



Area Planning Committee (Central and East)

Date Tuesday 8 October 2013
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 10 September 2013 (Pages 1 - 6)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/13/00079/OUT - Land At Langley Wood House, Sleetburn Lane, Langley Moor, Durham (Pages 7 - 18)
Outline application for the erection of 9 executive dwellings, including means of access.
 - b) 4/13/00422/OUT - Land To The North Of Willowtree Avenue, Gilesgate Moor, Durham (Pages 19 - 38)
Outline application for residential development of maximum of 54 units with all detailed matters reserved except access.
 - c) CE/13/00598 - Land at 20 Faraday Court, Neville's Cross, Durham (Pages 39 - 50)
Erection of detached dwelling to the east of 20 Faraday Court (amended plans).
 - d) CE/13/00786/FPA - 47 Beech Close, Brasside, Durham DH1 5YB (Pages 51 - 58)
Single storey rear extension and single storey side extension.

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

30 September 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 and
J Robinson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in the Council Chamber, County Hall, Durham on **Tuesday 10 September 2013 at 1.00pm**

Present:

Councillor P Taylor (Chair)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, C Kay, A Laing, J Lethbridge and B Moir.

Prior to the commencement of the meeting the Chair reported the death of Councillor G Mowbray who had served on the Central & East Planning Committee since being elected onto the County Council in May 2013.

The Chair requested that appreciation of Councillor Mowbray's contributions to the Central & East Planning Committee be formally recorded and that those present join him in a minutes silence.

1 Apologies for Absence

Apologies for absence were received from Councillors S Iveson and J Robinson.

2 Substitute Members

Councillor A Turner substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meeting held on 9 July 2013 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

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

5a 4/12/01003/FPA – East Durham Cathedral Farm, Sherburn, Durham, DH6 1EY

The Committee considered a report of the Senior Planning Officer regarding a part change of use of agricultural land and building for employment use (B2 and Office), for the keeping and breeding of horses, siting of cabins for office and storage use,

formation of horse exercise areas and runs, enclosures and electricity line pole and engineering works to the landscape for drainage purposes (retrospective) at East Durham Cathedral Farm, Sherburn, Durham DH6 1EY (for copy see file of Minutes).

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

Ms T Barber, agent for the applicant, addressed the Committee. She advised the Committee that Mr Johnson, applicant, had bought the site in 2009 and gained planning permission for the erection of an agricultural building. In 2012 he had purchased the adjacent area of land where trees and shrubbery had already been removed prior to the applicant acquiring the area. Ms Barber advised that the applicant had not cut down any of the trees, he had simply cleared the area when he took it over. Since that time the applicant had developed the site to include engineering works and stables.

Members were advised that in 2012 the Planning Authority had notified the applicant that consent was required for the changes of use and additional features on the site such as the horse exercise enclosure. Ms Barber advised that the applicant had been unaware that additional planning permission would be required, however upon being notified that consent was required, he had actively worked with the Planning Authority in preparing a suitable retrospective application.

Ms Barber highlighted that the NPPF gave strong support for sustainable development in the countryside and that the applicant was content with the restrictions placed on the permission restricting the size of the development. Furthermore Members were advised that the applicant was more than willing to undertake a scheme of replanting as set out in condition 4 of the application.

Several Councillors expressed concerns about the application, particularly in respect of it being a retrospective application. It was noted that the applicant had gained permission in 2010 for the entrance gates, but had then not realised that consent would be required for the change of use. Although of the opinion that the business case was robust, Councillors Moir and Davinson advised that on the basis the application was made in retrospect, they were unable to support officer recommendations.

Councillor Bell advised that having observed the premises on the site visit earlier that day, he had safety concerns in relation to the engineering works being conducted in close proximity to the stable area. He suggested this could be a possible fire hazard.

Councillor Conway shared concerns regarding the retrospective nature of the application and while he shared the local concerns in relation to the engineering aspect of the business, he was keen to support business diversification in respect of the equestrian aspects of the business, but not the engineering.

Several Councillors voiced their support for the application, stating that the Planning Committee should not oppose good business plans and that other than it being retrospective, they could see nothing contentious about the application.

The Principal Planning Officer responded to the points raised as follows:-

- Retrospective application – Although it was acknowledged that on principle retrospective applications were not preferable, a balanced view should be taken. The application was size restrictive and changes of use on similar sites were not uncommon. Indeed the changes of use detailed in the application were consistent with other applications across the county.
- Safety concerns – Officers opinion was that due diligence had been applied and there were screens separating the various areas within the building.
- The Committee were advised that planning officers had persistently deferred the application until completely satisfied with the content.

