More Attractive Residential Areas* seeks to improve the environment of existing residential areas and their housing stock.
23. *E14 Existing Trees and Hedgerows* – In considering proposals affecting trees and hedgerows the Council will require development proposals to replace trees and hedgerows of value which are lost.
24. *T1 Highways – General Policy* considers traffic generation of new development and resists development, which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

25. *T10 Parking* – sets out the requirements for provision of off road parking in new residential development.

26. *U8A Disposal of Foul Water* – development proposals should include satisfactory arrangements for disposing foul and surface water discharges.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *The Highways Authority* has stated that the developer incorporated the amendments requested at the pre-application stage therefore there is no objection to the proposal subject to a suitable informative relating to the construction of the proposed new road.

28. *Northumbrian Water* have requested a condition requiring details of foul and surface water drainage.

INTERNAL CONSULTEE RESPONSES:

Landscape are satisfied with the submitted tree information.

Ecology Officer offers no objections

Drainage Engineer offers no objections subject to a suitable condition requiring details of surface water drainage.

Design and Conservation raise no objections

PUBLIC RESPONSES:

The application has been advertised by way of a site notice and letters to individual residents. One objector has submitted five e-mails objecting to the proposed development, in addition two other objections have been received stating the following reasons of objection:

- The removal of replanted trees
- The proximity to my gable end
- The possible undermining of my foundations
- Possible flooding
- Further damage to retaining wall
- Removal of green space
- Construction disruption
- Town houses are not in keeping with the street
- Too many houses
- The access road is inadequate
- It appears that new properties do not have gardens
- It would not be pleasant to see 10 wheelie bins to the front of properties
- Concerns over construction traffic
- The summary of the proposal states that the properties will have vehicular and pedestrian access to the rear
- Not enough parking
- Subsidence
- Pressure on the public sewer

APPLICANTS STATEMENT:

The applicants' statement is a response from the applicant to issues raised within the application and by objectors.

A. Ground and Foundation levels adjacent to 67 Front Street (Mr DG Findley):

We have added onto the drawings further information in relation to the proposed ground levels (ref. west elevation, drawing number 15).

The levels indicate the following:

- The existing ground level at the front of number 67 Front Street is 87.240, and the proposed ground level next to the new dwellings is 86.700 (ie 540mm lower than the ground level next to number 67).
- The proposed foundations are likely to be in the region of 900mm deep and the distance between the proposed and existing properties is 2000mm. The new foundations will therefore be clear of the zone of influence on the existing house foundations (the zone of influence is the area of ground within a 42 degree line projected down from the edge of the existing foundation).
- The new road joins onto the end of the existing road, and the levels are shown on the proposed drawing. The new road is not above the existing road alongside number 67 Front Street.
- The drawings show the ground levels at the base of the new walls (not the road levels).
- Relating to the general levels of the proposed houses, the levels are both higher than and follow the line of the existing + proposed road. This is very much in keeping with the general street scene.

B. Design of Proposed Dwellings

We have amended our proposals to incorporate all of the comments from the Design, Heritage and Landscape Team, Durham County Council. We believe that the proposed design matches the traditional nature of the adjacent properties, and is in keeping with the surrounding areas.

C. Location

The proposed development is in a sustainable location, noting the following:

- Pedestrian and vehicular access to the proposed dwellings will be via the existing and proposed road directly alongside the front of the site.
- The proposed site is within easy walking distance of shops and local services within Pity Me.
- Public bus services are within easy walking distance, and provide regular access to Durham City.
- A national cycle route runs alongside the site.
- The proposed dwellings will provide level access into the ground floor area, to comply with Part M of the Building Regulations.

D. Highways and Parking

We have previously submitted details of the proposed development to the Highways Department, and they have responded positively to the proposals, noting the following points:

- The proposed layout is based precisely on the design drawing that we received from the Highways Department.
- The proposed layout shows that each dwelling will have two off-street car parking spaces within the boundary of the site.

E. Site Drainage

With regards to the comments from the Durham County Council drainage engineer, we wish to respond as follows:

- We have previously submitted details of the proposed development to Northumbrian Water (Drainage), and they also have responded positively to the proposals in relation to the discharge of the foul and surface water drainage into the existing combined sewer. The new private drainage around the houses will have separate foul and surface water systems up until they discharge into the combined drainage pumping chamber.
- We are not aware of any watercourse alongside the site.
- We have obtained a design for a drainage pumping chamber from a specialist manufacturer, and the proposals are based on this design.

F. Landscaping

With regards to the comments from the Landscape and Arboriculture Department, Durham County Council, we wish to respond as follows:

- We have attached a copy of the tree impact assessment report, prepared by Batson Ltd. This report fully supports the proposed development, and responds to the points raised by the Landscape Department in relation to the trees.
- All trees are not affected by the proposed development.
- The large ash tree closest to the proposed dwellings has one large limb which is considered to be very dangerous, and needs to be removed as a matter of urgency.
- Our comments in relation to the car parking arrangements (as referred to in the Landscape Departments report) are given in section D above.
- We believe that there is a substantial area of land around the proposed development to allow for a comprehensive landscape scheme to be undertaken.

PLANNING CONSIDERATIONS AND ASSESSMENT

29. 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 the development, residential amenity, design, landscape and trees, ecology and highway safety.

Principle of the development

30. The application site is located within the settlement limits for Durham City as identified by the City of Durham Local Plan 2004 proposals map. The site represents undeveloped land, which is located within a primarily residential area. Durham City is identified as an area where development will be directed to under local plan policy

H2 'New Housing in Durham City' provided the development would not be in conflict with other local plan policies or any other designations. It is considered that the proposed development would be in accordance with policy H2 of the City of Durham Local Plan 2004. The proposals conformity with other relevant local plan policy is discussed in detail below.

31. National Planning Policy guidance contained within the National Planning Policy Framework applies a presumption in favour of securing sustainable development. Sustainable housing development is created by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services. The application site is located approximately 2 miles from the amenities of Durham City Centre. The area is also serviced by good public transport links.
32. It is considered that the proposed development represents sustainable development and is therefore considered to be acceptable in principle. The proposal would be in conformity with policy H2 of the City of Durham Local Plan and the NPPF.

Residential amenity

33. Policy Q8 'Layout and Design – Residential Development' sets out the minimum privacy distances between dwellings. Window to window elevations should have a distance of 21 metres, window to blank two-storey elevations should have a distance of 13 metres and window to blank single storey elevations should have a distance of 6 metres.
34. The proposed development has been assessed against the above criteria and as such has been found to meet the minimum privacy distances set out by Policy H8 of the City of Durham Local Plan 2004.
35. The proposed development would provide reasonably sized private gardens for each of the dwellings offering an adequate level of private amenity space to each of the properties.
36. Bin storage would be to the side of dwelling houses at plots 1, 2, 3 and 5. Plot 4 would have bin storage to the front within a timber enclosure.
37. The proposed development in terms of residential amenity is considered to be in accordance with policy Q8 of the City of Durham Local Plan 2004.

