



## Area Planning Committee (Central and East)

**Date**        **Tuesday 9 July 2013**  
**Time**        **1.00 pm**  
**Venue**       **Council Chamber, County Hall, Durham**

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 11 June 2013 (Pages 1 - 6)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) 4/12/01048/FPA - Land To The South Of Oakfield Crescent, Bowburn, Durham DH6 5DE (Pages 7 - 32)

New vehicular access and erection of 43 dwellings consisting of 2, 3 and 4 bed units including associated boundaries, roads, paths and garages together with change of use of land to private garden for properties 7-15 Oakfield Crescent.
  - b) 4/13/00308 - Land adjacent to 67 Front Street, Pity Me, Durham DH1 5DE (Pages 33 - 46)

Land adjacent to 67 Front Street, Pity Me, Durham DH1 5DE.
  - c) 4/12/00997/FPA - Land at Rowan Court and The Oaks, Esh Winning, Durham (Pages 47 - 66)

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

- d) PL/5/2013/0145 - Dalton Park, Murton SR7 9HU (Pages 67 - 80)  
Erection of a retail building (A1 use class).
  - e) PL/5/2013/0194 - Hulam Farm, Hutton Henry TS27 4SA (Pages 81 - 88)  
Agricultural building.
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

1 July 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, B Moir, G Mowbray and J Robinson

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Contact: Jocasta Lawton

Tel: 03000 269707

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**DURHAM COUNTY COUNCIL**

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

At a Meeting of **Area Planning Committee (Central and East Durham)** held in the Council Chamber, County Hall, Durham on **Tuesday 11 June 2013 at 2.00pm**

**Present:**

**Councillor P Taylor (Chair)**

**Members of the Committee:**

Councillors A Bell, J Clark, P Conway, M Davinson, K Dearden, D Freeman, C Kay and J Lethbridge.

**1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, S Iveson, G Mowbray and J Robinson.

**2 Substitute Members**

Councillor A Turner substituted for Councillor S Iveson and Councillor K Shaw substituted for Councillor G Bleasdale.

**3 Minutes**

Councillor P Taylor advised that he had Chaired the meeting of the Committee held on 12 March 2013, though the minutes reflected that the meeting had been Chaired by Councillor P Charlton.

With the amendment noted and agreed, 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 4/13/00209/FOA – Land at Finchale Primary School, Canterbury Road, Newton Hall, Durham**

The Committee considered a report of the Senior Planning Officer regarding the erection of 14 no. dwellings, formation of access and associated works at land at Finchale Primary School, Canterbury Road, Newton Hall, Durham (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members 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 4 letters had been received, all of which raised the same issues already received in objection letters and subsequently addressed within the report. The Committee were advised that these additional letters had included statements that the issue of land ownership had now been resolved as had the issues of privacy and amenity since the revised layout had been submitted, though the occupier of 69 Canterbury Road continued to have some reservations.

In referring to the officers report and recommendation, the Committee were advised that the following updates were required:

- Condition 5 needed to be updated to reflect that the correct and most up to date plan QD718-01-01 Rev D received 20 May 2013;
- Condition 12 on construction hours needed to be amended to require the developer to submit a management strategy to cater for school drop-off and pick-up times;
- 2 no. additional conditions required. Firstly, so as to require agreement to be reached over the disposal of foul and surface waters from the site. Secondly, so as to agree the precise extent and layout of the front curtilages of plots 01 and 14 and interface with adjacent highway.
- Paragraph 4 of the report should reflect that 13 of the dwellings proposed would gain their access via the proposed access road with 1 remaining property gaining access direct from Canterbury Road.

It was reported that there was a query regarding the consultation with Finchale Primary School. Members were advised that Asset Management had written to and met with, the school, planning had prepared a site notice. No direct letter had been sent to the school from planning.

Mr D Moody, local resident, addressed the Committee. Mr Moody advised he was a resident of Winchester Road and had originally had a number of objections when the first proposal had been submitted. However since the proposals had been revised he felt that the submission was much improved and along with many of his neighbours he felt satisfied with the proposals especially in terms of the streetscape.

He remained somewhat concerned in relation to the highways and queried whether a condition could be applied requiring there to be no stopping of vehicles in the proximity of the school.

The Highways Officer clarified that there were “keep clear” road markings currently on Canterbury Road which would not be removed. There was a reluctance to impinge into the new development with additional road markings as this would ultimately have an impact on those new residents, as such the Council would refrain from taking any further action at the moment. Councillor Bell requested that the parking and road safety situation be monitored.

**Resolved:** That the application be approved subject to conditions detailed within the report and amendments to conditions as suggested by the Senior Planning Officer and subject to the entering into of a S106 agreement to secure financial contributions of £14,000 towards recreational and playspace and £12,000 towards public art with responsibility for the wording of the additional conditions delegated to the Senior Planning Officer.

**5b PL/5/2013/0055 – Land East of Windsor Place, Shotton**

The Committee considered a report of the Planning Officer regarding the proposed development of 86 no. dwellings, associated boundaries, garages and roads and diversion of a public right of way at land east of Windsor Place, Shotton (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. It was reported that since the officers report had been published comments had since been received from the Environment Agency who confirmed they had no objections to make on the proposal.

Attention was drawn to the comments made by both the Landscape Officer and the concerns raised in relation to pollution control. Taking those comments into consideration the Principal Planning Officer suggested that various amendments be made to the conditions as detailed within the report.

In relation to condition 5 of the officer report, additional wording would be added to include noise sources.

It was further suggested that conditions 6 and 10 be combined and reworded accordingly.

Seconded by Councillor A Bell, Councillor A Laing moved approval of the application with the amended conditions.

**Resolved:** That the application be approved subject to completion of a Section 106 agreement and conditions detailed within the report with amendments to conditions 5, 6 and 10 as suggested by the Principal Planning Officer with responsibility for the wording of the additional conditions delegated to the Principal Planning Officer.

**5c 4/13/00308 – Land adjacent to 67 Front Street, Pity Me, Durham DH1 5DE**

The Committee were informed that the application had been withdrawn.

**5d 4/12/00919/OUT – Land to the Rear of 9-21 John Street South, Meadowfield, Durham DH7 8RP**

The Committee considered a report of the Planning Officer regarding an outline application for the erection of 12. no dwellings on a plot to the rear of 9-21 John Street South, Meadowfield, Durham DH7 8RP(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. The Committee were reminded that the only detailed matter to be considered by the meeting related to the access, as all other matters such as appearance, layout and scale of development, were reserved at the present time.

Councillor J Turnbull, local Member, addressed the Committee. The Committee were advised that he did not object to the proposals but hoped that a wide enough turn off would be accommodated on the highway to allow ample room for service and refuse vehicles. The Highways Officer clarified that the design would include a turning head to accommodate large vehicles.

In response to a query from a Member, the Highways Officer confirmed that although the alignment of the new road should not generate any parking issues, certainly the provision of additional private parking spaces in the future would not be something which the Highways Department would support,

Seconded by Councillor A Bell, Councillor A Laing moved that the application be granted, with Councillor Bell requesting that the parking arrangements in the area be monitored.

**Resolved:**

That the application be approved subject to completion of a Section 106 agreement and the conditions detailed within the report.

**5e 4/13/00117/FPA – Land to the east of Lidl, Littleburn Lane, Langley Moor, Durham**

The Committee considered a report of the Planning Officer regarding the development of two apartment blocks consisting of 12 one bed units at land to the east of Lidl, Littleburn Lane, Langley Moor, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were advised that since the report had been published the Sustainability Officer had responded to the consultation on the application. The only comment was that a standard condition relating to renewable energy would be required, Members were advised that such a condition was already attached to the report.

Ms Maureen Stansfield, Commissioning Services Manager with Durham County Council, addressed the Committee to speak in support of the application. Members were advised that she and her team were extremely passionate about the scheme.

There was a real need for good quality local housing tailored to meet the needs of service users with sensory loss. Locally there were insufficient facilities and as such service users were forced to relocate to the South, whereby doing so came at a great cost.

Ms Stansfield advised that the delivery of one bedroom units met perfectly with local need and the area for the scheme was particularly suitable as it would be located on flat land with extremely good access to the city centre. Members were advised that in sensory terms the scheme was generating much interest on a national level.

Ms Stansfield did express concerns regarding the s106 contribution which the developer was required to make. She felt that the developer was being penalised and highlighted that the scheme did incorporate open space within the development in the form of a sensory garden.

The Principal Planning Officer clarified that a sensory garden was not part of the scheme put forward and the Applicant was invited to highlight on the plan the location of the proposed sensory garden within the application site but was unable to do so.

In response to the concerns raised, the Solicitor clarified that Policy R2 of the Saved Local Plan required developments that proposed 10 or more dwellings to incorporate open space within the development. Should that not be possible then the developer would be required to enter into an agreement to provide a financial sum in lieu of those facilities.

The plans which had been submitted by the developer had not indicated that open space would be incorporated on the site as such a s106 Obligation would be required. The financial sum had been agreed at £12,000 which represented £1000 per unit to be developed.

The Solicitor advised that there could sometimes be other considerations which applied and could be sufficient to override the requirement for a contribution to be made, but the developer had not put forward any such considerations with the application.

Mr G Rae, applicant, advised that the s106 had been questioned from the very start of the application process and that a viability statement had been submitted.

Further to a suggestion from a Member to defer the application in order for the full facts to be received, Ms M Stansfield urged the Committee to refrain from deferral as the proposals had taken 2 years to develop and there were 25 people desperate for such accommodation.

Several Members voiced their support of the current application and it was stated that the s106 was appropriate as previously there had been allotments on that site which the community had since lost.

Seconded by Councillor Lethbridge, Councillor Laing moved approval of the application.

**Resolved:** That the application be approved subject to completion of a Section 106 agreement and the conditions detailed within the report.



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/01048/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	New vehicular access and erection of 43 dwellings consisting of 2, 3 and 4 bed units including associated boundaries, roads, paths and garages together with change of use of land to private garden for properties 7-15 Oakfield Crescent
<b>NAME OF APPLICANT:</b>	Keepmoat Homes
<b>ADDRESS:</b>	Land To The South Of Oakfield Crescent Bowburn Durham DH6 5DF
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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Site:

1. The application relates to an undeveloped field located to the south of Oakfield Crescent in Bowburn. The site is bound to the north by the boundary with the rear of properties on Oakfield Crescent, to the west is a palisade fence dividing the site from Bowburn Junior School. The boundaries to the south and east are landscaped with trees. Beyond the tree line to the east lies Crow Trees Lane/Tail Upon End Lane which effectively skirts around Bowburn between the built up area of the village and the A1(M).
2. The application site is located within the settlement boundary of Bowburn.

Proposal:

3. The application principally seeks planning permission for the erection of 43 no. dwellings and associated works.
4. The proposed vehicular access for the development would be taken from Crow Trees Lane in the south east of the site. Each property would then be served by parking spaces or garages with access gained from the proposed internal road. No further drives or vehicular access points onto Crow Trees Lane are proposed aside from the main access, however, a pedestrian link is proposed in the far north east corner of the site to meet the footpath on Crow Trees Lane.
5. Of the 43 no. dwellings proposed, 9 no. units would be affordable homes. A total of nine house types are proposed across the development, all properties are two storey

with the exception of one house type (the 1011) which would be 2 ½ storey with accommodation in the roof space. A total of six of these 2 ½ storey units are proposed sited on the northern and western sections of the layout. Properties vary between 2, 3 and 4 bed and are arranged as a mixture of detached, semi-detached and terraced properties.

6. As part of the overall development scheme the application is also proposing the extension of the rear curtilages of selected properties on Oakfield Crescent, effectively exchanging parcels of the application site land to form part of the private gardens of properties on Oakfield Crescent. The properties on Oakfield Crescent which are indicated as having an extension to private garden are Nos. 7 – 15.
7. The application is before planning committee as the development constitutes a major development.

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## **PLANNING HISTORY**

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8. There is no planning history directly applicable to the application site.

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## **PLANNING POLICY**

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### **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 21<sup>st</sup> 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.
19. *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:**

20. *Policy E5a Open Spaces within Settlement Boundaries* does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
21. *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.

22. *Policy E15 Provision of New Trees and Hedgerows* states that the Council will encourage tree and hedgerow planting.
23. *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.
24. *Policy E24 Ancient Monuments and Archaeological Remains* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
25. *Policy H3 New Housing Development within the Villages* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
26. *Policy H12 Affordable Housing* seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha.
27. *Policy H12A The Type and Size of Housing* states that the Council will monitor new housing completions and where a certain need is not being met negotiate with developers to ensure the correct balance of the type, density and size of housing provided.
28. *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.
29. *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.
30. *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.
31. *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.

32. *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.
33. *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.
34. *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.
35. *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.
36. *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.
37. *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.
38. *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.
39. *Policy U7 Pollution Prevention – Development Sensitive to Pollution* states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
40. *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.
41. *Policy U10 Development in Flood Risk Areas* states that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative less vulnerable areas are unavailable, that no unacceptable risk would result, that no unacceptable risk would result elsewhere, or that appropriate mitigation measures can be secured.
42. *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.