Councillor Conway reiterated his concerns regarding the engineering aspects of the application. He did not feel the engineering works were ancillary to the agricultural work on the site.

The Principal Planning Officer clarified that the engineering works was a stand alone business and was contained within the existing building, not to be viewed as ancillary. He reiterated that it was common for such changes of use to agricultural buildings. Members were advised that while the majority of work was conducted off site, it was not for the Planning Authority to determine how a business should operate and he reiterated that the application was size restrictive however.

Seconded by Councillor Kay, Councillor Lethbridge moved approval of the application and upon a vote being taken it was:-

Resolved: That the application be approved subject to the conditions detailed within the report.

5b 4/13/00694/S106A – Former Ushaw Moor County Infants School, Temperance Terrace, Ushaw Moor, Durham DH7 7PQ

The Committee considered a report of the Senior Planning Officer regarding the cancellation of S106 requirements in relation to the former Ushaw Moor County Infants School, Temperance Terrace, Ushaw Moor, Durham DH7 7PQ (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application. Mr C Dodds, representing the applicant, addressed the Committee. Mr Dodds explained that the original costs of the development which had been anticipated prior to the purchase of the site had been underestimated. Additional works had been necessary on the site which had not been predicted and movement of sales on the site had also been slow.

The Committee were advised that notwithstanding the S106 contribution, the development did bring wider community benefits in that the developer employed local apprentices on the site and that the development was regenerating the area.

Councillor J Chaplow, local Member, addressed the Committee. She was extremely disappointed that the developer was applying for the removal of S106 requirements. The monies had been earmarked for artwork and a play area. The 3 local schools were to be involved in the development of the artwork and another play area was desperately needed within the village.

The Committee were advised that the developer had already been aware of 3 red brick and steel retainer walls, prior to purchase. Furthermore Councillor Chaplow disputed the applicant's claims that sales were slow on the site. She advised that the houses were good quality and were selling, she therefore did not accept that the developer was failing to make a profit.

In relation to the apprentices employed on the site, Councillor Chaplow suggested that none were from the village.

Councillor A Bell felt that the application be refused. If the developer was failing to make a suitable profit, then it was up to the developer to increase the market value of the properties. The original permission had been granted subject to the S106 contribution and at that time the applicant was happy to accept those conditions.

Councillor C Kay supported the refusal of the application, stating that any commercial enterprise should have in place a robust business plan with a contingency plan built in. He suggested that if the applicant felt that the site was fraught with difficulties, then that was an issue between the developer and who they bought the site from. It was unfair to deprive a local community of monies which had previously been pledged.

Councillor Freeman echoed those comments and did not doubt that in time all plots would be completed and occupied.

In response to a query from Councillor Conway, Mr C Dodds clarified that sales revenues had been reduced during the course of the development. Of those properties which had been completed, only 8 had been sold. Of those 8, some had been sold with the assistance of the help to buy scheme, without which, sales would have been a lot less.

Mr Dodds further clarified that although none of the apprentices on the site were directly from Ushaw Moor, they were from the surrounding area. Indeed many of those employed on the site, including the site manager, were from the local area. In relation to the abnormal costs which had been incurred by the developer, Mr Dodds advised that the application had been accompanied by a viability assessment which the Planning Authority had since confirmed to be correct.

Councillor Davinson could not support the application. He argued that some developments would be capable of exceeding a 20% profit whereas some would be unfortunate not to. Ultimately it was the decision of the developer alone as to what

the profit margins would be set to. Furthermore he objected to the argument that developments outside of the A1/A19 corridor would often be subject to poor sales and to suggest that could be expected to be the case, would result in setting a precedent to developers in similar outlying areas.

The Principal Planning Officer responded to the points raised as follows:-

- Officers had full empathy regarding contributions to the community and always endeavoured to maximise S106 allocations. In Ushaw Moor there were significant quantifiable benefits to the scheme of development, which was the only scheme of its kind in that area.
- Guidance stated that viability of a development must be taken into consideration and Members were advised that the Planning Authority regularly challenged developers on the issue of viability. Such applications to remove S106 requirements were not brought before Planning Committee lightly, and attempts would have been made to maximise contributions to the community in all cases.