Design

38. The site does not fall within a Conservation Area and it has no heritage significance, nor is it within the setting of any heritage asset; however any development should be sympathetically designed to respect the general character of its surroundings and be appropriate in terms of layout, scale, design and materials.
39. The application site is a vacant plot of land located at the north end of the Front Street fronting the busy road and roundabout. The surrounding area comprises of attractive Victorian terraces within Pity Me, with the properties forming the Front Street, unfortunately heavily altered but some retain a degree of their original character, to the rear is a modern residential development. Planting is present on the site particularly to its northern and eastern boundaries.
40. The layout of the scheme comprises of a block of 3 dwellings and a block of two dwellings. The layout of the scheme reflects the character of the terrace at Front

Street, Pity Me. The development takes advantage of the aspect and topography of the site, working with the scale and proportions of the terraced housing next to which it is positioned. The dwellings have three floors, but appear as a two-storey dwelling with room in the roof space from the front and a two storey dwelling house to the rear, due to the change in levels on the site. Neighbour concerns have been raised that the proposed dwellings would not be in keeping with the character of the area. While the house types may be different to the existing adjacent Victorian terrace it is considered that the dwellings generally reflect the local vernacular in terms of scale, density and materials.

41. The scheme has been amended to improve the design and appearance of the proposed dwellings to be more in keeping with the character of the adjacent Victorian terrace. The front elevations have been simplified from their original design and have been amended to include a steeper pitched roof, vertical rooflights, the addition of chimneys, cills and heads to windows, cills over garage doors, garage doors recessed, simplified door canopies, traditional fenestration, Juliet balconies have been removed and dormers reduced. The site is located in a prominent location orientated towards the A167 roundabout. Due to the prominent location of the site it is considered appropriate to condition the submission of sample construction materials to control the standard of the completed development.
42. It is considered that the proposed design would be acceptable in terms of its impact on the visual appearance of the area in accordance with policy Q8 of the City of Durham Local Plan 2004

Landscape and Trees

43. A Tree Impact Assessment has been carried out which outlines the current health and condition of trees adjacent to the application site. These trees are protected by a Tree Preservation Order. The Council's landscape officer has confirmed that the submitted tree information confirms that the proposed development would not impact upon trees adjacent to the development site.
44. The submission of a suitable landscaping scheme shall be a condition of any planning permission. The landscaping scheme shall be informed by the recommendations of the Council's specialist tree and landscape officers.
45. It is considered that the proposed development would be in accordance with policy E14 of the City of Durham Local Plan 2004.

Ecology

46. Durham County Council's ecologist has confirmed that the proposed development would not create any significant adverse impacts to protected species.
47. The proposed development would be in accordance with the NPPF.

Highway Safety

48. As part of the development the highway from Front Street would be extended along the site frontage. The development includes 10 off street parking spaces, with plots 1 and 2 each having one garage and one off street parking space and plots 3, 4 and 5 each having two off street parking spaces.

49. Durham County Council's Highways Engineer has assessed the scheme and has raised no objection subject to a suitable informative relating to the construction of the new road.
50. Concerns have been raised by neighbours in relation to parking and construction traffic however the Council's Highways engineer has raised no objections to the proposal as the scheme would upgrade the highway to the site frontage to an acceptable useable standard.
51. The proposed development is considered to be acceptable in terms of access and parking in accordance with policies T1 and T10 of the City of Durham local Plan 2004.

Other Matters

52. Concerns have been raised in relation to drainage, flooding and the ability of the mains sewer system to cope with the new development. Northumbrian Water has been consulted and have recommended a condition requiring further details of surface and foul water drainage.
53. The issue of damage to neighbouring property has been raised. Damage to neighbouring property as a result of development is a civil matter. Property owners are protected through the Party Wall Act 1996.
54. The loss of green space has been raised as an issue. It is considered that the principle of the development of the site has already been established through the earlier application 4/11/00776 which members may recall was approved by committee on 2/2/2012.
55. In order to minimise construction disruption it is considered appropriate to condition site working hours.
56. A comment has been made that the dwellings would not have any gardens, this is not the case, the site plan and sectional drawings demonstrate that the development can provide adequate gardens for the proposed dwelling houses.
57. Subsidence has been referenced by an objector. It is considered that ground conditions are the responsibility of the developer.
58. An objection relates to the mention within the application documents of occupiers having vehicular and pedestrian access to the rear. As the road to the rear of the site is public highway it can be accessed by any member of the public.

CONCLUSION

59. The proposed development would be sited within the limits to development for Durham City. New development is directed to those areas best able to support it in terms of access to facilities, services and public transport links. The site is considered to be in a sustainable location. The proposal is therefore considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan and the NPPF.
60. The proposed development would not be detrimental to the amenity of neighbouring properties in accordance with policy Q8 of the City of Durham Local Plan 2004.

61. The proposed development would be of a good quality design and would contribute to the housing mix in the area and would bring about improved landscaping on the site, in accordance with policies H13, Q1, Q2 and E14 of the City of Durham Local Plan 2004.
62. The development would not cause any significant detrimental impacts to protected species in accordance with the Habitats Directive and the NPPF.
63. The proposal would be acceptable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
	Site Location Plan	10/4/2013
14	Site plan	30/5/2013
10	Proposed ground floor plan plots 1 & 2	22/5/2013
20	Proposed ground floor plan	22/5/2013
12	Proposed second floor plan	22/5/2013
11	Proposed first floor plan	22/5/2013
16	Proposed north and south elevations	22/5/2013
17	Proposed east elevaton	22/5/2013
15	Proposed west elevation	22/5/2013
19	Proposed roof plan	22/5/2013
18	Proposed site section A-A	22/5/2013

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

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

of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In the interests of the visual amenity of the area and to comply with policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing and hardstanding 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: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q8 of the City of Durham Local Plan.

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

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

6. Notwithstanding any details submitted with the application prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q8 of the City of Durham Local Plan.

7. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the local planning authority prior to the removal of vegetation during the bird breeding season

Reason: To conserve protected species and their habitat in accordance with PPS9.

8. No development shall commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding in accordance with the NPPF.

9. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of;

Monday to Friday - 08:00 to 1800
Saturdays - 0800 to 1300

No construction works shall be carried out on bank holidays and Sundays.

Reason: In the interests of preserving the amenity of residents in accordance with policy Q8 of the City of Durham Local Plan 2004.