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

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

45. The Highway Authority have raised no objections to the development with the proposed visibility splays considered to be acceptable to provide safe access at the proposed location, the visibility splays should, however, be clear of landscaping. A footpath link in the northern end of the site was requested.
46. Northumbrian Water have raised no objections provided the development is implemented in accordance with the submitted flood risk assessment.
47. Cassop Cum Quarrington Parish Council have objected to the application on the basis of inaccurate details within the submission for instance within the Design and Access Statement, lack of pre-application efforts by the applicant and that the developers and Council appear to want the alleged regeneration/house building within Bowburn to extend further than the community believes it should. Concerns are raised that the development could prejudice the development of a future combined primary school and seek confirmation of how the Council has considered this. Reference is made to the emerging County Durham Local Plan and that the site would not appear to be proposed as a housing allocation. Concern is raised that a footpath link to Milford Way which is thought to have PROW status will be blocked through the development. A further point is raised that potentially the whole site could be considered village green though this may prevent the future school plans.
48. The Coal Authority have raised no objections.
49. Natural England have raised no objections with regards to the development and protected species. Advice on green infrastructure enhancements is given.
50. The Environment Agency raise no objections though state Northumbrian Water should be consulted to ensure adequate disposal of foul drainage.

### **INTERNAL CONSULTEE RESPONSES:**

51. The Council's Senior Sustainability Officer requires further information to discharge the 10% energy reduction requirement.

52. The Council's Senior Tree Officer has raised no objections in principle but more clarity on some impacts of the development are sought namely further clarity on degree of tree removal due to required visibility splays, further information on impact of gas main relocation and trees are sought and query on whether boundary removal on the eastern side of the site is to occur.
53. Environmental Health have provided advice on construction practices and working hours. The submitted site investigation and contaminated land investigation reports have been considered and no objections have been raised to their content with no significant risk from contamination to a future end user considered to exist. Consideration should be had to a condition, however, to resolve any previously unidentified contaminants. Environmental Health have also considered the submitted noise assessment and no objections have been raised.
54. The Council's Landscape Architect raise some queries on the development namely whether the access point could be relocated. Concerns are raised over the potential for future pressure for removal of trees on the southern tree belt. Some objections are raised over species choices in the landscaping scheme. Advice is provided on footpath and enclosure construction in close proximity to trees.
55. Ecology have raised no objections in principle, concerns over degree of loss of tree cover which provides both screening and degree of linear connectivity between habitats along the roadside.
56. The Senior School Places Officer within Education has stated that there are currently sufficient spaces in Bowburn Infant and Bowburn Junior Schools with no plans to increase capacity at either school. There would be space for the number of places generated by the development. With regards to secondary schools, pupils from Bowburn no longer have free travel arrangements to Durham Johnson though free travel is provided to Gilesgate Sports College. There are plans to make Durham Gilesgate Sports College a school to cater for 16-19 year olds, if this occurs Belmont Community School is the nearest to the application site. Children can also be sent to Durham Johnson from Bowburn but this school is very popular with high competition for places.
57. The Senior Area Drainage Engineer has commented on the application and no objections have been raised to the submitted flood risk assessment. Questions are raised over the proposed land drainage proposal as there is no outlet, a positive outlet would be required to either a soak away or a borehole to better ensure success.
58. The Public Rights of Way Officer has been consulted on the application to discuss the potential for a public right of way crossing the application site. Advice has been provided on the means in which public right of way status can be acquired and the application process.

#### **PUBLIC RESPONSES:**

59. A total of 13 no. letters of objection have been received including a petition with a total of 14 no. signatures. Objections include those received from the Bowburn and Parkhill Partnership.
60. Objections are raised that the application site could provide the land for the school expansions which are understood to be required in Bowburn or alternatively could jeopardise plans on the adjacent school land for expansion. A query is raised over

who owns the land within the application site, the school or Council. Concerns are raised over the availability of school places and the lack of services and facilities with the continuing house building in Bowburn. It is also considered that the Bowburn housing market is oversaturated and is driving property prices down. Concerns are also raised that this developer is the same as other developments in Bowburn with too many similar house styles being developed.

61. Concerns are raised over the safety of the proposed access and queries raised over the implications of the visibility splays on landscaping. Objections are raised on the grounds of residential amenity with concern over loss of privacy and light, reference is made to right to light legislation. Particular concerns are raised over the proposed 2 ½ storey house type proposed, bungalows are considered to be more appropriate. Much concern has been raised by residents of Oakfield Crescent to the works along the shared boundary with the site, what enclosures are proposed and what works to trees are sought and how will maintenance for access be preserved. A suggestion has been made that consideration be given to serving of a TPO so as to retain trees. Requests have been made by some resident on works along the shared boundary including tree removals that they would like to see.
62. Some objection relates to the principle of the development with points raised that the site was not allocated within the original Bowburn Masterplan nor is the site allocated for housing within the preferred options of the emerging County Durham Local Plan. Objections are raised to the loss of the Greenfield land and land that has been used previously for playing field space and Bowburn lacks such facilities. The proposal is not considered to accord with the provisions of Policy H3 of the Local Plan.
63. It is stated that contact was previously made with the Council to enquire as to whether the land was to be built upon and they were informed that it would not. It is also pointed out that test drilling had previously been occurring on the site and it is now clear that this must have been to do with the development now proposed. A query has also been raised as to why street lights have been erected so close to the proposed access this would appear deliberate. Concerns are raised that the footpath to the rear of the plot 28 dwelling could be used by congregating youths.
64. Concerns are raised over impacts upon wildlife due to the loss of landscaping proposed. Concerns are raised over flooding with the site considered to be very boggy and the local drainage system overloaded. Concerns are also raised over the proposed field drain the applicant is proposing and how these will be managed.
65. A query is raised that there appears to be no provision to maintain a pedestrian link to the park across the land. A request is also made that the application be determined at planning committee and not under delegated powers.
66. Reference to the submitted Design and Access Statement and that it suggests that the adjacent school field is also to become a development site.

**APPLICANTS STATEMENT:**

67. The application has been supported by an accompanying design and access and supporting statement which states that the development proposal has not been developed in isolation but with detailed consideration of the context of the local area. The applicant explains that this development is an additional, stand-alone proposal aside to the Bowburn Masterplan which has previously delivered development.
68. Key constraints are identified including the proximity of existing residential development and the means of gaining access to the development.



69. The applicant has also supplied details of consultation exercises with local residents including the issue of recent letters to residents on Oakfield Crescent to inform of the intention along the shared boundary with the application site.

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

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=4/12/01048/FP>  
[A](#)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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70. 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

71. Some public objection to the proposal relates to the principle of the development with objections raised over the loss of Greenfield land and the loss of land which has in the past been used as playing field. The application site is undeveloped and must be considered as being Greenfield land. The application site is located within the settlement boundary of Bowburn, however and is not located within the countryside. Policy H3 of the Local Plan relates to new housing development in villages such as Bowburn. Policy H3 has a preference for the redevelopment of previously developed land though exceptionally also considers that new housing on Greenfield land can be accepted on smaller sites of less than 10 no. dwellings and where clear, quantifiable regeneration benefits would result and those benefits cannot be achieved through redevelopment of previously developed land.
72. This development site and number of dwellings proposed exceeds that identified as appropriate Greenfield development within Local Plan Policy H3 and it is clear that a degree of conflict exists with this policy.
73. The NPPF also encourages the re-use of Brownfield land, clearly stated at paragraph 17. However, though the development on Brownfield land is encouraged, the development of Greenfield land is not necessarily inappropriate as indicated by paragraph 52 of the NPPF which considers extensions to villages can be an appropriate means to deliver housing. The NPPF does not necessitate a sequential approach to site selection for new residential development. In addition paragraph 55 of the NPPF advises against isolated housing in the countryside, this constituting unsustainable development. The application site is within a settlement boundary within close proximity to services and public transport links and would sit alongside established residential areas.
74. Officers therefore consider that aside from the Greenfield status of the land, the application fares well in terms of its sustainability. The NPPF establishes a presumption in favour of sustainable development and states that this is the golden thread running through both plan making and decision taking. The sustainability credentials of the site by virtue of its proximity to services and siting within a

residential area are considered to meet that key sustainable development aim of the NPPF.

75. Although the application site and development also exceeds the threshold for Greenfield development stipulated within Policy H3 of the Local Plan, there is an understanding that new housing development in its own right can contribute to the regeneration of a settlement and therefore provides a contribution towards those regeneration benefits which is an aim of the policy. Furthermore, the proposal would provide a further contribution to the District's affordable housing need and provide financial contributions (via a S106 agreement) towards open and recreational space and public art/environmental improvements in the area.
76. Aside from the Greenfield nature of the land, public responses to the application have also expressed concerns on the grounds of the land being utilised for recreational purposes.
77. Policy E5A of the Local Plan relates to development proposals on open spaces within settlement boundaries and states that development that detracts from any important functional, visual or environmental attributes will not be permitted.
78. Furthermore Policy R3 relates to the protection of outdoor recreation facilities and essentially seeks to protect areas of open space used for recreation and leisure. The loss of such spaces will only be permitted where, for example, 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.
79. However, the latest evidence base with regards to the availability and need for recreational space and open space across the District is contained within the Open Space Needs Assessment (OSNA), a supporting evidence base document to the emerging County Durham Local Plan. The parcel of land to which the application relates is not specifically identified or allocated within the OSNA (nor is it specifically allocated for a purpose within the Local Plan proposals maps). Furthermore, the OSNA identifies that any deficiencies in open space with the Coxhoe ward relates to the parks and gardens, play space and allotments categories which this land (notwithstanding it not being allocated within the OSNA) is not considered to comprise of. The land is presently a more informal parcel of open space with some residents stating it is popular with dog walkers for example. With regards to the comments raised that in the past the land may have been used for playing field space it is understood that this has not occurred in more recent years with nearby land to the immediate south at Bowburn Recreation Ground providing more formal and delineated playing pitch space. The application site is not considered to comprise of a playing field or pitch as defined within Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order.
80. On balance, officers consider that given the more informal and less frequent present use of the application site for any means of recreational activity, the proximity to the recently redeveloped Bowburn recreation ground, the absence of any specific OSNA or Local Plan allocation of the land for recreational or leisure purposes and the content of the OSNA in terms of recreational land surpluses and deficiencies for the ward, officers do not consider that objections to the loss of the land purely on the grounds of its recreational value or potential should be raised that would warrant refusal of the application. Furthermore, it should be noted that the application proposes a financial contribution of £43, 000 to go towards recreational and open space improvements in the electoral division via a S106 agreement.

81. Some public opposition to the development proposals and that of the Parish Council raise the points that the application site did not form part of the original Bowburn Masterplan for redevelopment in the village nor has the application site been allocated within the preferred options to the emerging County Durham Plan.
82. The applicant has stated that the application site does indeed not form part of the Masterplan sites and that this site should be considered as a stand alone application on its own merits. Officers can confirm that the application site is also not identified as a proposed housing site within the preferred options to the emerging County Durham Local Plan, however, at this point the preferred options only propose sites of 1.5 ha or more. This application site is not of 1.5ha or more in area so would not have been allocated within the preferred options. However, officers have also noted that the site is not identified within the Strategic Housing Land Availability Assessment (SHLAA) an evidence based document that has informed the preferred options.
83. However, any application should be considered on its own merits. Although this proposal may have come forward separate from the Bowburn Masterplan and indeed not have been identified within the SHLAA as a possible housing site, it is not considered that this in itself would preclude the site from being acceptable.
84. Some public concerns raised relate to the development potentially jeopardising future expansion and redevelopment plans at Bowburn Infant school. Officers have consulted the Education Department through the Senior School Places Officer. The Senior School Places Officer within Education has stated that there are currently sufficient spaces in Bowburn Infant and Bowburn Junior Schools with no plans to increase capacity at either school. However, should in the future Bowburn Infants School propose an expansion within its grounds this, proposal has sought to cater for any access requirements through ensuring a “playing field access” located in the north west corner of the site.
85. Despite the concerns and objections raised with regards to school place availability and future expansion plans with consultation having been had between the Planning Department, Regeneration Department and Education, no requirement to allocate this parcel of land for school redevelopment has emerged and officers do not consider that objection to the proposal could be raised on this basis.
86. In conclusion, despite the Greenfield nature of the land, size of the site and development and public concerns over the loss of the land to development officers still consider that the principle of the development can be considered acceptable and material considerations exist to justify departure from the Local Plan. Particular weight can be attributed to the sustainability credentials of the site and development that is deemed to be in accordance with the provisions of the NPPF. Aside from the Greenfield nature of the land and the evidence of some informal recreational use, the land is sited within an established residential area within the bounds of a settlement with a school sited adjacent, recreation ground to immediate south, bus stop around 200 metres from site boundary and shops and employment opportunities also within close proximity within the bounds of the village. As a result, officers consider that the development would be sustainable at this location according with the National Planning Policy Framework and the presumption in favour of sustainable development.

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

87. 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.