Councillor C Kay suggested that the viability of a scheme should be taken into consideration at the time of seeking the original planning permission and not at a later point when a commitment to contribute to the community had already been made. Further to a query from Councillor Kay the Principal Planning Officer clarified that for planning permissions less than 5 years old, there was no right of appeal for an applicant should the Planning Authority decide to refuse to cancel the S106 requirements in this instance.

Resolved:

That the application to cancel the S106 requirements via a legal deed, be refused.

5c – 4/13/00619/FPA – Finchale View Riding School, Pit House Lane, Leamside, Durham

The Committee considered a report of the Planning Officer regarding the erection of an indoor arena and associated landscaping at Finchale View Riding School, Pit House Lane, Leamside, Durham (for copy see file of Minutes).

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

Mrs S Mordey, applicant, addressed the Committee. Members were advised that she had run a riding school on the site for 5 years. The school had started as a part time venture however the client base had grown over time, largely through existing client recommendations.

The ages of clients ranged from 4-60 years and all students were unfortunately subjected to cold conditions during winter months, as all facilities were currently outdoor. As such Mrs Mordey tended to build the business up during the summer months and then lose business during the winter because of the cold conditions.

Mrs Mordey advised that earlier this year the business had achieved accreditation from the Association of British Riding Schools. She therefore hoped that this seal of approval would help her in expanding the business further afield to allow a larger client base to benefit from education.

Mrs Mordey very much liked her business being secluded and hidden from view. She was keen to introduce shrubbery to protect the area further and was happy to endorse the use of Jupiter Green to further blend the proposed development in with the landscape. Furthermore Members were advised that, although not her responsibility, Mrs Mordey regularly tended to the roadside grass in the vicinity of her business as she was very aware of the visual amenity of the area.

The Committee were advised that the applicant was keen to make the business as self sufficient as possible, and intended to utilise rainwater in the future by collecting it in underground containers.

By approving the application, Mrs Mordey stated that the Committee would be allowing her the opportunity to sustain her business all year round, take on additional staff and apprentices, and open up her school to a wider area.

Councillor B Moir took pleasure in approving the application having heard how the applicant intended to develop her business for the benefit of the community. Several Members echoed their support for the application and the future plans for the business.

Resolved:

That the application be approved subject to the conditions detailed within the report.

5d – PL/5/2013/0302 – St Johns Square, Seaham

The Committee considered a report of the Planning Officer regarding the construction of car park and associated works at St Johns Square, Seaham (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 were advised that since the report had been published, both the Environment Agency and Northumbrian Water had confirmed that they had no issues to raise in respect of the application.

Seconded by Councillor A Laing, Councillor G Bleasdale moved that the application be granted.

Resolved:

That the application be approved subject to the conditions detailed within the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/13/00079/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the erection of 9 executive dwellings, including means of access.
NAME OF APPLICANT:	Mr and Mrs Coates
ADDRESS:	Land At Langley Wood House Sleetburn Lane Langley Moor Durham
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is located within the Durham Green Belt to the east of Langley Moor. The site is adjacent to open fields, separated by pockets of woodland and vegetation, to the north east a group of farm buildings and the ribbon development of Sleetburn Lane is located. The building of Langley Old Hall Farm lies immediately to the south, access to the site is provided off Sleetburn Lane.
2. Outline Planning Permission including the means of access is sought for the erection of 9 executive dwellings. Although all other matters remain reserved at this stage, it is indicated that the development would be arranged around a large cul-de-sac with a woodland buffer to the north and northeast of the site. It is also indicated that the dwellings would be substantial and two storey in scale, occupying a plot size averaging 1100m².
3. This application is being reported to Planning Committee at the request of the Local Councillor for the Bowburn area.

PLANNING HISTORY

4. There is no relevant planning history associated with this site.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should

go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *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.
10. *NPPF Part 3 – Supporting a prosperous rural economy.* 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.
11. *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.
12. *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.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 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.
15. *NPPF Part 9 – Green Belts.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
16. *NPPF Part 10 – Climate Change.* 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.

17. *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 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.