10. Notwithstanding any details submitted with the application prior to the commencement of the development details of bin stores shall be submitted to and approved in writing by the local planning authority. The bin stores shall be constructed and available for use prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy Q8 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

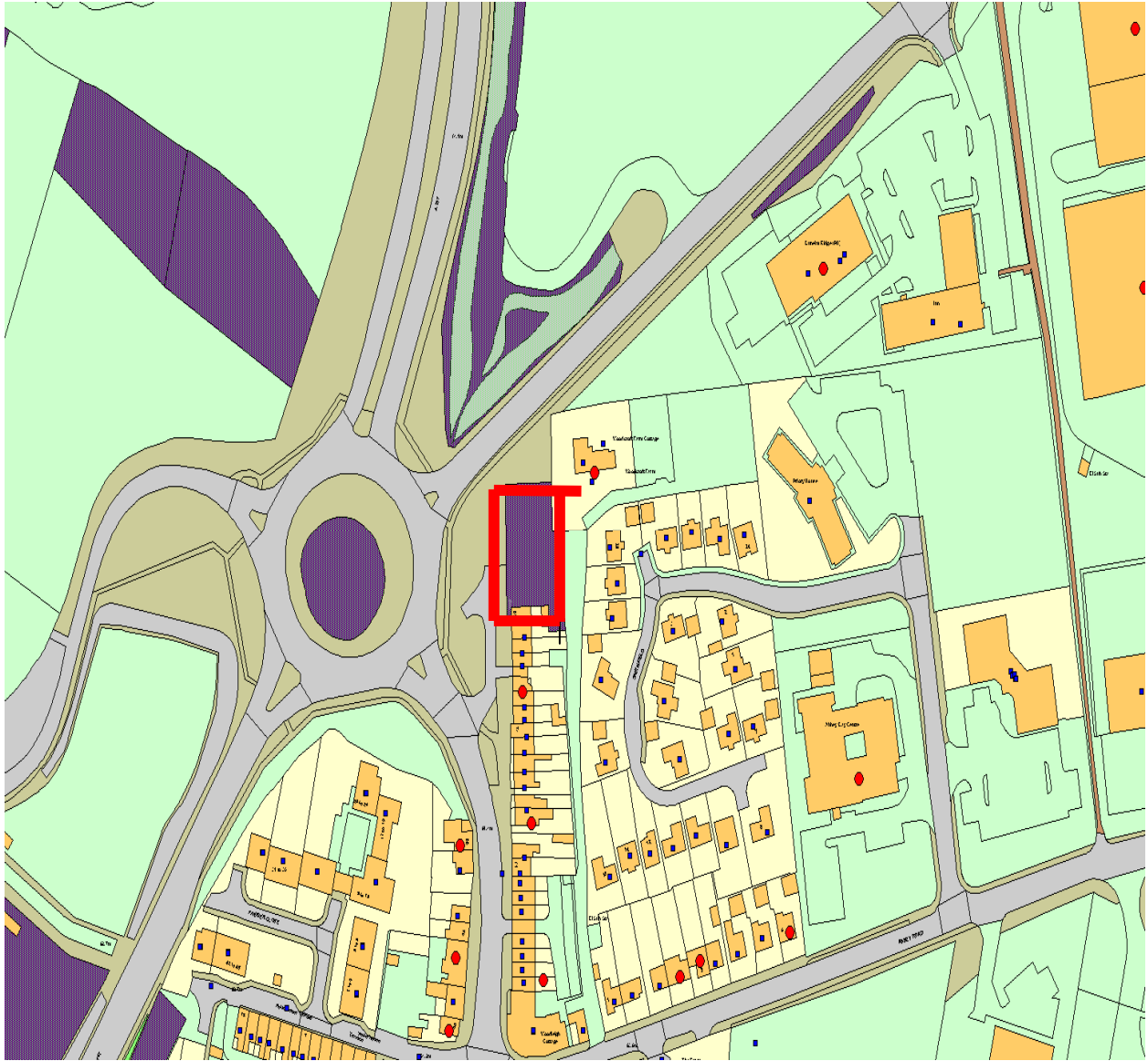
1. The proposed development is considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan 2004 and the NPPF.
2. The development was considered to be acceptable in terms of its siting, design and layout and its resultant impacts on the amenity of neighbouring properties in accordance with policies Q1, Q2, Q8 and H13 of the City of Durham Local Plan 2004.
3. The proposed development would not cause any significant detrimental impacts to protected species in accordance with the NPPF.
4. The development was considered to be acceptable in terms of its impact on landscape and trees in accordance with policy E14 of the City of Durham Local Plan 2004.
5. The proposal would be suitable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.
6. Objections to the proposals were not considered sufficient to warrant refusal of planning permission.

STATEMENT OF PROACTIVE ENGAGEMENT

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 in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Form, Plans and Supporting Documents
National Planning Policy Framework
City of Durham Local Plan 2004
Consultation Responses



Planning Services

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5 no. dwellings

Date 11th June 2013

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00919/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the erection of 12 no. dwellings on plot to rear of John Street with some matters reserved
NAME OF APPLICANT:	Mr J Connor
ADDRESS:	Land To The Rear Of 9 - 21 John Street South Meadowfield Durham DH7 8RP
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Tim Burnham Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a previously un developed green field site which sits to the rear of 9-21 John Street South, Meadowfield. The site measures approximately 0.3 hectares in size. Residential flats sit to the south west while residential properties sit to the north west. To the north sits Brandon Parochial Hall while to the east sits Meadowfield Industrial Estate. Site levels slope gently downwards from north west to south east. The site appears to be currently used for grazing horses and hosts a broken caravan, what appears to be a former van storage box and half demolished structure. Hedging bounds the site, with conifers to the south east of the site particularly prominent. Land levels slope slightly downwards towards the south west of the site and also to the north of the site.
2. The site is located within the Brandon, Brandon Village, Meadowfield and Langley Moor settlement boundary. Access would be taken from the A690 via an access road adjacent to the south west gable elevation of 9 John Street South.

The Proposal

3. This application seeks outline planning permission for a residential development. The indicative layout and information supplied with the application proposes 12 no. dwellings with a mix of 2 and 3 bed semi detached properties.

4. The only detailed matter requested for consideration under this application relates to the access. Matters of the appearance, layout, landscaping and scale of the development are reserved. The site is served by an existing adopted highway which runs along the rear of 9-21 John Street South. Upgrades are proposed to this access road between 9 John Street and flats at Meadow Rise and at its junction with the A690. A bus stop which is located on the south eastern side of the A690 would be required to be moved slightly further along the road to incorporate the access proposed.
5. This application is being referred to the planning committee as it constitutes a major development.