88. Some public objection to the development proposal relates to the design of the proposed house types sought with some comments raised that the 2 ½ storey dwellings are inappropriate and that bungalows would be more appropriate to the area. In addition it is pointed out that Keepmoat Homes have implemented other developments within Bowburn with too many similar houses being built within the village. Much public concern has also related to the specifics of the development on its northern boundary where it meets Oakfield Crescent and how the boundary and trees will be affected in this area. Concerns are also raised over tree loss with reference made to the visibility splays to ensure a safe access.
89. Officers appreciate the point raised that similar developments have occurred within the village and too many house types are of a similar nature as those being constructed elsewhere. Such examples of similar house types include at nearby land off Tail Upon End Lane and Philip Avenue.
90. Whilst officers would agree that care must be taken that an area or settlement retains character and identity and the NPPF seeks to emphasise good design being indivisible from good planning, equally objection on the grounds of design (which is a rather subjective matter) must be clear and demonstrable to warrant refusal on an application. Policy Q8 states that new housing development should be appropriate in scale, form, density and materials to the character of its surroundings and essentially integrate into the existing fabric area. Despite the use of “standard” house types officers consider the proposed house types and indeed layout of the development would remain appropriate to the local area.
91. With regards to the public concern over the 2 ½ storey dwellings being proposed, again officers consider that there remains enough variety in the local area that the use of such a house type would not be so out of keeping so as to warrant objection to its use. In addition, although the development would require the loss of some tree shelter belt to provide access, the application site would remain relatively well hidden from public vantage points aside from being within the proposed estate itself or when viewed from immediate neighbouring properties.
92. The detail provided within the submitted tree report indicates that around 20% to 30% losses at differing sections along the roadside in order to provide the visibility splays will be necessary. Although the loss of such an amount of landscaping is regrettable, complete loss would not occur and a significant amount of shelter belt would remain. As a result officers raise no objection to the impacts of the visibility splays or access. Although the submitted plans indicate the visibility splays it is noted that the full extent to the south of the access is not shown and therefore it is considered that a condition on any approval should be attached to ensure that this is submitted and agreed.
93. The Council’s Senior Landscape and Senior Tree Officers have also queried other elements of the layout with regards to trees namely the impact of the proximity of the southern most dwellings to trees and potential for future pressure for removal, impacts of the works to a gas main and also whether a boundary within the eastern

tree belt is to be removed. The submitted plans do not indicate the removal of this boundary is to occur; the exiting gas main is simply to be capped dug up and relocated as such. With regards to the future pressure for tree removal to the south, this is a possibility, however, the trees to the immediate rear of the properties most likely affected are not considered to be of such merit to warrant a tree preservation order and officers do not consider that objections should be raised to the layout on the grounds of potential future removal pressure.

94. Further public responses have queried the impacts of the development upon the boundary and trees along the shared boundary with Oakfield Crescent. The applicant has submitted revised plans seeking to clarify the works along the shared boundary and this has been undertaken following some consultation between the applicant and residents on Oakfield Crescent. Officers understand that the applicant has also written to residents on Oakfield Crescent with regards to their intentions on the treatment of the trees and boundary. Essentially the revised plans propose that a new timber fence is erected on the existing boundary line with nos. 4, 5 and 6 Oakfield Crescent. The plans propose that the hedge at No. 7 is to be retained with a small section of land proposed to be transferred to the occupiers of No. 7 to permit an easier access to maintain a garage. Land is also proposed to be transferred over to the occupiers of Nos. 8 to 15 to extend their gardens and a new timber fence erected on the "new" boundary line.

95. The revised plans also seek to provide clarity on the works sought to trees in this area with the applicant being informed by the requests of residents. The submitted plans propose the removal of a number of trees and landscape features on the shared boundary with retention of others again seeking to respond to some residents concerns over maintenance of trees and impacts of roots. Officers have no objections to the degree of tree removal sought bearing in mind that these requests have emerged from a meeting with local residents furthermore although a request was made within the original public consultation responses to serve a TPO on trees along the boundary, Officers do not consider that either individually or as a group, the trees are of significant amenity value to warrant specific protection. In addition a landscape scheme for the proposed development can be agreed by condition.

96. Overall the layout and design of the dwellings is considered to be appropriate and the impact upon the trees and landscape features considered acceptable.

#### Residential Amenity

97. 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.

98. 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.

99. Public objections are raised on the grounds of residential amenity with concern over loss of privacy and light with reference made to right to light legislation. Particular concerns are raised over the proposed 2 ½ storey house types proposed.

100. The northern boundary of the application site where it borders Oakfield Crescent is the key with regards to matters of residential amenity, the proposed dwellings within the development are located a significant distance away from any other properties to the south, east and west.
101. The applicant has submitted revised plans seeking to overcome some specific issues. The proposed plot 15 and 16 dwellings have been moved farther south so as to ensure greater separation from a rear extension at No. 4 Oakfield Crescent. The works to trees and enclosure provision (as detailed in the preceding section to this report) have been amended by the applicant to try to cater for individual requests for works.
102. Policy Q8 provides the detailed separation guidance between properties so as to ensure privacy and amenity. This recommends that 21m should remain between facing windows, 13m should remain between a blank two storey gable and a flanking window and 6m remain between a blank single storey gable and a flanking window.
103. The separation of 21m is achieved between the proposed dwellings and the rear of elevations of properties on Oakfield Crescent in all but four cases. At the nearest point between main habitable windows in rear elevations distances of 20.1m from properties on Oakfield Crescent to plots 15, 18, 19 and 20 are achieved. This is 0.9m below the recommendation within Policy Q8 of the Local Plan. Officers consider that once the properties are occupied the difference of 0.9m would be negligible in terms of a real impact on the degree of privacy between properties and as a result officers do not object to the layout as submitted on these grounds.
104. With regards to the concerns raised more specifically over loss of light and the legal right to light as referred to in some public responses, claim that a legal right to light over a period of time is a separate matter to material planning considerations and such a claim would have to be through a civil legal process. Planning is essentially concerned with the amenity test and whether the proximity and scale of buildings would be harmful to amenity including through an unacceptable loss of light. Policy Q8 of the Local Plan again provides detailed guidance on separation between properties to inform on this assessment and actually considers that a blank two storey gable in terms of height and bulk can be located 13m away from a neighbouring elevation with windows and provide adequate amenity. Although there are rear elevations rather than gables flanking properties on Oakfield Crescent, the proposed dwellings are all in excess of 20m away. Particular public concern has been raised over the 1011, 2 ½ storey house type proposed. The amended plans propose four of these properties on the section of the site flanking Oakfield Crescent and these are located either 21m or 26m away from the nearest properties. In addition, even though these house types contain accommodation on three floors they are only 1m higher than a two storey dwelling and contain just a high level rooflight and no dormers in their rear elevations.
105. Overall officers consider that the layout proposed will provide adequate separation between the proposed properties and those on Oakfield Crescent with no harm through a loss of privacy, light or outlook occurring that would warrant objection to the proposal.

106. Consideration must also be had to the proposed relationships between prospective occupiers within the development. All relationships between properties within the proposed estate are considered to accord with the distance recommendations contained within Policy Q8 of the Local Plan.
107. The application has also been accompanied by a noise assessment given the proximity of the development to the A1(M) and potential noise pollution for future residents. Policy U7 of the Local Plan relates to development sensitive to pollution including noise and paragraph 123 of the NPPF also advises on noise and development.
108. The noise assessment considers that an acoustic fence should be erected on the eastern boundary of the site and details of this are shown on the site layout and appendix to the noise assessment. In addition, the noise assessment considers that acoustic ventilation will be required for some habitable room windows facing east. Environmental Health have commented on the submitted noise assessment and have raised no objections. Conditions attached to any approval can ensure that the mitigation measures proposed within the report are undertaken.
109. As a result no objections are raised to the development proposal with regards to the impacts of the development upon residential amenity.

#### Highways Issues

110. 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 decision making on planning applications 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.
111. Some public concerns relate to the location of the proposed access and query whether it is safe.
112. The Highway Authority have been consulted on the application and have raised no objections to the development with the proposed visibility splays of 2.4m x 160m considered to be acceptable to provide safe access at the proposed location, the visibility splays should, however, be clear of landscaping and this can be ensured by way of a condition on any approval. No objections have been raised by the Highway Authority with regards to parking levels proposed within the application site.
113. A footpath link in the northern end of the site was requested by the Highway Authority and the amended layout plan has taken this on board and provides such a link to ease access to the footpath beyond the site and route to the nearest bus stop to the north.
114. 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.

#### Flood Risk and Drainage

115. Part 10 of the NPPF in part advises on flood risk information requirements on applications and the criteria when determining applications. Policy U10 of the Local Plan relates to development and flood risk and policy U8A advises on surface and foul water disposal.
116. Some public responses have raised concerns over flooding with the site considered to be very boggy and the local drainage system overloaded. Concerns are also raised over the proposed field drains the applicant is proposing and how these will be managed.
117. The application site itself is located within Flood Risk Zone 1 essentially the area at least risk of flood events. The application is accompanied by a flood risk assessment, as the development site exceeds 1ha and in turn the LPA have consulted the Environment Agency.
118. The Environment Agency have considered the development and flood risk assessment and no objections have been raised with regards to matters of flood risk. Similarly the Council's Senior Area Drainage Engineer has considered the submitted flood risk assessment and raised no objection.
119. It is proposed that the development would connect to the main sewer system. Northumbrian Water have been consulted with regards to drainage matters and Northumbrian Water have raised no objections to the development. Northumbrian Water do state that the discharge rates for both foul and surface water be restricted to the rates proposed within the submitted flood risk assessment and a condition on any approval can seek to ensure this.
120. As part of the amendments the applicant is proposing a field drain to be located between the proposed dwellings and those on Oakfield Crescent. This is in part to respond to the concerns by members of the public with regards to the collection of water in this area. In response to this proposal, public queries are also raised over how the field drain would be managed, the applicant has confirmed that the field drain would be the responsibility of the future occupiers of the properties and that it would not connect to the Northumbrian Water mains.
121. The Council's Senior Area Drainage Engineer has commented on the proposed field drain and it is considered that without an outlet the field drain may potentially not be successful. A land drain requires a form of soakaway or borehole to better ensure its success, officers consider that a condition can be attached to ensure that such a scheme is devised.
122. Overall officers do not raise objections to the development proposal on the grounds of matters of flood risk or drainage.

## Ecology

123. 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.
124. 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.



125. 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.
126. 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 and wildlife 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 some potential to offer nesting opportunities. As a result the mitigation measures propose that any removal of trees and shrubs occur out with of the bird breeding season (unless checked by an ecologist prior to works), an informative on any planning permission can inform the applicant of this.
127. Some public concerns raised with regards to the application relate to impacts upon wildlife. Natural England have been consulted on the application and no objections to the proposal are raised. The Council's Ecology team have raised no objections in principle though they have raised some concerns over the degree of loss of tree cover which provides both screening and degree of linear connectivity between habitats along the roadside. Greater detail has been provided within an amended tree plan indicating the degree of landscape loss along the roadside and as some tree belt and linear connectivity would remain officers do not consider that significant objections should be raised on this point.
128. It is not considered that a European Protected Species License is required and therefore a detailed assessment against the "derogation tests" is not necessary.
129. Having regard 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

130. The application is accompanied by a draft S106 agreement proposing that 9 of the 43 dwellings proposed are to be affordable homes. This provision accords with the 20% affordable housing requirement for the delivery area as informed by the latest evidence base within the Strategic Housing Market Assessment (SHMA). The applicant has also confirmed financial contributions of £1, 000 per dwelling towards play and recreational space improvements and a further financial contribution of £29,500 towards public art and environmental improvements. Such planning obligations are considered to accord with the requirements of the relevant policies of the Local Plan namely H12, R2 and Q15.

131. 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 accompanying the application and have raised no objections in view of there being no former potential contaminative land uses on site and no significant risk to end users from contamination. Environmental Health advise that consideration should be given to a condition which would require further investigation and mitigation should any contamination be discovered that was previously unforeseen and such a condition can be attached to any approval. Environmental Health have also provided advice on construction practices and working hours. Officers consider that a condition to control working hours on the site would be appropriate in the interests of residential amenity.
132. The Coal Authority have assessed the submitted geo-environmental appraisal in relation to coal mining legacy issues and have raised no objections to the proposal.
133. Policy U14 of the Local Plan relates to energy conservation, the applicant has submitted a statement seeking to demonstrate how a 10% energy reduction would be achieved at the site. The Council's Senior Sustainability Officer does not consider that the report thus far demonstrates such a saving, however is content that the matter can be resolved via condition.
134. Some public objection to the application has related to the content of the accuracy of the submitted design and access statement and a query is raised with regards to the reference to a future development proposal at the adjacent school. The applicant has amended the submitted design and access statement to seek to remove inaccuracies or errors, officers consider that the submitted design and access statement is adequate for validation purposes. With regards to the comment regarding the adjacent school development, the applicant has stated that this reference simply refers to the provision of an appropriate access for the school from the site should any future redevelopment proposal be sought.
135. A public query has also been raised over who owns the land to which the application relates, the land is presently owned by the County Council though Keepmoat Homes are seeking to purchase it.
136. The Parish Council have objected to the considered lack of public consultation by the applicant with regards to the development. Since the submission of the formal planning application and receipt of complaints in part on the grounds of the lack of public consultation, the applicant has since undertaken a consultation exercise with help from the Council's regeneration team to address these concerns.
137. The Parish Council have also raised a concern that a footpath link to Milford Way which is understood to have public right of way status will be blocked by the development. A further public query is raised that there appears to be no provision to maintain a pedestrian link to the park across the land. Officers can confirm that there are no formally designated public rights of way that cross the application site. An informal route in the north-east corner of the site through to Milford Way is apparent and dependent upon its duration of use this route has the potential to have acquired public right of way status. Officers have discussed the matters with the Public Rights of Way Team and potentially an application could be made by a member of the public seeking to demonstrate that the route is a public right of way. Should such an application be successful the applicant would be required to apply to stop up or divert that right of way under a separate process aside from this planning

application. The applicant can be informed of this prospect through an informative attached to any decision notice. It should be noted, however, that the proposed layout includes a pedestrian link through to the footpath on Crow Trees Lane to the north-east of the site and as a result the layout does, to a degree, already cater for and compensate for the loss of the pedestrian short cut across the site. No specific pedestrian link is proposed through the site to the recreation ground to the south, however, again access would remain from the south-east of the application site to Crow Trees Lane and the wider footpath network.