LOCAL PLAN POLICY:

18. *Saved Policy E1 – Durham City Green Belt* - Sets out that within the defined Green Belt the construction of new buildings is considered inappropriate unless it is for agricultural or forestry activities, essential sport and recreation facilities, replacement of an existing dwelling and the re-use conversion of an existing building.
19. *Saved Policy E7 – Development Outside Settlement Boundaries* – Seeks to limit new development in the open countryside
20. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
21. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
22. *Saved Policy E24 – Archaeological Remains* – Sets out that the council will ensure that prior to the development commencing an appropriate programme of archaeological investigation, recording and publication has been made.
23. *Saved Policy H5 – New Housing in the Countryside* – Sets out that new build housing development will only be permitted where it is essential that a person needs to live near their place of work.
24. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
25. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
26. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
27. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists

28. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
29. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
30. *Saved Policy Q15 – Art in Design* – Identifies that the council will seek to ensure that provision is made for artistic elements in the design of developments and where appropriate seek the provision of 1% of development costs for offsite art provision.
31. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.
32. *Saved Policy U11- Contaminated Land* – Require development proposals to assess the level of land contamination and take appropriate mitigation measure to deal with any contamination.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. Highways – Offer no objections to the scheme

INTERNAL CONSULTEE RESPONSES:

34. Coal Authority – Raise no objection subject to a condition requiring the carrying out of a site investigation before development commences.
35. Landscape – Consider that the proposal would have an adverse impact on the Green Belt and has the potential to adversely affect Langley Wood.
36. Northumbrian Water – Raise no objections.
37. Rights of Way Officer – Raise no objections.
38. Environmental Health Officer – Offers no objections, but request details of noise and dust suppression should planning permission be granted.
39. Drainage Officer – No Response Received
40. Arboricultural Officer – No objection subject to a tree constraints plan being submitted prior to development commencing.
41. Planning Policy – Consider that the proposal should not be supported in principle given that it is located in the Green Belt and countryside contrary to saved local plan policies

E1, E7 & H5 and the NPPF paragraphs 55, 87 to 89. Furthermore, this site has been considered in some detail through the Non-strategic Green Belt Modifications Evidence Paper Sept 2012 which informs the development of the County Durham Plan and recommends that the site is not deleted from the Green Belt given its development would adversely affect the openness of the Green Belt. The proposed site would also form an uncontained extension separated from the main settlement of Langley Moor and would not consolidate any settlement boundary. In terms of sustainability, the site is separate from the main settlement with implications for access to services and facilities.

42. Environment Agency – Offer no objections to the scheme following the submission of additional information.
43. Archaeology Officer – Recommends that a scheme of Archaeological work be implemented prior to development commencing.
44. Ecology Officer – Offers no objections subject to the provision of a buffer to the woodland as demonstrated on the amended plan.

PUBLIC RESPONSES:

45. Neighbouring residents have been notified by individual notification letters, site notice and press notice. In total 7 letters of objection have been received relating to:-
 - Impact on Green Belt
 - Principle of development
 - Highway Safety
 - Sustainability of the site
 - Ecological Impact
 - Localised Flooding
 - Visual Impact
 - Impact on character of the area
 - Loss of amenity
 -
46. In addition to this 15 letters of support have been received highlighting the benefits of the development, including the economic benefit of providing executive housing and the minimal visual impact of the development.

APPLICANTS STATEMENT:

47. The development will relate to the erection of 9 executive dwellings helping meet a significant undersupply of executive housing within the county, which is having a detrimental impact on economic growth. The need to provide executive housing is therefore of strategic importance and the proposals which deliver housing should be afforded significant weight.
48. This development will bring investment and important economic benefits to the area, including:-
 - An economic impact from construction expenditure of £10,224,000
 - An estimated annual economic impact from consumer spending generated by the properties is £667,724
 - Additional annual Council Tax receipts of around £28,008
49. The proposals are sustainable, accessible and capable of being accommodated without significant risk to highway safety

50. Overall it is considered that the site does create a critical mass within a physical context that gives a prestigious identity that can stand out and be differentiated from the general housing sites and other executive sites in the region. These reasons amount to the very special circumstances to allow the approval of the proposed development within the Green Belt.

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

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MHHFSABN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal material planning considerations raised relate to the principle of development, visual amenity and impact on openness of Green Belt, highways safety, impact on amenity of neighbouring land users, and ecological interests.