PLANNING HISTORY

6. Outline Planning permission was refused for the development of the site for residential properties in 1979. Planning approval was granted for the retention of a stable/tool store at the site in 1993.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
9. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
11. *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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

17. *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.
18. *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.
19. *Policy H3 - New Housing Development in the Villages* sets out criteria outlining the limited circumstances, in which new housing within the villages will be permitted, this being primarily appropriate on previously developed land.

20. *Policy H10 – Backland and Tandem Development* states that such development would only be considered appropriate where a safe and satisfactory access can be provided, where the amenities of any new or existing dwellings would be protected and where it would be in keeping with the character, density and scale of surrounding or adjacent development.
21. *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.
22. *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.
23. *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..
24. *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.
25. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.
26. *Policy Q5 - Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
27. *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.
28. *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.
29. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
30. *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.
31. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be

contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

32. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. Highways Development Management has no objections to the application. They have noted that the bus shelter outside the adjacent flats will require relocation and require full engineering details of the highways works proposed. They require that all highways works have been completed prior to the development being brought into use. They have outlined the applicant's obligations under The Highways Act 1980.
34. Northumbrian Water has stated that they will require a detailed scheme showing disposal of surface water at the site.

INTERNAL CONSULTEE RESPONSES:

35. Landscape has been consulted on the application and have raised no objection to the proposed development as they consider the space to have limited visual amenity. They have requested details of a hard and soft landscaping scheme.
36. Environmental Health has raised no objections though recommendations with regards to working hours, dust and noise suppression are made.
37. The Councils Archaeology section raises no objections to the proposed development.
38. Local Plans consider that the principle of the proposal is acceptable in that it is infill development within the existing built form and conforms to the presumption in favour of sustainable development. They note that the site sits adjacent to the industrial estate.
39. The councils Senior Tree Officer has raised no objections to the development but seeks assurance that any further submission relating to the scheme would seek to protect the broadleaved trees to the northern boundary of the site.
40. The Councils drainage engineer has requested that a detailed drainage design should be submitted in relation to the site.
41. Ecology Officers have raised no objections to the proposal, the mitigation measures within the submitted habitat survey should be conditioned on any approval.
42. The Councils Contaminated land Officer has offered no objection to the application.

PUBLIC RESPONSES:

43. Seven letters of representation have been received in relation to the application.
44. Objection is put forward that the development of the site would represent the development of Green Field land, which would be contrary to Policy H3 of the Local Plan.
45. A large amount of concern and objection to the application is in relation to highways issues around the site. Concern is expressed that the development would introduce further traffic to the already busy A690 road. Concern is expressed over the existing access onto the A690 with associated visibility problems when pulling out from the rear street. Concern is expressed that additional disturbance would be caused to occupiers of 9 John Street South and that car parking may become difficult for the owners of this property. It has been stated that the access lane to the rear of the properties on John Street South is thin, and due to this residents have expressed concerns over difficulties accessing rear parking spaces at their properties. It has been suggested that the access would be contrary to Policies H10 and T1 of the City of Durham Local Plan. Concern has also been expressed in relation to service vehicles accessing the rear lane under the current arrangements.
46. Concerns have been expressed over the suitability of the site for development given previous filling and re grading which is understood to have taken place at the site.
47. Objections are put forward on the basis that planning approval for houses at the site has been previously rejected on the basis that the site forms a barrier between existing residential development and the industrial estate to the east.
48. Concerns are expressed that the current drainage system is not adequate to cope with either foul or surface water discharge from the site.

Applicants Statement

49. Mr & Mrs Connor have owned the site for nearly thirty years over which time they have used the field for grazing horses which has provided them with a useful and pleasurable amenity, over recent years they have had a number of problems with vandals and fly tipping on the site and now feel that it would be beneficial to develop the site and improve the area.

Due to their long term involvement in the site the applicants are keen to see the site developed without harming the amenity of the existing residents and have gone to great lengths to consult with the Local Authority and accept their guidance on the design and access arrangements. Although the application is for outline permission the applicants have put forward a detailed scheme for smaller affordable housing units which they feel would benefit the local area the most and would hope that such a scheme is implemented and if so will result in a commuted payment towards local recreation areas and public art.

There have been several concerns raised particularly regarding access to the site which has been discussed at length with Highways Officers in order to achieve a safe entrance to the site and they feel that this has been achieved and will result in an overall improvement to the junction for all users including the owners of properties along John Street South. With regard to loss of privacy, the design of the scheme has carefully considered this orientating all of the proposed houses into the site rather than facing towards John Street South meaning that none of the existing properties are overlooked and impact on local residents is minimised. Mr & Mrs Connor feel that the scheme

submitted is sensitive to the immediate surroundings, will result in an improvement to the area and provide good quality affordable housing to local people and would respectfully hope that the committee agree and approve the development of the site.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

HTTP://FRED:8080/IDOXSOFTWARE/IG_SEARCH?APP_ID=1002&MENU=1&FORMPARAMETER1=41200919OUT&FORMPARAMETER2=000000000002&CODE=NYRDKNTJRI

PLANNING CONSIDERATIONS AND ASSESSMENT

50. 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, highway safety, impact upon the character and appearance of the area and residential amenity, and Trees and Ecology interests.

The Principle of the Development

51. The site is located within the Brandon, Brandon Village, Meadowfield and Langley Moor settlement boundary on land which has not previously been developed. The site appears to have previously been used as allotment land and appears to be currently used to graze and keep horses.
52. Policy H3 of the City of Durham Local Plan 2004 states that new housing comprising of windfall development of previously developed land and conversions could be appropriate within the Villages provided that it would be appropriate in scale, design, location and number of units to the character of the settlement and provided it would not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlements character. The Policy also states that the exceptional development of sites of less than 10 units in former coalfield villages most in need of regeneration could be appropriate where there are clear and quantifiable regeneration benefits and where these benefits could not be achieved through the development of previously developed land or conversions of existing buildings.
53. The proposal relates to a Green field site which has not previously been developed. The proposal is therefore not in accordance with Policy H3 of the City of Durham Local Plan 2004.
54. However, planning proposals must be considered with reference to the National Planning Policy Framework. The City of Durham Local Plan is not a plan adopted in accordance with the Planning and Compulsory Purchase Act 2004 but rather pre-dates it though policies were "saved". As a result the NPPF advises that due weight should be given to relevant policies in the Local Plan according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
55. The key theme running throughout the NPPF is that of sustainable development. The NPPF introduces a presumption in favour of sustainable development. With regards to development of Greenfield land and previously developed land the NPPF states that planning should encourage the effective use of land by re using land that has been previously developed (Brownfield land) provided that it is not of high environmental value.