138. Some public objection states that the Bowburn housing market is oversaturated and is driving property prices down. However, it is long established that the impacts of a development upon property values is not a material planning consideration.

139. A resident states that they had previously enquired with the Council as to whether this land was to be developed and that they were told that it would not. Officers have no record of the specific enquiry or who was contacted. However, it would be fair to assume that the Officer at the time may not have been aware of the development.

140. A query is raised within the public responses as to why street lighting columns have been erected in a location where the proposed access would appear to be located and that this would appear to be deliberate. The applicant has responded specifically to this point and stated that it was under no instruction from them that street lights be erected at that location.

141. Concerns have been raised within the public responses that the footpath to the rear of the plot 28 dwelling could be used by congregating youths. However, the route to the side of the No. 27 dwelling to plot 28 is not a public footpath of any nature it a gated private access for the residents of plot 28 so that for instance wheelie bins can be brought from the garden to the frontage. This route is not a publically available route.

142. A comment is raised by the Parish Council that the site could potentially be considered as being village green. The application is not designated as village green. Any village green claim is a separate process to seeking planning permission.

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## **CONCLUSION**

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143. The proposal seeks the development of Greenfield land for the purposes of the erection of 43 no. dwellings. Although the development of Greenfield land for a residential estate of this scale is in some conflict with policy H3 of the Local Plan taking into consideration all other sustainability credentials of the site such as its location within a settlement and residential area and proximity to services officers still consider that the proposal conforms to the key NPPF presumption in favour of sustainable development.

144. The layout and appearance of the development is considered to be acceptable with no detrimental impact upon the character or appearance of the area or upon the amenities of local residents.

145. The Highway Authority have raised no objections with regards to highway safety with no objections raised from the Environment Agency, Northumbrian Water or the Council's Senior Area Drainage Engineer subject to conditions on matters of flood risk and drainage. No objections are raised with regards to the impact of the development upon protected species.
146. The application proposes the required 20% affordable housing and financial contributions towards open and recreational space, public art/environmental improvements via S106 agreement in accordance with the requirements of the Local Plan and latest evidence base.
147. Officers raise no objections having regards to other key material planning considerations and as a result approval of the application is recommended.

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## **RECOMMENDATION**

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

- i) A financial contribution of £43,000 towards recreational and play space improvements
- ii) A financial contribution of £29,500 towards public art installations/environmental improvements
- iii) Provision of 9 no. affordable homes within the site

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 QD617-LP-01 received 13<sup>th</sup> November 2012  
Planning Layout QD617-01-01 Rev F received 11<sup>th</sup> June 2013  
QD617-1011-01 Unit Type 1011 received 13<sup>th</sup> November 2012  
QD617-836-01 Unit Type 836 received 13<sup>th</sup> November 2012  
QD617-951-01 Unit Type 951 received 13<sup>th</sup> November 2012  
QD617-665-01 Unit Type 665 received 13<sup>th</sup> November 2012  
QD617-1176-01 Unit Type 1176 received 13<sup>th</sup> November 2012  
QD617-858FE-01 Unit Type 858 received 13<sup>th</sup> November 2012  
QD617-RSL869-01 Unit Type 869 received 13<sup>th</sup> November 2012  
QD617-GD-01 Garage Plans and Elevations received 13<sup>th</sup> November 2012  
QD617-763B Unit Type 763B received 13<sup>th</sup> November 2012

QD617-999-01 Unit Type 999 received 10<sup>th</sup> December 2012  
QD617-04-01 Rev C External Works received 11<sup>th</sup> June 2013  
QD617-95-02 Rev A Boundary Details received 11<sup>th</sup> June 2013  
QD617-03-01 Rev B Engineering Layout received 11<sup>th</sup> June 2013  
QD617-95-01 Rev D External Finishes received 13<sup>th</sup> June 2013  
QD617-03-03 Field Drain Detail received 11<sup>th</sup> June 2013

*Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to relevant Policies E5a, E14, E15, E16, E24, H3, H12, H12a, H13, T1, T10, T21, R1, R2, R3, Q1, Q2, Q5, Q8, Q15, U7, U8a, U10, U11, U13 and U14, of the City of Durham Local Plan.*

3. No development shall take place or any construction vehicles to commence the development shall enter the site until a plan indicating the full extent of 2.4m x 160m junction visibility splays has been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed junction visibility splays must be implemented in advance of the access being utilised for construction vehicles to commence the development. The junction visibility splays must thereafter be retained and kept clear of all landscaping features.

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

4. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. 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 agreed works 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.*

5. Tree works shall be undertaken in accordance with the schedule of works at section 6 and Appendices 1-3 of the submitted arboricultural impact assessment (AIA) by Dendra Consulting received 25<sup>th</sup> June 2013. No construction work shall take place, nor any site cabins, materials or machinery be brought onto site until the remaining trees to be retained are protected by the erection of fencing in accordance with BS 5837:2012 and in accordance with sections 4.2 and appendices 1-3 of the AIA received 25<sup>th</sup> June 2013. The tree protection shall remain in situ until the completion of works. Where excavation is required to provide any new means of enclosure (fences, walls and gates) or footpaths/hardstands within the root protection area of retained trees then such excavation works should be undertaken by hand with no use of machinery.

*Reason: To define the consent and in the interests of tree protection having regards to the character and appearance of the area and the content of Policies E14, Q5 and Q8 of the City of Durham Local Plan.*

6. Surface and foul water discharge rates shall accord with the details submitted within the "Discharge to Public Sewers", "Storm Drainage" and "Foul Drainage" sections on pages 17-19 of the submitted flood risk assessment and surface water management plan by Queensberry Design received 13<sup>th</sup> November 2012.

*Reason: In the interests of flood prevention and adequate drainage having regards to Policies U8a and U10 of the City of Durham Local Plan.*

7. Notwithstanding details shown on plan QD617-03-03, no development shall take place until details of the proposed field drain including a means of outlet (such as soakaway or borehole tank) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the field drain shall be implemented in accordance with the agreed details and be in situ prior to the completion of dwellings 15-29.

*Reason: To define the consent and in the interests of flood prevention and adequate drainage having regards to Policies U8a and U10 of the City of Durham Local Plan.*

8. No development shall take place unless in accordance with the mitigation requirements of an acoustic fence and acoustic ventilation to properties as detailed within section 7 and identified on site plan in appendix 2 of the submitted noise assessment undertaken by Wardell Armstrong received 19<sup>th</sup> June 2013. The necessary mitigation requirements must be in situ prior to the occupation of any dwellings on site.

*Reason: So as to reduce the impact of noise pollution in the interests of residential amenity having regards to policies U7 and Q8 of the City of Durham Local Plan.*

9. No development works shall be undertaken outside the hours of 8am and 6.30pm Monday to Friday and 8.30am 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 U7 and Q8 of the City of Durham Local Plan 2004.*

10. If during development works any contamination should be encountered which was not previously identified through the submitted geo-environmental assessment 11688 received 13<sup>th</sup> November 2012 then a decontamination scheme so as to remove, contain or render harmless said contamination shall be submitted to the Local Planning Authority for approval. Thereafter the agreed decontamination scheme shall be implemented prior to the occupation of the development.

*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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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148. Officers have held meetings with the applicant and kept them 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.

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## **BACKGROUND PAPERS**

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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)  
Open Space Needs Assessment



**Planning Services**

New vehicular access and erection of 43 dwellings consisting of 2, 3 and 4 bed units including associated boundaries, roads, paths and garages together with change of use of land to private garden for properties 7-15 Oakfield Crescent

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**Date 9<sup>th</sup> July 2013**





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# COMMITTEE REPORT

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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### 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.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **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:**

29. *Landscape* had concerns regarding the submitted tree information – referred the information to the Council's tree officer who assessed the trees and subsequently raises no objection to the development subject to suitable conditions.

30. *Tree Officer* raises no objection subject to suitable conditions

30. *Ecology Officer* offers no objections

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

32. *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 a number of e-mails commenting on the proposed development, in addition three 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
- Concerns that the properties may be for multi-occupancy
- Bins spaces for 2 bins per dwelling, it should be 3 per dwelling
- No space for cycles

#### **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.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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33. 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

34. 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.
35. 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.
36. 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

37. 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.
38. 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.
39. 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.
40. 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.
41. 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

42. 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.
43. 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.

44. 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.
45. 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.
46. 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

47. 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 tree officer has assessed the submitted tree information and carried out additional tree survey work and has confirmed that the proposed development would not impact upon trees adjacent to the development site subject to conditions relating to suitable tree protection measures including protective fencing and the prevention of mechanical digging on the site within the tree root protection zone.
48. 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.
49. It is considered that the proposed development would be in accordance with policy E14 of the City of Durham Local Plan 2004.

#### Ecology

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

## Highway Safety

52. 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.
53. 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.
54. 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.
55. In order to protect the amenity of the area in terms of adequate parking provision it is considered appropriate to remove permitted development rights for garage conversions so as to retain control over their future use.
56. 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

57. 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.
58. 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.
59. 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.
60. In order to minimise construction disruption it is considered appropriate to condition site working hours.
61. 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.
62. Subsidence has been referenced by an objector. It is considered that ground conditions are the responsibility of the developer.
63. 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.

64. There are no designated cycle spaces for the proposed dwellings, the highways section have not requested dedicated cycle parking for the scheme. Cycles would have to be stored within residents own properties.
65. In order to address concerns relating to bin storage a suitable condition shall be attached to any planning permission for the development requiring further details of bin storage.
66. Concerns have been raised that the dwellings may become houses in multiple occupation; in order to assert control over this situation it is considered appropriate to condition the removal of permitted rights that would otherwise allow such conversions without the need for planning permission.
67. Overall the various objections and concerns raised through the consultation process have been taken into account, but do not provide sufficient grounds for refusal. Where appropriate planning conditions are recommended to protect particular aspects of residential amenity.

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## **CONCLUSION**

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68. 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.
69. 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.
70. 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.
71. The development would not cause any significant detrimental impacts to protected species in accordance with the Habitats Directive and the NPPF.
72. 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.

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## **RECOMMENDATION**

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

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

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

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

Plan 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.*

- 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 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.*

- 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.*

- 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 Section 10 of the NPPF.*

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 Section 11 of the NPPF.*

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 part 10 of 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.*

11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory instrument revoking or re-enacting that Order with or without modification) the proposed garaging facilities shall at all times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.

*Reason: In the interests of highway safety and to comply with policies T1 and T10 of the City of Durham Local Plan 2004.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) no change of use of the hereby approved dwelling houses from use class C3 (dwelling houses) to use class C4 (houses in multiple occupation) shall be carried out.

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

13. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees within and adjacent to the site have been submitted to and approved in writing by the local planning authority and have been inspected by the Councils Tree Officer. Said protection must be in situ prior to the commencement of development and must be retained throughout the construction phase of the development.

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

14. No site clearance or building operations shall commence until a working method statement relating to excavation and levelling, for the protection of all trees to be retained on site, and those trees off site where root protection areas extend into the site, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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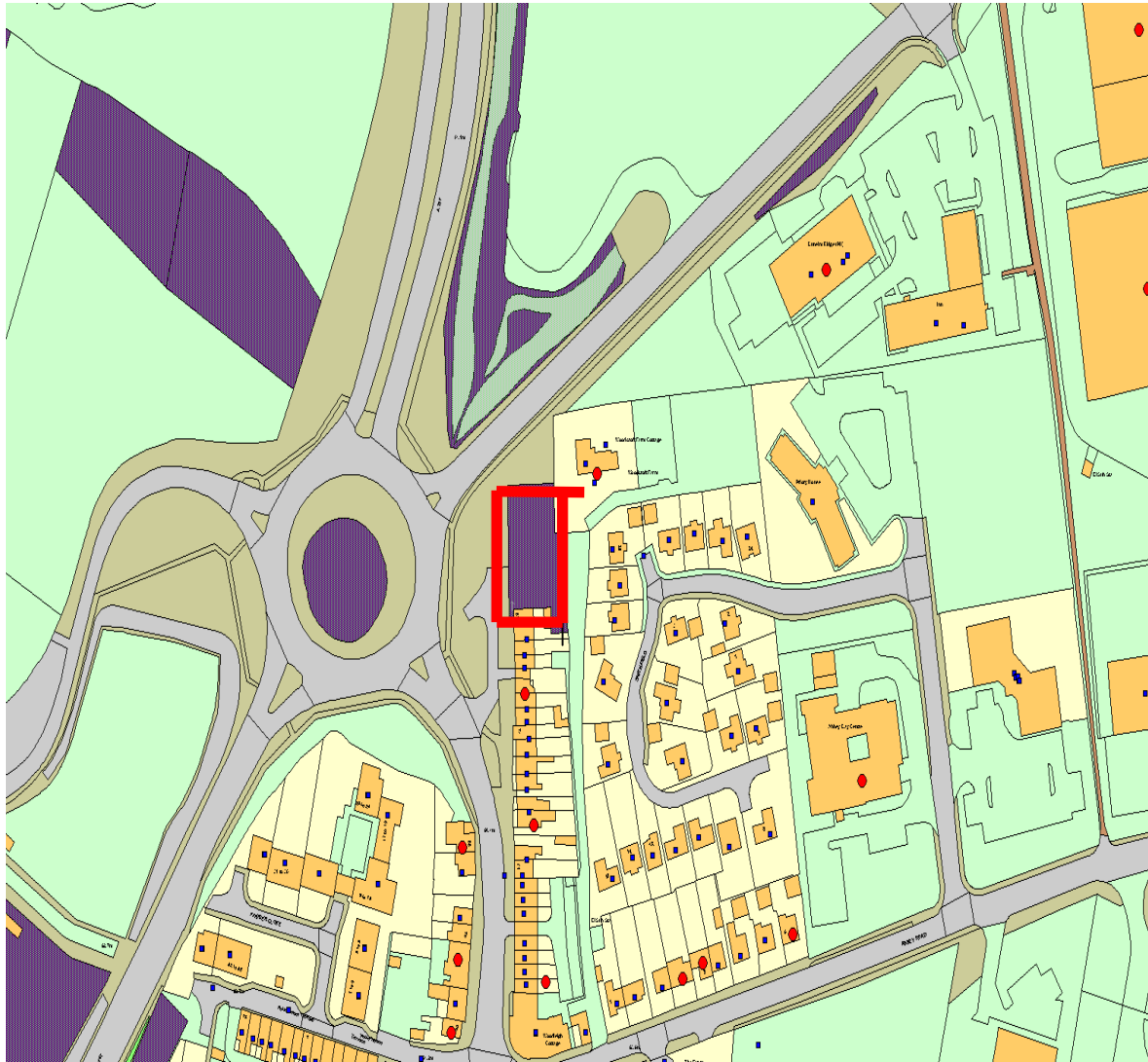
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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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  
 Land adjacent to 67 Front Street, Pity Me