The Principle of Development

52. The application site is located within the open countryside and within the North Durham Green Belt, as defined in the Durham City Local Plan Proposals Map. Saved Policy E1 of the Local Plan seeks to limit development within the Green Belt to protect its purpose, openness and visual amenity, in addition to this policy H5 of the Local Plan sets out that new housing within the open countryside will only be permitted where it would serve a functional need for a person to live near their place of work. The proposed development would therefore conflict with these policies of the Durham City Local Plan.
53. However when determining applications, all material considerations need to be taken into account, in this instance the key considerations include the NPPF and the emerging County Durham Plan (CDP), including the evidence base behind it. In considering these it is noted that the NPPF sets out that the government attaches significant importance to Green Belts, setting out that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, paragraphs 87 to 88 of the NPPF seeks to protect Green Belts from inappropriate and harmful development unless there are very special circumstances.
54. In this instance the special circumstance that has been put forward by the applicant is the council's aspiration to provide executive dwellings. In preparation of the County Durham Plan the council has produced a Strategic Housing Market Availability Assessment, which along with wider evidence papers has identified that there is a lack of executive housing in the County and considers this to be an inhibitor to economic growth. The council has sought to address the deficiency through the provision of a strategic executive housing site at Lambton Estate, Chester-le-Street, this is embodied within policy 12 of the CDP (pre submission version), as endorsed by cabinet members. Although the focus of executive housing delivery is proposed to be at Lambton Policy 13 of the CDP does not preclude executive housing at other sites. It is however envisaged that sites would be in existing built up areas or allocated through the Local Plan or Neighbourhood Plans while conforming to a set criteria. In assessing the development against the proposed criteria the proposal would fail to satisfy policy 13 being located on a Greenfield site, separated from an existing settlement, served by limited public transport. However these policies can only be given limited weight at this time given the current status of the CDP.

55. Paragraphs 7-10 of the NPPF outline that there are three dimensions to sustainable development: economic, social and environmental, roles, which should be sought jointly and simultaneously. In considering this matter, it is clear as set out above, that the council has outlined its desire to provide for executive housing within the County, principally for the potential economic benefits that developments of this nature would bring contributing to the economic element required by the NPPF. It is accepted that the proposed development would have economic benefits; these however on balance are considered marginal in the wider context, particularly considering the contribution of the larger strategic approach to executive housing.
56. The council is also seeking to plan positively and pragmatically for the delivery of executive housing within the county to meet the identified shortfall, which is expected to be brought forward in a reasonable timescale. In addition to this the council can demonstrate a 5 year supply of available, deliverable sites which could facilitate executive housing, before the adoption of the CDP. It is also considered that this specific proposal would make relatively little contribution to the supply of housing land and given the strategic approach it is considered there is no overriding need to develop this site. It is considered that the provision of executive housing in the CDP will meet the social element of sustainable development.
57. The NPPF requires that development should be located where it will maintain or enhance existing community facilities, while developments should be located where the need to travel, particularly by the private motor car, will be minimised. The application site is separated from the main settlement of Langley Moor, which has implications in terms of accessibility to existing services and facilities. However it is recognised that there are public transport links to the site while it would be feasible to walk into Langley Moor to access services, a strategic cycle link is also in proximity of the site. Notwithstanding this reservations are made regarding the accessibility of the site in comparison to more central locations and the likely reliance on private transport.
58. Overall the provision of additional housing and delivering economic growth are key aspects of government policy in the NPPF, contributing to the delivery of sustainable development. However the NPPF directs that the promotion of growth and development should not be at the expense of other elements of sustainable development. In particular in this instance the environmental role to protect and enhance the natural environment, including the protection of the Green Belt and open countryside. Given the strategic provision of executive housing within the county it is considered that on balance the proposal would not amount to the very special circumstances required to justify inappropriate development within the Green Belt or would overcome the harm to the openness of the Green Belt and open countryside. In principle the development is therefore not considered to represent sustainable development when assessed against all elements of the NPPF, particularly the environmental element of sustainable development.

Visual amenity and impact on openness of the countryside and Green Belt

59. Saved policies E1 and E7 of the Local Plan seek to preserve the openness and visual amenity of the Green Belt. This is replicated in the NPPF which sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
60. The application site is located within the North Durham Green Belt, which in this location is characterised by open fields separated by pockets of woodland and vegetation, the site

also backs on to an area of designated Ancient Woodland. A number of farm buildings in the ribbon development of Sleetburn Lane are located to the north east of the site.

61. The site currently constitutes an undeveloped Greenfield Site, and approval of the development would change the character and appearance of the site by definition. The applicant has attempted to demonstrate that a comprehensive landscape scheme could be implemented on site to mitigate views of the development from a number of key vantage points. In appraising this issue, it is accepted that the views of the site would be restricted from wider vantage points within the Green Belt due to existing vegetation and the indicated additional planting. Views of the development would be achievable in closer proximity to the access of the site, although softened slightly through the indicated planting. However, notwithstanding the potentially limited wider views the development would still substantially alter the open nature of the site in itself and therefore would have an adverse effect on the openness of the Green Belt, while representing an uncontained extension of development separated from the main settlement of Langley Moor.
62. This matter has been given previous consideration through the CDP process in the preparation of the Non Strategic Green Belt Deletions evidence paper. This paper considered the suitability of the removal of sites from the Green Belt which represented anomalies or offered a rationalisation of boundaries. However following input from landscape colleagues this site was not considered suitable to be removed as it would have an adverse effect on the openness of the greenbelt.
63. It is therefore considered that the existing site does contribute to the purposes of including land within the Green Belt and the erection of the dwellings would represent an expansion of the built up area and an encroachment of development into the countryside. The proposal would therefore be contrary to policies E1 and E7 of the Local Plan and Part 9 of the NPPF impacting upon the visual amenity and openness of the Green Belt and the open countryside.