56. However, the application site is well related to other residential property and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities in the immediate vicinity at Meadowfield, Brandon and Langley Moor. Public transport links are easily available from the A690 which runs close to the site. This area has also been identified as a sustainable location for additional housing within the County Durham Local Plan preferred options, although this can only be given very limited weight. The site would relate appropriately to the existing settlement, forming a natural continuation of development within the settlement boundary. The local area would benefit from contributions towards public art and off site play space.
57. While encouraging the use of previously developed land, the NPPF does not preclude the development of Green Field sites. Given that there is not full correlation between the local plan and the NPPF granting approval is suggested unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the Framework indicate development should be restricted.
58. The proposed development would make a small contribution towards future housing need in the locality. The development would also tidy up a site which currently offers limited visual appeal and would offer a degree of natural surveillance to the rear of 9-21 John Street South. Officers have not identified any adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development as a matter of principle. There are no Policies within the NPPF which indicate that such development should be restricted.

Highways Issues

59. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
60. The scheme shows a revised access arrangement from the A690 to the rear lane. The proposed access road would cut across the existing entry and grassed area culminating in a 6m radius with the A690. The kerb would then be built out, which would require the bus stop to be relocated further to the south west to allow buses to have adequate room to pull in from the A690 when travelling in a south westerly direction. This arrangement would also appear to reduce the potential for conflict between vehicles leaving the rear lane for the A690.
61. The road which would service the houses directly would be taken from a point close behind 15 John Street South. From this road, each dwelling would be served with a driveway, with a hammerhead for vehicles to turn provided towards the eastern end of the site. Many properties at 9-21 John Street have rear vehicular access onto the back lane for off street parking. These would remain unaffected with the rear lane retained as existing. Residents within the terrace also appear to park partly on the kerb to the front of the dwellings.
62. Highways Development Management Officers have given detailed consideration to the proposed scheme and have offered no objections to the proposals.
63. A significant level of concern has been raised by adjoining occupiers relating to Highways issues at the site and it is suggested that the application would be contrary to Policies T1 and Q2 of the City of Durham Local Plan. Officers acknowledge that such a housing development would inevitably increase activity in the area to a greater level

than is currently existing at the site. Residents at John Street South may notice additional comings and goings. Officers have not however noted any significant points of conflict in Highways terms between the existing situation and the site as proposed in the development. It could be argued that the upgrading of the access road both in terms of re routing the road to the south west elevation of 9 John Street and the provision of a new exit onto the A690 could be beneficial to Highways Safety, with the existing arrangements appearing to have evolved in a piece meal fashion over a period of time. Officers do not anticipate that the development would introduce a level of traffic into the area that would be harmful to highways safety. The application would meet the criteria of Policy H10 in that a safe and satisfactory access could be provided. Officers do not consider that in Highways terms, the residual cumulative impacts of the development would be severe.

Impacts upon Character and appearance of the Area and residential amenity.

64. The application would involve the development of a plot of land in a relatively secluded location that Officers consider contributes little to the character and appearance of the area. The site performs only a very limited function as open land. Visibility of the site is restricted from the east due to boundary planting and the positioning of Meadowfield Industrial Estate to this side of the site
65. Policies H13 and Q8 seek to ensure that new developments preserve the amenities of residents. Policy Q8 provides detailed guidance on separation distances between properties to ensure adequate amenity.
66. With the application being in outline with all detailed matters reserved except for access, the precise final layout of the development, proximity of properties and siting of windows is at this stage unknown.
67. However, the indicative layout suggests that separation distances recommended within Policy Q8 can be achieved both within the proposed estate and with regards to existing neighbouring property. The north western gable elevations of properties closest to John Street South are shown on the indicative layout plan as being positioned in excess of 21m from habitable room windows on these dwellings. Facing distances of approximately 26m are shown between the dwellings. Appropriate separation distances can also be maintained to the blank gable elevation of the flats at Meadow Rise to the south west. The reserved matters stage would allow for full details of the siting, size and orientation of dwellings to be finalised and officers consider that adequate privacy and amenity for all existing and proposed occupiers can be maintained in accordance with the guidance contained within Policy Q8.
68. The residential amenity of the future occupants of the dwellings has also been carefully considered by Officers. Concern has been expressed that previous planning approval was refused at the site due to its close proximity with the Meadowfield Industrial estate. A separation distance of in excess of 40m would exist from the south east boundary of the site to units on the industrial estate. These units which oppose the site at present have limited industrial use, with one unit hosting an indoor climbing centre and one unit hosting a karate centre, although this appears to have closed down. The retention of conifer planting to this side of the site would also give separation between the two uses. Taking all relevant matters into account, Officers do not consider that locating housing at this site would cause significant detriment to the amenity of future occupiers of the dwellings. The application would accord with Policy H10 of the City of Durham Local Plan in this respect.

69. Public objection has been received on the basis of a detrimental impact on residential amenity which would be contrary to the National Planning Policy Framework and Policy H13 of the City of Durham Local Plan.
70. Policy H13 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.
71. Officers again acknowledge that increased activity may be noted by residents around the site. However, in an area that is primarily residential that borders reasonably closely with Meadowfield Industrial Estate, Officers do not consider that there would be a significant adverse effect on the character or appearance of the area or the residents within it.
72. Some noise during the construction phase of any development can be expected. However, the development of a relatively small number of properties as proposed will not pose any exceptionally disturbing activities above or beyond what can be expected for any new development adjacent to existing property.
73. Officers do not consider that the potential for noise or disturbance is such that it would warrant refusal of the application. The proposed working hours condition requested by Environmental Health is the standard recommended on such developments and comes from good practice recommendations and is considered suitable at the site.
74. Overall, officers do not raise objection to the development on the grounds of harm to residential amenity.

Ecology

75. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the NPPF most notably at paragraphs 118 and 119.
76. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
77. The application has been accompanied by a protected species risk assessment which was undertaken in September 2012. The survey noted that with the exception of nesting birds, the site offers very limited opportunities for protected species. It recommends that any vegetation clearance and the removal of the existing building at the site should occur between September and February to avoid the bird breeding season. A recommendation has been made that no development should be allowed to encroach within 4m of bat boxes which have been placed on the adjacent building. It is also recommended that any lighting scheme at the site should not cast direct lights onto these boxes.
78. The Councils Ecology section have raised no objections to the proposal, the mitigation measures within the submitted habitat surveys should be conditioned on any approval, however.

79. As a result no objections are raised with regards to the impact of the development upon protected species in accordance with Policy E16 of the Local Plan and the provisions of the NPPF.

Planning Obligations

80. The application has been accompanied by a S106 agreement to make a financial contribution of £12,000 towards open space and recreational facilities and £7,750 as a public art contribution, based on the number of properties indicated in the application.
81. The public art and recreational space contributions are considered to adhere to the requirements of Policies Q15 and R2 of the Local Plan.