Date 11<sup>th</sup> June 2013



# COMMITTEE REPORT

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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application relates to a parcel of land covering approximately 2 hectares located on the western edge of Esh Winning. The application site formally comprised of a residential estate of some 61 plots, however, the vast majority of the estate has now been demolished. The remains of the site comprise of a mixture of grassland with remains of areas of hard surfacing, roads and footpaths. An electricity substation, to be retained with the proposed redevelopment, is also situated within the application site. A number of trees are located within the bounds of the site both on the site perimeter and also within some more central areas.
2. The application site lies within a predominantly residential area and one which is undergoing a significant redevelopment programme on the back of the Esh Winning Masterplan. New residential properties are being built on the opposite side of Ridding Road and at nearby College View. A new school has also been recently built also off College View.
3. Though on the very edge of the settlement the application site lies wholly within the bounds of the settlement boundary of Esh Winning, the centre of the village lies approximately 500m to the east of the application site.

### The Proposal

4. The application seeks the redevelopment of the site with erection of 78 no. new dwellings comprising of a mixture of 2 and 3 bed 2 and 2 ½ storey properties. A total of 8 no. house types are proposed and these are the same or similar house types to those

also being constructed by Keepmoat Homes at the adjacent Ridding Road and nearby College View sites. Each property is served by a mixture of private parking spaces and/or garages with visitor parking spaces interspersed across the site.

5. Two vehicular accesses into the proposed development are sought one at the far western end of Ridding Road and the second, also off Ridding Road, just to the east of the existing access to Hamilton Close. A large area of public open space is proposed roughly in the centre of the site with a footpath and cyclepath link on a north – south axis through the site.
6. This application is being referred to Committee as it constitutes a major residential development.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **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 21<sup>st</sup> 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/hppf>

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

19. *Policy E5a - Open Spaces within Settlement Boundaries* does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
20. *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.
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 H3 - New Housing Development within the Villages* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
23. *Policy H12 - Affordable Housing* seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha.
24. *Policy H12A - The Type and Size of Housing* states that the Council will monitor new housing completions and where a certain need is not being met negotiate with developers to ensure the correct balance of the type, density and size of housing provided.
25. *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.
26. *Policy H14 - Improving & Creating More Attractive Residential Areas* seeks to improve the environment of existing residential areas and their housing stock.
27. *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.
28. *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.
29. *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.
30. *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.
31. *Policy R11 - Public Rights of Way* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

32. *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.
33. *Policy Q3 - External Parking Areas* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
34. *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.
35. *Policy Q6 – Structural Landscaping* requires new development on the edge of settlements to incorporate peripheral structural landscaping
36. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
37. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
38. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
39. *Policy U9 - Watercourses* states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.
40. *Policy U10 - Development in Flood Risk Areas* states that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative, less vulnerable areas are unavailable, that no unacceptable risk would result, or that appropriate mitigation measures can be secured.
41. *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.
42. *Policy U13 - Development on Unstable Land* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
43. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

### **INTERNAL CONSULTEE RESPONSES:**

49. The Council's Senior Sustainability Officer has welcomed the proposed use of solar panels to meet the standard 10% energy reduction requirements; however, further clarity is sought on the specifics of the scheme.
50. Ecology have raised no objections to the proposal but do recommend that the mitigation measures contained within the submitted protected species reports are conditioned on any approval.
51. Landscape have raised some objection to degree of tree loss, failure for the layout to take into account the trees on site and a request is made for an amenity space to be created at the western end of the site. Clarity is sought on some boundary treatments and potential impacts on a watercourse at the western edge of the site.
52. Senior Tree Officer requests that the layout is revised so as to allow for the greater retention of trees, some trees are considered to merit a tree preservation order.
53. The Council's Estates Officer has assessed the submitted development appraisal details supplied by the applicant and has stated that these figures demonstrate the development to be unviable with or without the S106 requirements of affordable housing, recreational/play space and public art contributions.

### **PUBLIC RESPONSES:**

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

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

#### **APPLICANTS STATEMENT:**

56. The applicant has submitted a design and access statement and planning statement in support of the development proposal.
57. The supporting statements consider that the development has been designed to include a strong street frontage with vehicular accesses to properties being gained from the rear. The proposed development is considered appropriate in terms of scale, design and massing in relation to the character of the surrounding area.
58. The development is considered to be well served by public transport with easy access to bus services.

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

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

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

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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, affordable housing and planning obligation issues and ecology.

##### The Principle of the Development

60. The application site is located within the settlement boundary of Esh Winning. The site itself comprises the remains of land associated with the residential estate of The Oaks and Rowan Court. Although the majority of properties have now been demolished, three blocks across the site remain as do the remnants of some areas of hard surfacing, the estate roads, footpaths and an electricity sub station. Areas of the site also comprise of grassed areas which will have formally been areas of public open space adjacent to properties and also overgrown grassed areas formally built upon and containing private gardens. The majority of the site is certainly previously developed.
61. Policy H3 of the Local Plan accepts the principle of windfall development of previously developed land for residential development. In addition the limited development of small Greenfield sites is acceptable within the former coalfield villages such as Esh Winning provided no more than 10 dwellings are proposed and there exists clear regeneration benefits which could not be achieved through the development of previously developed land.
62. As the site that can be considered previously developed land it is considered wholly to be in accordance with the provisions of Policy H3. Rowan Court and The Oaks formally contained a significant number of vacant and boarded up properties and officers consider that the redevelopment of the land with a new build estate would have clear regeneration benefits sought by Policy H3.

63. Planning proposals must also be considered against the provisions of the National Planning Policy Framework (NPPF). The City of Durham Local Plan is not a plan adopted in accordance with the Planning and Compulsory Purchase Act 2004 but rather pre-dates it though policies were “saved”. As a result the NPPF advises that due weight should be given to relevant policies in the Local Plan according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
64. The key theme running throughout the NPPF is that of sustainable development and this is reinforced within Part 6 of the NPPF specifically regarding housing. Although some parts of the application site can be considered as Greenfield land the application would in effect locate a residential estate on land where an estate has stood, the site is within the bounds of an established settlement with appropriate access to facilities and public transport. The development proposal is considered to represent sustainable development in principle. The NPPF establishes a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. As a result the principle of the development can be accepted.

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

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



70. The revised layout received does propose some additional tree retention including two significant oak trees which are now to be retained within the centrally located area of open space. There would still remain some loss of trees to facilitate the build and on the latest layout submitted this includes 3 no. trees adjacent to Ridding Road with the applicant stating that the reason for this is due to future drainage works necessary for the development.
71. Officers consider that the revised layout is a marked improvement on that originally submitted with greater tree retention possible, though officers acknowledge that the Landscape Section have requested greater retention still. Officers consider that ultimately a condition can be placed on any approval to agree precise tree retention and protection and loss and officers can seek to negotiate that as much tree retention occurs as possible. However, as the retention of several key specimens will be possible and a suitable compensatory landscaping scheme can be resolved by condition, tree retention is not a ground for refusal.
72. Conditions are also recommended for attachment on any approval with regards to final material choices for the dwellings, means of enclosures, colour treatment of doors (to ensure a variety) and hard surface finishes.
73. Overall officers consider that the impacts of the development upon the character and appearance of the area is acceptable, consistent with the NPPF and the Local Plan.

#### Impacts upon Residential Amenity

74. Proposed residential developments must ensure the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved and catered for in accordance with the most relevant Local Plan Policies H13 and Q8.
75. All relationships between the proposed dwellings and the nearest neighbouring properties off Ridding Road, Hamilton Close, Redwood, Merlin Court and The Larches exceed the recommended separation distances as prescribed by Policy Q8 of the Local Plan.
76. The revised layout has addressed officers concerns with regards to relationships within the development itself with the vast majority of all relationships now meeting the requirements of the Local Plan. Officers consider that only a minority of exceptions exist with plots 84 and 19 having a window to window separation of 20.5m (as oppose to the guideline 21m) and the rear elevations of plots 42 and 41 being 11.5m from the gable of plot 45 as oppose to the guideline 13m). In addition, plot 36 contains a narrow secondary window to a lounge that would be flanked by windows within the rear elevation of plot 39 at a distance of 17m rather than 21m. However, officers do not consider that these relationships are so significantly below separation guidelines to be considered unacceptable and warrant objection to the overall development proposal. Furthermore, limited weight can be given to the fact that purchasers can take a view for themselves.
77. No objections have been received from neighbouring occupiers with regards to matters of residential amenity. Officers do consider that a condition should be attached to any approval regarding hours of construction so as to ensure that the construction does not cause unacceptable noise or disturbance at unsociable times of the day.
78. The single letter of response received from a resident who still resides on one of the remaining properties within the application site has raised concerns and requested

assurances that during the build they will retain access to and from their property at all times during the development.

79. The proposed layout of the development does not make provision for the concerned residents' property remaining on site but rather a redevelopment of the estate in its entirety. Officers understand from the latest discussions with the Council's Housing Regeneration Team that the resident residing in this property has been found alternative accommodation and therefore the prospect of them residing on site whilst works are ongoing around them should not occur.
80. Overall officers do not raise objection to the development proposal on the grounds of harm to residential amenity.

#### Highway Safety

81. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also seeks to promote sustainable transport choices.
82. The Highway Authority have commented on the submitted application and no objections have been raised in principle to the development with no objections to the proposed access arrangements which includes two accesses onto Ridding Road nor the parking provision within the latest proposed layout.
83. Officers concur with these views and would add that ultimately this development would effectively replace one residential estate and its associated comings and goings with another.
84. The Highway Authority have requested some modifications to the specific design of areas annotated as shared surfaces on the submitted layout.
85. The application site is also considered to be adequately served by public transport with a bus stop located within approximately 100m of the application site.
86. Officers therefore raise no objections to the development on the grounds of highway safety, officers do recommend that a condition be attached to any approval to agree final hard surface layout and materials so as to ensure the legibility of the layout and appropriate appearance of the hard surface areas.

#### Affordable Housing and Planning Obligations

87. This application was originally reported to planning committee in January 2013 with a recommendation that a S106 agreement apply to ensure the provision of 16 no. affordable homes on site together with a financial contribution of £78,000 towards recreational/play space and a financial contribution the equivalent of 1% of development costs.
88. Since this time the applicant has been in contact to state that they do not consider that on viability grounds the affordable housing or financial contributions can be made. The applicant has therefore sought to supply details within a development appraisal to demonstrate that the affordable housing and financial contributions cannot be delivered.
89. The provision of affordable housing is a key consideration for the Local Planning Authority and the NPPF does at part 6 require Local Planning Authorities to establish

and meet the affordable housing need in their district. The latest evidence base contained within the Strategic Housing Market Assessment (SHMA) considers that within this delivery area 20% affordable homes should be provided within any development of 15 or more homes. Similarly, Policies R2 and Q15 respectively, seek the provision of play/recreational space and public art or financial contributions in lieu of this.

90. Paragraph 173 of the NPPF stresses the importance of viability as a material planning consideration; “sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.
91. Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances “work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability”.
92. Officers have consulted the Council’s Estates Officer who has assessed the development appraisal data supplied by the applicant. The information supplied by the applicant includes that on the revenues and costs of the scheme and details of original forecasts and actual sales relating to the adjacent “Oak Green” development on the opposite side of Ridding Road. The Council’s Estates Officer does not dispute the figures submitted and considers that this does demonstrate a lack of viability of the development.
93. The Masterplan sites across Esh Winning which have either been developed or are in the process of being developed under the Durham Villages Regeneration Programme also includes sites at College View/Woodland Terrace, Ridding Road/Oak Green, Ridding Court/Newhouse Road and Ridding Road/Pinetree. At these sites a total of 70 no. dwellings have either been delivered or are in the process of delivery. Of these 41 no. dwellings being provided are affordable homes. This equate to an affordable housing delivery of 56%. If we then include the delivery of these 78 no. homes as now without any affordable housing provision it would result in 148 homes with 41 affordable units. This would have delivered 28% affordable housing through the Esh Winning Masterplan.
94. The grounds for removal of the affordable housing is principally based on the lack of viability and each development site is ordinarily expected to deliver 20% affordable housing as aggregated developments could easily undermine the policy objectives. However, in this instance given there is one Masterplan with one developer delivering all the housing the wider affordable housing achievements as aforementioned can be acknowledged if not afforded any significant weight.
95. With regards to policy R2 of the Local Plan and the financial contribution towards play/recreational space it should be noted that the proposed layout does include some informal recreational space which policy R2 also seeks to ensure is delivered. The development proposal is therefore not without some provision and contribution towards recreational space, the residents of the proposed estate would be served by an area of open space of approximately 1,000m<sup>2</sup>. Although this is short of the 300m<sup>2</sup> per 10 dwellings which Policy R2 effectively requires (and why a further financial contribution in lieu of this was originally sought) it does nevertheless provide a reasonable contribution

within the site and mitigate to a degree the absence of the financial contribution as now proposed.

96. On balance, the development appraisal, revenues and cost data supplied by the applicant has been considered as being accurate and demonstrates the lack of viability of the site and proposal. The NPPF encourages Local Planning Authority's to give weight to viability matters when considering development proposals and planning obligation requests. In light of the financial evidence it is considered that the application should proceed without any financial contributions.

## Ecology

97. 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 Part 11 of the NPPF most notably at paragraphs 118 and 119.
98. 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.
99. 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.
100. The application has been accompanied by an extended phase 1 habitat survey and bat survey report. The survey work undertaken recorded bat roosts within 2 no. buildings. The roosts identified were considered to be non-breeding roosts used by small numbers of Common Pipistrelle bats. The development proposal would result in the complete loss of the roosts and disturbance to the small numbers of bats. The survey confirms that a European Protected Species License from Natural England would be required due to the loss of the roosts.
101. Natural England have been consulted on the application who have considered the development against their standing advice procedure and conclude with no objections, broadly satisfied that the mitigation proposals would avoid adverse impacts on the local population of bats and avoid affecting their favourable conservation status.
102. The Council's Ecology team have also commented on the application and have raised no objections but advice that the mitigation measures proposed within the submitted ecological reports and surveys are conditioned on any approval.
103. With regards to the consideration of the three derogation tests officers consider the following with regards to each. On the test that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest, officers consider that there are significant socio-economic benefits and

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

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

#### Other Issues

109. Former Cllr Wilkinson has offered his support to the proposed development though has requested that it be made sure that the residents of The Larches are issued with consultation letters. These consultation letters were previously issued.
110. With regards to matters of drainage and having regards to Policy U8A of the Local Plan Northumbrian Water have been consulted on the application and have raised no objections to the application but request conditions requiring agreement on the diversion of apparatus and with regards to the disposal of surface water for the development. Such conditions can be attached on any approval.
111. With regards to contaminated land to which Policy U11 of the Local Plan relates, the application has been accompanied by a preliminary geo-environmental appraisal and

this recommends that a further intrusive investigation should be implemented. A suitably worded condition can be attached to any approval to adequately investigate the site and where necessary implement remediation.

112. The application has been accompanied by a sustainability document seeking to demonstrate how a 10% reduction in carbon emissions can be achieved as Policy U14 of the Local Plan supports energy conservation and reduction in new development. Though the Council's Senior Sustainability Officer has in principle welcomed the proposed use of solar panels to meet the standard 10% energy reduction requirements, it has not been considered that the submitted technical data thus far prove its attainment. However, a condition can be attached to any approval to agree such a scheme.
113. The application site lies within flood zone 1, the least probable to suffer from flooding. However, as the site is over a hectare in size the submission of a flood risk assessment has been necessary and Policy U10 of the Local Plan relate supported by Part 10 of the NPPF.
114. The submitted flood risk assessment makes reference to a drainage ditch at the western end of the site and recommends that this should be unaffected by the development. Policy U9 of the Local Plan specifically relates to development and watercourses. The proposed layout does not indicate any build upon or impact upon this drainage ditch inline with the recommendations of the flood risk assessment. The Environment Agency have been consulted on the application, assessed the development and submitted flood risk assessment and no objections have been raised and the only request made is that the sewerage undertaker (Northumbrian Water) be consulted on the application which has been undertaken. No objections with regards to the development flood risk are therefore raised.
115. The Coal Authority have been consulted on the application and consider that the applicant has gained appropriate and up to date information with regards to the development and coal mining information. No objections are therefore raised though a condition should be attached to any approval requiring a site investigation to be implemented prior to the commencement of the development works. Such a condition can be attached to any approval.
116. The application site does not include any designated public rights of way that could be affected by the development. The submitted layout proposes a footway and cycleway link to a pathway to the north of the site. Within the site a number of hardsurfaced paths which have served The Oaks and Rowan Court still remain and the applicant will separately be required to apply for a stopping up order and an informative can be attached to any approval to ensure the applicant is aware of this.

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## **CONCLUSION**

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117. The application seeks the redevelopment of a previous housing estate now predominantly demolished and unoccupied. The development proposal is considered to represent sustainable development in principle, for which there is a presumption in favour within the NPPF.
118. The proposed layout, revised during the course of the application is now considered to be acceptable with the house types proposed either the same or similar to other developments ongoing within Esh Winning. The development would suitably integrate into the locality.

119. Remaining buildings on site do include bat roosts identified by the ecological surveys undertaken on the site. As these roosts would be lost through the development an EPS license would be required from Natural England and the LPA must satisfy itself that the three derogation tests of the Habitats Directive can be met and a license potentially granted. The tests have been considered and officers conclude that there is a reasonable likelihood of an EPS license being granted and that due consideration to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 has been given by the Local Planning Authority.
120. No objections are raised with regards to matters of highway safety.
121. With regards to matters of affordable housing and planning obligations the applicant has provided development appraisal data that is considered to demonstrate the lack of viability in the development. This coupled with the proportion of affordable housing provision across the portfolio of sites at Esh Winning being delivered through the Durham Villages Regeneration Company and the benefits of aiding the redevelopment of the site are considered to constitute a strong argument to negate the need for further affordable housing provision and financial contributions relevant to this site.
122. Approval of the application is therefore recommended.

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## **RECOMMENDATION**

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

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

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

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

Plan nos.

QD637-01-01 Rev A received 4<sup>th</sup> January 2013

QD637-763B-01 received 2<sup>nd</sup> November 2012

QD637-1011-01

QD637-RSL869-01

QD637-951-01

QD637-828-01

QD637-836-01

QD637-665-01

QD637-GD-01

QD637-858FE-01 received 29<sup>th</sup> October 2012

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

3. Notwithstanding any details of materials submitted with the application no development shall take place until details of the external walling and roofing

materials, details of the colour treatment of entrance doors to the dwellings and details of hard-surfaces to be provided within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

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

4. No development shall take place until details of all means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

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

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

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

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

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

7. No development shall take place until precise details, including a plan, has been submitted to and approved in writing by the Local Planning Authority clearly identifying which trees and hedges are to be removed and which are to be retained and protected during the course of construction works. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS 5837:2012. Said protection shall remain in situ until the development has been completed.

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



8. No development shall take place until detailed drawings including sections showing the proposed site levels and the finished floor levels of the proposed new dwellings shall be submitted to and approved in writing by the local planning authority. Thereafter the works shall be implemented in accordance with the approved details.

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

9. No development approved by this permission shall take place 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 LPA;
  - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
  - c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
  - d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
  - e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

10. No development shall take place until details of the diversion of existing water mains running across the site and the means of disposal of all foul and surface water resulting from the development have been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and thereafter implemented in accordance with the approved scheme.

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

11. No development works (including demolition) shall be undertaken outside the hours of 8am and 6.30pm Monday to Friday and 8.30am 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.*

12. No development 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 U14 of the City of Durham Local Plan.*

13. No development shall take place until the intrusive investigative works recommended with Section 7 of the preliminary geo-environmental appraisal report by Sirius received 29<sup>th</sup> October 2012 has been undertaken. The results of said investigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Should the results of the investigative works confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, the proposed scheme of remedial/mitigation works must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed remedial/mitigation scheme.

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

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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115. Officers have held meetings with the applicant to keep them updated with progress on the planning application and discuss and seek to resolve any issues as and when they have arisen.

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## **BACKGROUND PAPERS**

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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)  
Open Space Needs Assessment





**Planning Services**

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

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**Date 9<sup>th</sup> July 2013**

## Planning Services

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2013/0145</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>ERECTION OF A RETAIL BUILDING (A1 USE CLASS)</b>
<b>NAME OF APPLICANT SITE ADDRESS</b>	<b>PEVERIL SECURITIES &amp; DALTON PARK LTD DALTON PARK MURTON SR7 9HU</b>
<b>ELECTORAL DIVISION CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSAL

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**Site:**

1. The application site is located east of Murton, approximately 3 miles south west of Seaham and 5 miles north of Peterlee. The total Dalton Park site area extends to 10.3 ha (25.4 acres) of previously developed land. The site forms part of a wider development occupied by an Outlet Shopping Park, restaurants and associated car parking, which comprises 15,164 sq m of retail floorspace with over 80 outlets ranging from 67 sq m to 1020 sq m. Outline planning permission has recently been granted for a foodstore, hotel, cinema, food and drink units and a petrol filling station. This application site sits within the footprint of the previously consented foodstore.
2. The site, along with the rest of Dalton Park, is presently accessed from the B1285 Church Street. Pedestrian and cycle routes permeate the site providing links to Murton and other areas beyond. The surrounding area is a mix of residential development, retail and open space. To the south of the shopping outlet and car park is a community parkland (part of the original scheme); allotments are located to the south west, beyond which are residential properties, and to the north is a new residential development ranging from two to four storeys built after the existing retail outlet. The A19 lies to the east at a lower elevation to the site. The site is barely visible from the southbound carriageway and not visible at all from the north bound carriageway.
3. The site was formerly a colliery waste tip known as Dalton Flatts, a brownfield site that was remediated as part of the redevelopment of the site for Phase 1. The site does not fall into a designated Conservation Area, it is not close to any listed buildings nor any environmental designations.

## **Proposal:**

4. This application seeks full planning consent for 1589sqm of non-food retail unit. This proposal requires no change to the physical form of the outline approval for phase 2 but merely the substitution of use from food to non-food retail.
5. The outline approval provides for a foodstore of 8,454sqm, this proposal seeks permission for 1589sqm of non food retail in the same building. The non-food retail building is proposed on an area of the site benefitting from planning permission for a foodstore as part of the outline planning permission. The proposals are entirely within the approved scale of retail development and will result in no net increase in floorspace.
6. The applicant considers this proposal integral to the second phase of development at Dalton Park (with the remainder of Phase 2 being brought forward via forthcoming Reserved Matters Applications).
7. The proposed development will use the infrastructure proposed as part of the Phase II outline permission, namely the parking, servicing, highways access and utilities which will come forward through forthcoming Reserved Matters applications pursuant to the aforementioned outline planning permission.
8. This application is being reported to committee as it represents a major development.

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## **PLANNING HISTORY**

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9. Since the opening of the shopping outlet at Dalton Park there have been numerous minor planning applications for the change of use from A3 (Food and Drink) units to A1 units (factory outlet retail), advertisement consents and other minor alterations. However, the most relevant planning history relates to the development of the factory outlet site itself.
10. The site is a former colliery spoil heap located on the edge of Murton, which was subject to a coal recovery and remediation exercise in the mid 1990's. On 23<sup>rd</sup> November 1998 planning permission was granted by the District of Easington Development Services Committee for a mixed use development comprising of factory outlet shopping, a multiplex cinema, ten-pin bowling, a hotel, petrol station and car showroom, a pub and restaurants. As a major departure to the development plan, the application was referred to Government Office North East who decided to call the application in for a public local inquiry. This inquiry took place between the 18<sup>th</sup> and 23<sup>rd</sup> May 1999, the Inspector's decision was to refuse planning permission on the basis that there would be adverse impacts on town centres and there were sequentially preferable sites available.
11. However, the Secretary of State did not agree with the Inspector's conclusions and recommendation and decided to grant outline planning permission. In deciding this application, the Secretary of State considered that, on that particular occasion, the primary considerations were the exceptional economic and social characteristics of East Durham, and there was a consistency with the proposal with the then government's commitment to the regeneration of the coalfields. The Secretary of State's view was that this constituted very special circumstances, which justified the grant of permission in that case.

12. The factory outlet shopping element of the scheme which was initially meant to financially anchor the leisure developments was commenced and has been on site for some ten years; however the leisure developments of the approval were never commenced.
13. Since then, the applicant has successfully argued that a further food store was needed to anchor some of the leisure developments which were previously proposed. Hence an outline planning permission for a food store, hotel, cinema, food and drink units and a petrol filling station has recently been approved.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

The following elements are considered relevant to this proposal:

16. *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.
17. *Part 2 – Ensuring the vitality of town centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
18. *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.
19. *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.
20. *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.