Other Issues

82. Concern has been raised by residents with regard to drainage at the site. Assessment has been made by both the Councils own engineer and Northumbrian Water. Northumbrian water has not raised concerns with regards to the ability of their network to accommodate anticipated flows arising from the development. Both parties have requested that a detailed drainage scheme for surface water is submitted in relation to the scheme.
83. Concern has also been raised by objectors that the site may not be suitable for development as it has been backfilled at some point in the past. The responsibility of ensuring that a site is safe for development lies with the developer of the land. A phase 1 land contamination assessment has also been undertaken at the site. This has been assessed by the Councils contaminated land Officer who has confirmed that there is no significant risk to the end user of the site.
84. Policy Q15 states due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area. Policy R2 relates to recreational and amenity space in new major residential developments. A contribution towards public art is detailed within the application to provide visual interest within the area. Given the reasonably compact nature of the application site, the provision of on site play facilities would not appear possible. To satisfy Policy R2 a contribution towards off site play provision has been sought which could be spent on the improvement or provision of play facilities within the local area.
85. The submitted arboricultural impact assessment notes that part of a Leyland Cypress hedge would need to be removed to facilitate the access, and also notes the need to remove an apple and Japanese Cherry tree. These losses are considered acceptable in relation to the site, and confirmation with regard to further tree retention at the site is requested via condition.

CONCLUSION

86. The application site is classed as green field site and as a result the development is contrary to Policy H3 of the Local Plan. However, with the emergence of the NPPF and the development of the new County Durham Plan development proposals are required to be assessed in the light of a changing and evolving planning system.
87. A key consideration is whether the development can be considered sustainable. With the proximity to Meadowfield, Langley Moor and Brandon, access to a range of facilities

and services, availability of public transport links and the road network officers consider that the development is sustainable and represents a logical addition to the settlement.

88. Much public objection relates to highways implications. Officers have sought to discuss these matters within the report, and the conclusion of the Councils highways officer is that the development is acceptable from a highways viewpoint.
89. On balance, officers consider that the proposed development would constitute an appropriate and sustainable development at the location with no significantly harmful effects noted by Officers which would warrant refusal of the application. Approval is therefore recommended.

RECOMMENDATION

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

- i. A contribution of £12,000 for recreational and play space
 - ii. A contribution of £7,750 for public art
1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

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

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

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

Existing site and location plan P2011/14/01 received 25th January 2013.
Proposed site plan and street view (excluding details of layout) P2011/14/02 received 06th March 2013.
Radius Detail received 06th March 2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, E16, H3, H10, H13, T1, T10, R2, Q1, Q2, Q5, Q8, Q15, U5, U8a, U11 and U14 of the City of Durham Local Plan 2004.

4. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning.

Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers and in accordance with Policy U8A of the City of Durham Local Plan.

5. No development shall take place unless in accordance with the mitigation details outlined in section 5 of the protected species risk assessment by Dendra Consulting Ltd received 09th October 2012.

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

6. No development shall commence until plans showing full engineering details of the proposed access road have been submitted to and approved in writing by the Local Planning Authority. The access road shall be completed in accordance with the approved details before any of the dwellings hereby approved is first occupied.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

7. The bus stop to the south west of the site on the A690 will require re location to accommodate the revised access proposed, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No house on the development shall be occupied until the bus stop relocation has been completed.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

8. 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 and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan.

INFORMATIVES

1. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under

Section 278 of the same Act, to allow the required works within the existing highway to be carried out.

2. The applicant needs to gain any planning approval necessary to relocate the bus stop and consultation will need to be carried out with affected residents - for more information on this Paul Richardson can be contacted on 0191 497 9343 or by email: paul.richardson@clearchannel.co.uk or Steven Muse from Public Transport can also be contacted on 03000 263747.

3. The access must be constructed in accordance with the requirements of Section 184 (3) of the Highways Act 1980. The applicant must contact Ian Harrison, Neighbourhood Services, before commencement of the works with regards the vehicular crossing which should be constructed in accordance with the requirements of Section 184 (3) of the Highways Act 1980. His contact details are as follows:

Meadowfield, Service Direct Depot
St Johns Road
Meadowfield
Durham
County Durham
Telephone: 03000 269249
Email: ian.harrison@durham.gov.uk

4. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

5. All noisy plant, vehicles, equipment and machinery used in connection with site activities shall be properly operated, used and maintained so as to control and minimise noise and dust emissions. Where necessary and practicable, they shall be fitted with appropriate means of noise attenuation e.g. suitable silencers, enclosures etc. and suitable means of dust suppression.

6. General restrictions on site operations would prevent noisy activities and the use of noisy plant, machinery and equipment on Sundays and on National/Bank holidays. In only exceptional circumstances and with prior agreement/consent should noisy site operations, including deliveries, commence before 0730 hours and continue after 1930 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. Outside these hours no activities which are likely to give rise to disturbance to local residents should take place

REASONS FOR THE RECOMMENDATION

1. The application proposes a residential development on a green field site and as a result is considered a departure from Policy H3 of the City of Durham Local Plan. However, as the site is within the Brandon, Langley Moor and Meadowfield settlement boundary and close to services and facilities the application is considered to constitute sustainable development in accordance with the provisions of the NPPF. No significant harm to the character of the area, highway safety or the amenities of neighbouring occupiers has been identified as a result of the development. Detailed matters regarding landscaping, drainage and final house design and positioning can be resolved at the reserved matters stage and through the discharge of conditions. The development is considered to accord with relevant Policies E14, E16, H3, H10, H13, T1, T10, R2, Q1, Q2, Q5, Q8, Q15, U5, U8a, U11 and U14 of the City of Durham Local Plan 2004. Due regard has been given to the provisions of The Conservation of Habitats and Species Regulations 2010.

This decision has been taken having regard to the policies and proposals of the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework.