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

## **LOCAL PLAN POLICY:**

### District of Easington Local Plan

21. *Policy 1 – General principles of development.* 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 35 – Design and layout of development.* 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.
23. *Policy 36 – Design for access and the means of travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37 – Design for parking.* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. *Policy 101 – Protection and promotion of town centres.* Peterlee and Seaham town centres will be protected and promoted as the main retailing centres. Permission will be granted for further town centre uses and the improvement of the town centre through redevelopment and environmental and transport infrastructure improvements.
26. *Policy 104 – Major out-of-centre retail development.* Major new retail development should be located within the defined town centres of Peterlee and Seaham followed by edges of those centres, locations at local centres within those towns, sites elsewhere within those built up areas and finally local centres of larger villages. Detailed justification will be required for development outside the town centres of Peterlee and Seaham.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**



27. The Highways Agency has no objections to the development subject to conditions attached to the approval of the outline consent being adhered to.

**INTERNAL CONSULTEE RESPONSES:**

28. The Council's Highways Officer has no objections to the proposals and states that the non-food store would result in fewer traffic movements than a food store, this is welcomed as the car parking provision would be the same as previously approved.
29. Planning Policy Officers have concluded that the principle of the development has already been agreed by the Council through the granting of the outline planning permission. This application is considered an amendment to that scheme and no additional harm would be caused.

**PUBLIC RESPONSES:**

30. Northumbrian Water have no comments to make on the application.
31. The application has been advertised by way of a site notice, press notice and individual letters to nearby occupiers. No responses have been received.

**APPLICANTS STATEMENT:**

32. The non-food retail building amounting to 1,582 sqm is proposed on an area of the site benefitting from planning permission for a foodstore (extending to 8,361 sqm GIA 91,000 sq ft gross), as part of the mixed use outline planning permission.
33. The foodstore operator has confirmed that they require a smaller foodstore than that approved in the outline planning permission, consequently leaving a residual area of the consented floorspace for an additional retail building.
34. These proposals are integral to the second phase of development at Dalton Park (with the remainder of Phase 2 being brought forward via forthcoming Reserved Matters Applications). The nature of this proposal (i.e. a non-food building) requires full planning permission on a technical basis only.
35. The proposals are entirely within the approved scale of retail development and will result in no uplift in floorspace. The proposed development will use the infrastructure proposed as part of the Phase II outline permission, namely the parking, servicing, highways access and utilities which will come forward through forthcoming Reserved Matters applications pursuant to the aforementioned outline planning permission. A condition "tying" the two schemes is anticipated.
36. The proposed non-food retail element will create in the order of 14 full time equivalent jobs. Retail employment offers part time and flexible working hours. This type of employment is ideal for those who find it difficult to get on to the employment ladder, i.e. school leavers, long term unemployed, working mothers and elderly citizens. In the order of 500 additional jobs will be provided for the other elements of the second phase of development which includes the cinema, foodstore, hotel and food and drink units.
37. Indirect jobs will also be created, including maintenance and cleaning contracts, employment agencies, training firms and local suppliers. There will also be temporary jobs created during the construction phase of the development.

38. The net total jobs created by the second phase of development will generate a gross value added of approximately £1,285,200.
39. The previous scheme attracted significant local support, with over 2,000 letters in support for new jobs, physical upgrade of the site and leisure facilities.
40. The site is well located and highly accessible. It is within easy walking and cycling distance of a wide residential population and is accessible by a range of modes of transport, including public transport.
41. The proposed scheme satisfies the Main Town Centre Use tests of the NPPF. The sequential test had been satisfied in the previous application, and the proposal will not have a significant adverse impact on any existing committed or planned investment or on the vitality or viability of the town centres within the catchment area.
42. This is a case where the benefits are clear i.e. new jobs, physical upgrade and will increase investment in the area, and claw back trade leaking outside the area. There are no significant adverse consequences of development to suggest that the proposals do not attract the NPPF's policy presumption in favour of sustainable development.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122741>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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43. Local planning authorities (LPA's) 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.
44. In this instance the main relevant considerations are the principle of the development, the scale and design of the development and highways issues. Of particular relevance is the accordance with the saved policies from the District of Easington Local Plan and the Governments recently published National Planning Policy Framework (NPPF).

### **Principle of the development**

45. The outline planning application was subject to the saved local plan policies in the District of Easington Local Plan. These policies identified that major retail proposals would be directed to the main town centres of Peterlee and Seaham. In this instance, the overriding regeneration benefits that the proposed retail and leisure scheme would bring were felt to provide an exceptional circumstance as to not locate the proposed retail and leisure facilities within Seaham and/or Peterlee centres. The original proposal was also subject to national policy, the impact and sequential tests

in the then PPS4. In the approval of the original application these tests were satisfied.

46. For clarity, the application was approved on the basis it would bring about significant regeneration, and complete the redevelopment programme for Dalton Park, it was considered that the development was much needed, that the proposal would protect and increase the vitality of the area and that Dalton Park was a “standalone” scheme, from the other 3 applications for foodstores that were reported that day, as it met the needs of East Durham.
47. The principle of retail development upon this site has been established by the approved outline application and therefore no objection on these grounds is possible. It is necessary to consider the change in the type of retailing, the increase in the levels of non-food floorspace and potential implications this would have and subsequently whether further retail tests are required to be satisfied through the application.
48. Similarly, it would normally be appropriate to consider whether construction on this site would have an impact upon features of environmental value. However, since the permission has been granted in principle no objection is permissible on these grounds. In any case, these matters were considered during the planning process relating to the outline planning approval.
49. Paragraph 23 of the NPPF states that Local Planning Authorities (LPAs) should recognise town centres and pursue policies to support their vitality and viability. Paragraph 24 states that LPAs should apply a sequential test to applications for main town centre uses; only if more suitable sites (town centre, then edge-of-centre) are not available should out-of-centre sites be considered. Draft Policy 26 of the Durham Local Plan Preferred Options establishes a retail hierarchy, and states that retail and other town centre uses within the hierarchy of centres should be consistent in scale with the size and function of the centre. It states that Dalton Park and Tindale (Bishop Auckland) will not be designated within the retail hierarchy; they are recognised as out-of-centre locations and further development will be subject to a sequential test.
50. In this instance the principle of retail development has been accepted within this location. The application is a minor alteration to previously approved retail floorspace. Pre-application discussions agreed that there had been no material change in circumstance since the previous approval and a sequential assessment was therefore not required.
51. Paragraph 26 of the NPPF states that LPAs should require an impact assessment for large developments; if there is no locally set threshold, the default threshold is 2,500 sq m. Since this development is below this threshold this does not apply. An impact test is therefore not required.
52. The application proposes an amendment to the original approved scheme, this is relatively minor in so far as the application will increase the level of non-food retail agreed by 590m<sup>2</sup>. This would fall under the national threshold for an impact test and with no adopted local threshold the application does not require an impact test. A sequential test has not been carried out, the scheme forms part of a wider approved proposal and is a minor modification to an approved scheme. Pre-application discussions agreed that there had been no material change in circumstance since the previous approval and an assessment was therefore not required.

53. In light of the above the principle of the development has already been established and accepted by the Council.

### **Scale and design**

54. The surrounding area is a mix of residential development, retail and open space. Vacant previously developed land lies to the south and east of the site, open greenspace and allotments fall to the west of the site. To the north beyond the existing Dalton Park Factory Outlet centre is Church Street and residential development and open greenspace.
55. The scale and design of the development is identical to the food store as it is an integral part of the same building. It would be constructed of a mix of double glazed units and coloured glass panels, aluminum panels, curtain walling and brickwork. The structure would have a flat roof and a main entrance located on the eastern elevation facing the car parking area. It would measure approximately 71 metres wide by 24 metres deep and would have a height of approximately 8.2 metres. The store would be well screened from longer distance views by areas of landscape bunding created by material displaced from the site. The signage on the store would be subject to a further application for advertisement consent as the store operator is still unknown.
56. Given the surroundings of the proposed development, including the existing factory outlet shopping and the approved food store, cinema, hotel, pub and food outlets, and given that it is constrained by its attachment to the food store. It is considered that the scale and design of the proposed non food retail unit is acceptable and would be in accordance with saved policies 1 and 35 of the District of Easington Local Plan and part 7 of the NPPF.

### **Highways**

56. Highways Officers have been consulted as part of the application process and have raised no objections to the scheme. Moreover, they conclude that a non food retail use would generate less traffic than a food retail use and given that the level of car parking provision would remain the same, this is welcomed.
57. The Highways Agency have also not raised concerns regarding the proposals with regard to the impact on the A19. This is subject to conditions attached to the outline approval being adhered to by this proposal. As such, it is recommended that the conditions attached to the outline consent are also attached to this application should it be approved.

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## **CONCLUSION**

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58. There has been no material change in circumstances since the grant of outline planning permission in March 2012.
59. The proposal comprises the erection of a non-food retail building with a maximum gross external area of 1,590 sqm on an area of the site benefiting from planning permission for a food store as part of the mixed use Dalton Park Phase II outline

planning permission (LPA Ref: PL/5/2009/0548). The proposals are entirely within the approved scale of development and would result in an increase in floorspace.

60. The scheme would deliver employment and regeneration benefits to the area. Paragraph 14 of the NPPF states that there should be a presumption of sustainable development and this should prevail unless the benefits of the proposal are significantly outweighed by any adverse impacts. As discussed earlier, the Council have already accepted the principle of retail development in this location and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Phase 2 - Non food unit, Site Location Plan, AL(D)002. Phase 2 - Full Planning, Elevations: Non food area, AL(D)103. Phase 2 - Full planning, Floor Plan: Non-food area, AS(D)102, Phase 2 - Full Planning, Roof Plan: Non food building, AL(D)104.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35, 36, 37, 101 and 104 of the District of Easington Local Plan and parts 1, 2, 4, 7 and 10 of the NPPF.

3. The net sales floor area of the non-food retail building hereby approved shall not exceed 1600 square metres.

Reason: In order to safeguard the vitality and viability of nearby town and local centres in accordance with saved District of Easington Local Plan Policies 101 and 104 and part 2 of the NPPF.

4. The development hereby approved shall not be brought into use until the development of the access has been carried out in accordance with condition 4 attached to planning permission PL/5/2009/0548 (or any subsequent variations of that permission).

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

5. The non-food retail unit hereby approved shall be operated in accordance with the Travel Plan as detailed in planning condition 4 attached to planning permission PL/5/2009/0548 (or any subsequent variations of that permission).

Reason: To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

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

Reason: In the interests of the amenity of nearby residents and the appearance of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

7. No development shall begin until detailed designs of the highway improvements to the B1285/Moor View junction, as required to facilitate the development, have been submitted to and approved in writing by the Local Planning Authority. These highway improvements shall be carried out in accordance with the approved details prior to any of the development hereby approved being brought into use.

Reason: In the interests of highway safety and to comply with Policy 36 of the District of Easington Local Plan and of part 4 of the NPPF.

8. The development shall not be brought into use until an independent Stage 1 Road Safety Audit (S1 RSA), including associated Designer's Response, for the A19/A182 /East Durham Link Road / B1285 junction improvements shown in principle on JMP drawing D081004/01 Revision A, dated March 2008, has been prepared, submitted to and approved in writing by the Local Planning Authority. The S1 RSA shall be carried out in accordance with current Design Manual for Roads and Bridges (DMRB) Standards and Advice Notes.

Reason - To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

9. Development shall not commence until the full design and construction details of the required improvements to the A19/A182 /East Durham Link Road / B1285 junctions as shown in principle on JMP drawing D081004/01 Revision A, dated March 2008, have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
- Full signing and lighting details;
- Confirmation of full compliance with current DMRB Standards (or approved relaxations / departures from standards);
- An independent Stage 2 Road Safety Audit (Stage 2 to take account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with current DMRB Standards and Advice Notes;

The development shall not be brought into use until the agreed highway improvements are completed and opened to traffic.

Reason: To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

10. The development hereby approved shall not be commenced until such time as a scheme for the highway improvement works at the A19 Northbound On Slip/B1285 junction, as shown in principle on Jacobs Babbie drawing 10780/P/T/02 Revision A is submitted to and approved in writing by the Local Planning Authority. Construction of the agreed highway improvement works at the A19 Northbound On Slip/B1285 junction must be completed prior to the development hereby approved being brought into use.

Reason - To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

11. Notwithstanding the information submitted with the application, no delivery or service vehicles shall use the new approved access off Moor View Road outside the hours of 07.00 hours to 23.00 hours on any day of the week.

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

12. 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 part 10 of the NPPF.

13. No construction and/or demolition works shall take place outside of the following time periods: Monday to Friday 0800hrs to 1830hrs, Saturday 0830hrs to 1300hrs, with no site activities on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers, and to comply with policies 1 and 35 of the District of Easington Local Plan.

14. Prior to commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with

contamination of the site shall each be submitted to and approved in writing by the local planning authority:

1) A site investigation scheme, based on the previously agreed Phase 1 Geo Environmental Assessment CBRE 2008 and Phase II Environmental Investigation CBRE 2008 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) Based upon the site investigation scheme a detailed risk assessment referred to in (1) and, based on this assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. Murton Colliery, coke works and colliery waste tip. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone Aquifer, a principal aquifer and is located within Zone II of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment. In accordance with part 11 of the NPPF.