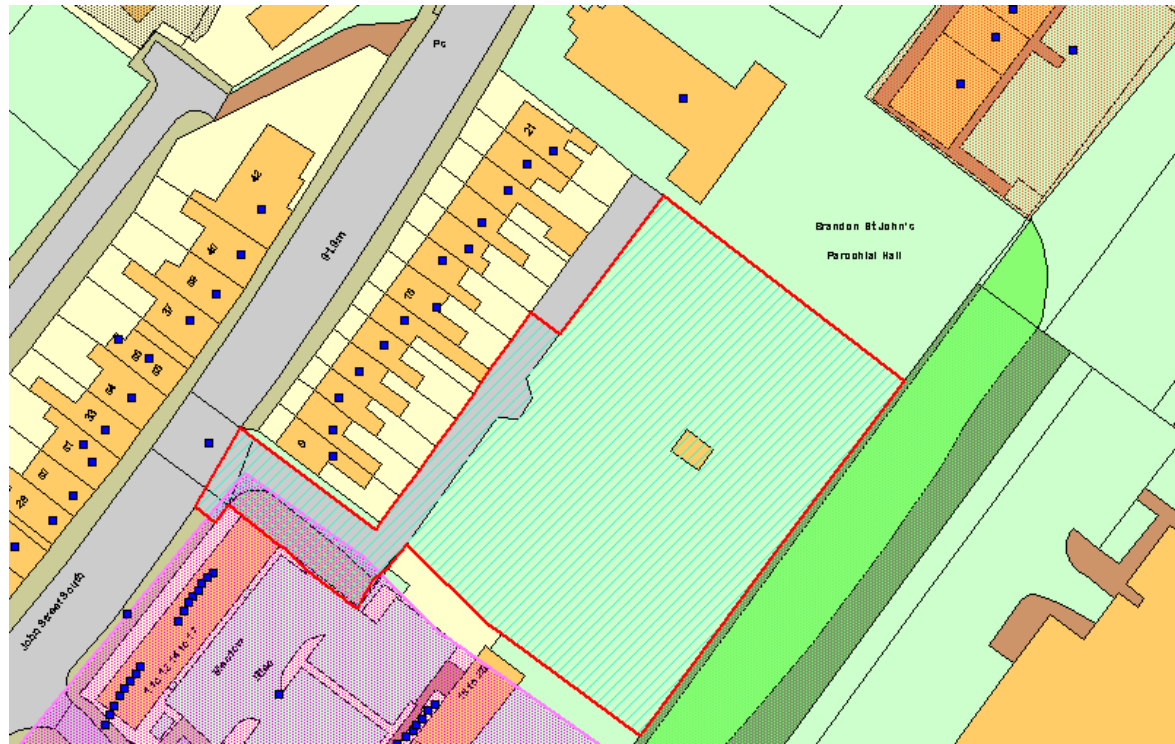
2. In particular the principle of the development was considered acceptable despite the conflict with Policy H3 of the Local Plan.
3. A total of 7 letters of objection have been received from local residents. Objections raised related to a range of issues including sewerage and drainage, highways and access, residential amenity and loss of privacy and light. The content of the objections has been taken into account. However, officers do not consider that the points raised would warrant refusal of the application in light of the applications accordance with the relevant Local Plan Policies and the inclusion of relevant planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

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 applicant has entered into a Planning Performance agreement with the Council in relation to this scheme.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Response of the Highway Authority
Response from Northumbrian Water
County Durham Local Plan (Preferred Options)



Planning Services

Outline application for the erection of 12 no. dwellings on plot to rear of John Street with some matters reserved

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Date 11th June 2013	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00117/FPA
FULL APPLICATION DESCRIPTION:	Two apartment blocks consisting of 12 one bed units
NAME OF APPLICANT:	Mr Alex Rae
ADDRESS:	Land to the east of Lidl, Littleburn Lane, Langley Moor, Durham
ELECTORAL DIVISION:	Brandon and Byshottles
CASE OFFICER:	Laura Eden Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

The site lies within the settlement limits of Langley Moor in a built up area. There is a food store development to the west of the development site and residential properties to all other sides.

The site is roughly L shaped and is accessed off Littleburn Lane. The land is relatively flat, is overgrown and untidy in appearance. It benefits from an existing permission to redevelop the site with six semi-detached bungalows and six terraced properties (10/00004/RM). This application site occupies the northeastern corner of the overall brown field development site that is approximately 0.15 hectares in size.

Within the surrounding area there are community facilities such as schools, healthcare facilities, shops and public transport links.

The Proposal

This application proposes the construction of two apartment blocks consisting of 12 one bed units with associated infrastructure and landscaping. The apartments are proposed to be developed in lieu of the six previously approved terraced properties however the intention is still to construct the six bungalows.

An apartment block would be constructed to both the north and south of the access road. They would be two storeys in nature with an overall height of 9.0m and 5.2m to the eaves and measuring 15.5m wide by 13.1m deep. They would be constructed from a red multi facing brick, grey concrete roof tiles and white UPVC windows.

The land around the buildings would be largely hardstanding with small areas of landscaping. There would be associated parking spaces and bin storage areas.

A contribution of £12,000 would be provided for off-site recreational facilities.

This application is being referred to Committee as it relates to a major residential development.

PLANNING HISTORY

08/00968/FPA - Mixed use scheme including erection of supermarket with associated parking and landscaping, outline application including details of access for the erection of children's nursery with associated parking and landscaping and outline application including details of access for the erection of 17 no. two storey dwellings and 2 no. bungalows approved 02/06/2009

10/0004/RM - Reserved matters application pursuant to outline approval 08/00968 for the erection of 17 no. dwellings (11 no. two storey and 6 no. bungalows) including details of access, appearance, landscaping, layout and scale approved 07/04/2010

PLANNING POLICY

NATIONAL POLICY

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

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

The following elements are considered relevant to this proposal;

NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

Policy U14 - Energy Conservation – General states that the energy efficient materials and construction techniques will be encouraged.

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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Northumbrian Water – No comments to make at this stage

INTERNAL CONSULTEE RESPONSES:

Highways Authority – No highways objection raised on the basis that the proposed change from 6 individual plots to 12 one bed units will not cause a significant increase in traffic. Parking levels are considered to be satisfactory given the sustainable location of the development. A condition relating to the full engineering details of for the new access is suggested. The applicant would need to enter into the relevant highways agreements to carry out works within the existing public highway and to get the new road adopted.

Tree Officer – No objection to the scheme subject to an approved landscaping scheme incorporating replacement trees.

Landscape Officer – No objection in principle however a landscaping condition should be attached to the permission which should include replacement tree planting.

Estates Officer – Does not consider that the scheme would be financially unviable if the developer entered into a S106 Agreement for £12,000.

Environmental Health – No objection to the scheme on the basis that conditions are added relating to hours of construction, reducing noise and dust levels and details of floodlighting.

Sustainability Officer – No comments received at the time of preparing the report.

Drainage Engineer – Requires further details about how surface water is going to be dealt with.

Ecology – No objections to the proposal

PUBLIC RESPONSES:

The application has been advertised by means of a press notice, site notice and neighbour notification letters – One letter of objection has been received from a neighbouring property concerned about the increase in traffic associated with the development, the number of parking spaces and the potential end users of the apartments. Two letters of support have been received from employees from the Child and Adults Services Section of Durham County Council advising that this scheme will provide much need housing for people with sensory impairments.