15. No development shall begin until a verification report demonstrating completion of the measures set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. Murton Colliery, coke works and colliery waste tip. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone Aquifer, a principal aquifer and is located within Zone II of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment. In accordance with part 11 of the NPPF.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and



obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The amended strategy shall be implemented as approved.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters, in accordance with part 11 of the NPPF.

17. The development hereby approved shall not be brought into use until the car parking and service yard associated with the foodstore consented by planning permission PL/5/2009/0548 (or any subsequent variations), have been constructed and made available for use.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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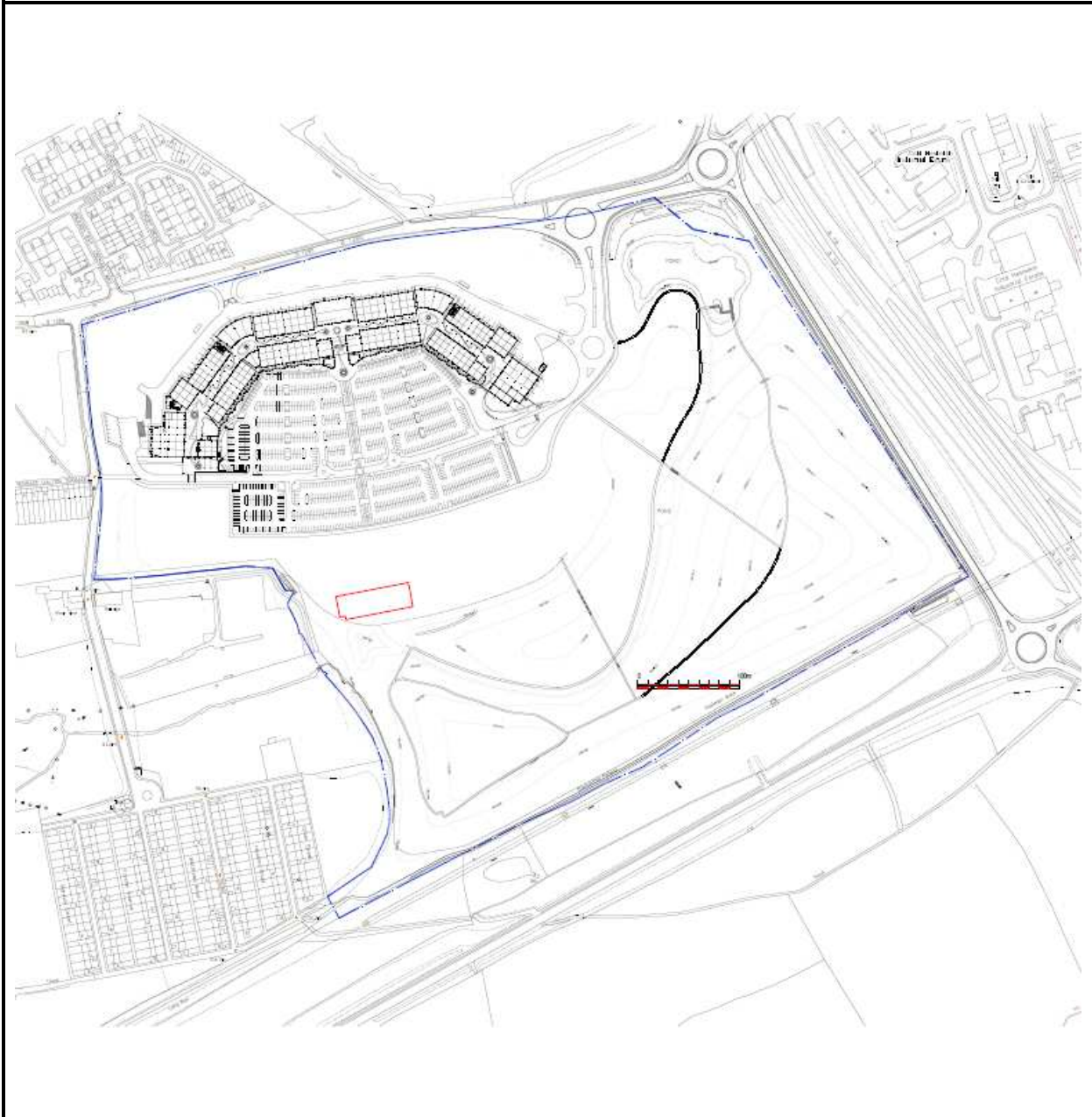
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the target provided to the applicant on submission and in compliance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

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

**Proposed ERECTION OF A RETAIL BUILDING (A1 USE CLASS) at DALTON PARK, MURTON, SR7 9HU, PL/5/2013/0145**

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**Comments**

**Date July 2013**

**Scale**

## Planning Services

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2013/0194</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>AGRICULTURAL BUILDING</b>
<b>NAME OF APPLICANT</b>	<b>MR M A ALLAN</b>
<b>SITE ADDRESS</b>	<b>HULAM FARM HUTTON HENRY TS27 4SA</b>
<b>ELECTORAL DIVISION</b>	<b>BLACKHALLS</b>
<b>CASE OFFICER</b>	<b>Laura Eden</b> <b>03000263980</b> <b>dmcentraleast@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSAL

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### The Site

1. The site lies outside the settlement limits of nearby villages therefore is classed as being in the countryside. It lies within an area designated as being of high landscape value and there is a public right of way that runs through the farm.
2. Access to the site is gained from the A19 along a road that leads to a cluster of buildings including Hulam Farm and a few residential properties. The main farm buildings are approximately 600 metres to the east of the main road where limited and distant views of the site can be afforded.
3. Currently there are a number of existing barns and buildings on site mainly situated to the north and north west of the existing farm house. There is also a large area of hardstanding to the front of these buildings with a smaller area located to the rear as well.

### The Proposal

4. This application proposes the erection of an agricultural building that would have a total floor area of 1,284m<sup>2</sup>. The building would measure 24.35m wide, by 52.99m long and would have an overall height of 11.65m. It would adjoin two similar sized buildings on the site and would be located to the north east of them.
5. The materials that the building would be constructed from would be very similar to the existing building that it would adjoin. The walls would be concrete grainwall panels to 3.6m with box profile sheeting above up to eaves level coloured Goosewing Grey. The roof would be natural coloured fibre cement with galvanised roller shutter doors.

6. Additional hardstanding is proposed to wrap around the new building and would follow the proportions of the existing areas of hard surfacing around the current buildings.
7. This application is being referred to Committee as it relates to a major development due to the amount of additional floor space being created.

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## **PLANNING HISTORY**

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PLAN/2006/0824 – Extensions to agricultural building approved 04/01/2007

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
10. The following elements are considered relevant to this proposal:
11. Part 1 - 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.
12. Part 3 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
13. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

## **LOCAL PLAN POLICY:**

### District of Easington Local Plan

15. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
16. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
17. Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.
18. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

19. Parish Council – No comments received
20. Northumbrian Water – No comments to make at this stage
21. The Ramblers Association – No objections subject to an informative being added

### **INTERNAL CONSULTEE RESPONSES:**

22. Environmental Health – No adverse comments to make
23. Highways – Proposals deemed to be acceptable
24. Landscape – No objection
25. Public Rights of Way – No objection subject to an informative being added
26. Ecology – No objection

### **PUBLIC RESPONSES:**

27. The application has been advertised by means of a press notice, site notice and neighbour notification letters – No comments have been received

#### **APPLICANTS STATEMENT:**

28. The construction of this building is necessary for several reasons.
29. A) Compliance issues. This facility is necessary in order to comply with schemes such as Farm Assured where the quality of storage facilities is strictly monitored, especially where stored produce will enter the food chain.
30. B) Current Lack of Storage Capacity. Crops grown are mainly Biscuit Wheat, Milling Wheat, Spring Barley & Oilseed Rape. Currently yields of up to 2 tonnes per acre are achieved from Oilseed Rape, 400 acres of which requires 800 tonnes of storage capacity, and yields of up to 4 tonnes per acre are produced from wheat and barley, requiring a storage capacity of 6400 tonnes. Current storage capacity at Hulam is around 2900 tonnes.
31. C) To enhance the purpose of existing buildings. Buildings currently at Hulam which are no longer suitable for grain storage will be free for machinery and fertiliser storage, both of which are important factors in today's modern agricultural environment.
32. D) Acquisition of land. Since the original application, negotiations to acquire more land which were underway at the time have now been concluded. This means that there will be a further 400 acres (162 HA) more cereals planted during Autumn 2013.
33. We trust that this application will be given fair consideration as purely an agricultural development which will enhance both the day to day running and the value of produce grown at Hulam and surrounding farms by MA Allan & Partner. It is a development which will be virtually unseen and will not intrude on any amenity value of any third party within the surrounding area.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=123304>*

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### **PLANNING CONSIDERATION AND ASSESSMENT**

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34. 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.
35. 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 Easington Local Plan. Other material considerations relate to the impact of the development on visual and residential amenity, highway safety, landscape and ecology matters.

## **Principle of development**

36. The National Planning Policy Framework (NPPF) provides the most up to date and relevant advice with regard to these proposals. At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with the development plan or where the relevant policies are out of date, granting permission unless there are any adverse impacts of doing so or specific policies in the Framework indicate development should be restricted.
37. The NPPF states that agricultural development should be promoted and significant weight should be placed on the need to support economic growth. The current proposal relates to an existing agricultural enterprise that find themselves lacking adequate grain storage facilities. They advise that outdoor storage is not an option hence the current application for an additional barn. The proposal is therefore considered to be in accordance with the NPPF. More generally the development complies with sustainability principles given it relates to an existing holding, the extension will be sited next to the main cluster of buildings and although rural has good access to main road networks.
38. The site is located outside the settlement boundary of nearby villages as identified in the former District of Easington Local Plan and so the application falls to be considered as development within the open countryside. Policy 3 of the Local Plan states that development in such areas will not normally be approved unless allowed by other policies. The supporting text for Policy 3 recognises that some forms of development in the countryside are necessary, such as the development of buildings for agriculture, in order that the rural economy can be supported.
39. As a result it is considered that the proposed development is in accordance with both national and local planning policy and the principle of development is accepted.

## **Residential amenity**

40. Policy 35 of the local plan aim to ensure that the development does not adversely affect the amenity of the people living in the vicinity of the development in terms of privacy, visual intrusion, overlooking, overshadowing and loss of light. The policies are in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
41. Smithy Cottage is the nearest residential property and the proposed building would not come any closer to the property than what is currently on site. Regardless there is in the region of about 80 metres separation distance therefore it is not considered that their outlook or general enjoyment of their home would be compromised.

## **Landscape and visual amenity**

42. The NPPF's twelve core planning principles state that the planning process should always seek to secure high quality design. These aims are also reflected in the Easington Local Plan Policies. Policy 35 requires that development reflects the scale and character of adjacent buildings and the area generally particularly in terms of site coverage, height, roof style, detailed design and materials. Furthermore, policy 7 of the Easington Local Plan advises that the special character, quality and appearance of the landscape within areas designated as being of high landscape value will be maintained and enhanced.

43. It is not considered that the building would have an adverse impact on the area of high landscape value given that the overall design of it is considered to be acceptable. The proposed building reflects the scale of two existing barns on site so is considered to be in character and keeping with the area. As it would adjoin these existing buildings the overall impact of the development is lessened as it would be viewed against this backdrop. Furthermore, the materials would match those of the buildings already on site and on this basis it has not been considered necessary to impose a condition. Additionally the Council's landscape officer has assessed the proposal and offers no objection to the scheme.

### **Highway safety**

44. The design and access statement advises that there would be no additional vehicle movements to and from the site as a result of the new development, on that basis the highways officer has not objected to the scheme.
45. The access track to the proposed building is shared with Sheraton with Hulam Public Footpath no. 14. The public rights of way officer does not consider that the development would affect this footpath however has recommended an informative is added that relates to general good practice advice.

### **Ecology**

46. The Council's ecologist has also confirmed that they have no objections to the proposed development.

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## **CONCLUSION**

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47. Overall it is considered that the proposed development is in accordance with the development plan and the National Planning Policy Framework. Although located within the countryside it is considered that the agricultural building is a suitable form of development.
48. The scale and design of the building reflects that of existing buildings on site therefore would not adversely impact on visual amenity or the area of high landscape value. Due to the separation distances it is not considered that residential amenity would be adversely affected. Furthermore, no highway safety concerns are raised and the development would not impact on the public right of way.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Application form, design and access statement, drg. no. 344.10003.1 and drg. no. 344.10004.1 received 08/11/2013, drg. no. 334.10006.1 received 21/05/2013, drg. no. 334.10001.2 received 23/05/2013.



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

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## **REASONS FOR THE RECOMMENDATION**

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV07 - Protection of Areas of High Landscape Value (AHLV)
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
NATIONAL PLANNING POLICY FRAMEWORK	Part 1 - Building a strong, competitive economy
NATIONAL PLANNING POLICY FRAMEWORK	Part 11 - Conserving and enhancing the natural environment.
NATIONAL PLANNING POLICY FRAMEWORK	Part 3 - Supporting a prosperous rural economy
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design

2. In particular the development was considered acceptable having regard to consideration of issues in relation to the principle of development, visual and residential amenity, highway safety, landscape and ecology.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