APPLICANTS STATEMENT:

The Sensory Support Team (Adults) DCC have for sometime identified the need for good quality housing to meet the needs of service users with sensory loss who are either blind, Deaf or both, historically people with such needs have been placed out of County often many miles from family and friends.

The development provides an excellent option for housing for people with sight loss and hearing loss as it is surrounded by good amenities and very good accessibility to Durham City. Of note any development for this client group would fulfill DCC policy aims of supporting vulnerable people to remain as independent as possible for as long as possible.

PLANNING CONSIDERATIONS AND ASSESSMENT

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.

In this instance, the relevant considerations are the principle of the development, in particular the accordance with the National Planning Policy Framework (NPPF) 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, trees and landscaping, play provision, additional matters as well as the concerns raised by a local resident.

Principle of development

The site currently benefits from a live planning permission for twelve dwelling units on the site therefore it is considered that the principle of development has already been established. The circumstances that led to the original planning permission relating to this scheme have not significantly changed. The NPPF has been published however this still adopts a presumption in favour of sustainable development which the proposal is considered to represent. As a result it is not considered that there has been a material change to the relevant planning policies and therefore no reason to refuse this application provided that all other material planning considerations are satisfied.

Scale, layout and design of development

The NPPF's twelve core planning principles state 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. These aims are also reflected in the City of Durham Local Plan Policies.

Policy H13 of the Local Plan 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.

The properties in the surrounding area are typically two-storey terraces. Although this application seeks to replace the two sets of three terrace properties with two apartment blocks their position on the site is largely the same. The overall footprint of the buildings has increased to accommodate the additional units which brings the build line of plots 7-12 closer to the highway to the north and plots 1-6 closer to the approved bungalows (albeit not built) to the west. 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 two blocks would be built from traditional brick and tile construction, with small communal landscaping areas and dedicated off-street parking. Details of the proposed materials have already been provided that reflect those used in the locality therefore it is not considered necessary to impose a condition in relation to this matter. Details of acceptable bin storage arrangements form part of the application and thus a condition is not required to control these details.

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 terms of the distances between the front elevation of the approved bungalows and the opposing gable of the apartments there would be a minimum of 13.5 metres therefore the recommended distances are exceeded. In terms of the distances between the front elevation of plots 1-6 and the opposing front elevations of 27-29 Onslow Terrace there is in the region of 20 metres. Although this is shorter than the recommended distances given it is only by one metre or so it is not considered that residential amenity would be affected to a level that would justify refusal of the planning application, taking into account the overall benefits of developing the site.

Overall, the development in terms of scale, design and layout is considered to be appropriate for this particular location. The scale and layout of the development is acceptable and the design is of a good 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

A new access road would be created off Littleburn Lane leading to a 'T' shaped hammerhead cul de sac arrangement in addition to thirteen parking spaces. The Council's Highways Officers have assessed the proposals and have raised no objections to the scheme. Parking levels are less than what would be expected for a development of this scale but given the sustainable location of the development highways officers do not consider that there would be sufficient grounds to refuse planning permission on this basis. They have however requested that the applicant enters into the relevant agreements under the Highways Act and that a condition is added to agree the full engineering details for the proposed access. On this basis 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.

Trees and landscaping

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.

Both the tree and landscape officer have been consulted on the proposal and have not raised any objection to the scheme however recommend that a landscaping scheme

condition is imposed that should incorporate replacement trees to compensate for the two specimens that would be lost to accommodate the development.

Other considerations

Policy R2 of the Local Plan requires developments that propose 10 or more dwellings to incorporate open space within the development or if that is not possible to enter into a planning agreement to provide a financial sum in lieu of these facilities. Due to the layout of the site, its size and the intended end users it is not considered appropriate to incorporate play space provision within the scheme therefore the developer has agreed to enter into a Section 106 Agreement to the value of £12,000. It is therefore considered that the proposal would adhere to the requirements of the relevant policy and should be granted approval upon the signing of the legal document.

As part of Policy U8a developments are required to provide satisfactory arrangements for disposing of foul and surface water discharges. Discussions have been ongoing between the agent and the Council's drainage engineer however a suitable scheme is yet to be agreed. On that basis a condition relating to surface water drainage has been imposed.

One neighbouring property has objected to the scheme on the grounds of increased traffic and what he considers is an insufficient number of parking spaces. Highways issues have been addressed already earlier in the report and colleagues in that section raised no objection to the scheme. Concerns have also been raised that these apartments will be used by students. There are no restrictions on who can occupy the properties and there is not considered to be a requirement to do so. It is planning officers' understanding that this scheme is being developed in partnership with Durham County Council for people with sensory impairments.

CONCLUSION

Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposal is located in a sustainable place for new residential development being within the settlement limits for Langley Moor and close to existing shops and services.

The scale and layout of the development are acceptable and would complement the surrounding housing stock and would not adversely impact on residential amenity. Matters in relation to highways, landscaping, trees, sustainability and drainage can be satisfactorily controlled by means of planning conditions. The development would also secure a financial contribution in lieu of open space provision. Furthermore, it is not considered that the objection received from a local resident is sufficient to outweigh the other material considerations relevant to this development proposal.

On the basis of the above, officers recommended that the application be approved.

RECOMMENDATION

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 a payment of £12,000 in lieu of recreational facilities:

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: Drg. No. SI – 001-, Drg. No. EL – 203-, Drg. No. GA – 003, Drg. No. SE – 303- all received 08/02/2013, Phase 1 Desktop Study C300 dated July 2008, Noise Assessment dated April 2009, design and access statement, received 01/03/2013, Drg. No. SI – 002 B and Drg. No. SE – 310 A received 01/05/2013 and SI – 004 – received 20/05/2013.

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.

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

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14/15 of the City of Durham Local Plan and Part 11 of the NPPF.

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

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

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and

hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

6. 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.

7. 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 or Bank Holidays.

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

8. Notwithstanding the information shown on the submitted plans, no development shall be commenced until plans showing the full engineering details of the proposed access road have been submitted to and approved in writing by the Local planning authority, and none of the buildings hereby permitted shall be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with saved policies T1 and T10 of the City of Durham Local Plan.

REASONS FOR THE RECOMMENDATION

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

City of Durham Local Plan Policy E14, 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 scale, layout and design of the development, highways issues, trees and landscaping and other relevant considerations.
3. The objection received has been fully assessed within this report and the concerns raised are not considered to warrant refusal of planning permission.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

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

INFORMATIVES

COAL
BATS AND BIRDS
HIGHWAYS



Planning Services

Proposed TWO APARTMENT BLOCKS CONSISTING OF 12 ONE BED UNITS at LAND TO EAST OF LIDL, LITTLEBURN LANE, LANGLEY MOOR, DURHAM

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Comments

Date 11 June 2013

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