Highway Safety

64. The proposed access forms part of this outline application for the authority to consider its suitability, objections have been raised from local residents regarding the appropriateness of the proposed access and the potential impact on highway safety.
65. Saved Policy T1 of the local plan requires that development proposals achieve a satisfactory means of access onto the wider highway network. In considering this matter consultation has been held with the Highway Authority who raise no objection to the scheme due to the visibility achievable and the likely speeds on the road. It is accepted that the proposed development would increase the traffic to and from the site which would lead to a loss of amenity to neighbouring residents. However this is not considered sufficient to justify a reason for refusal given the low density of the scheme and the capacity of the highway network.

Impact on amenity of adjacent landusers

66. Saved policy Q9 of the Local Plan highlights that residential developments should protect the amenities of neighbouring residents. Although this scheme is an outline application, the indicative site layout would achieve the minimum separation distances of 21m between habitable room windows of existing and proposed properties, as advocated in the Local Plan. A loss of amenity is therefore not considered to arise for local residents in this respect.
67. A reduction in outlook would be experienced from neighbouring residential properties, however the proposed development is not considered to lead to an overbearing impact as

the nearest property is located in excess of 26m away, while the loss of a view is not a material planning consideration. During construction there would be noise and disturbance created, however a condition could be imposed to limit the working hours on site with a scheme of dust suppression.

Ecology

68. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted ecology survey reports and assessed the potential impacts of the development on protected species. In considering these reports in detail and receiving an amendment to the indicative layout the councils Ecology Officer offers no objection to the scheme. Therefore overall it is considered the granting of Planning Permission would not constitute a breach of the Conservation Habitats, & Species Regulations 2010

Other Issues

69. The development is proposed to be located in close proximity to existing coal mining features and hazards. The Coal Authority considers that subject to a detailed site investigation and appropriate remedial measures it is unlikely that the development would be affected by potentially unstable land. The submitted desktop study highlights that there is unlikely to be any significant risk of contaminants being present on the site, again subject to a detailed site investigation.
70. Saved policy U8a of the Local Plan requires consideration be given to issues regarding flooding particularly from surface water run off while requiring that developments adequately dispose of foul water. Objections have also been received in relation to localised flooding in the area and pollution of a nearby watercourse. Consideration has therefore been given to this matter through the preparation of a flood risk assessment and a drainage assessment. Accordingly consultation has been held with the Environment Agency, who offer no objections following the preparation of an additional technical report. After visiting the site it is also considered unlikely that the development would lead to any additional localised flooding issues given the land levels and likely flow of water, while a condition could fully deal with surface water run off and means of drainage.
71. Saved Policy E24 sets out that the council will ensure that prior to the development commencing an appropriate programme of archaeological investigation, recording and publication has been made. Accordingly after appraising the application the councils archaeological officer recommends a suitably worded condition
72. Saved Policy Q15 of the Local Plan identifies that the council will seek to ensure that provision is made for artistic elements in the design of developments and where appropriate seek the provision of 1% of the construction costs for offsite art provision. Thresholds are set of either 10 dwellings or a site area of 0.5ha, the latter of which would be applicable to this development. No provision has been made for public art in this application. The policy highlights that it is preferable for art installations to be incorporated into the development, where this is not feasible an off site contribution through a s106 agreement may be sought. It is therefore considered that this issue could be dealt with by a condition and therefore would not warrant an additional reason for refusal.

CONCLUSION

73. The proposed scheme has been assessed against the policy documents identified above. Although the applicant has resolved a number of outstanding detailed issues, it is considered that in principle the benefits potentially arising from the scheme would not outweigh the strong policy presumption against inappropriate development within the Green Belt and countryside. Development of the application site would by definition impact upon the openness of the Green Belt and would represent an encroachment into the countryside. It is therefore considered that the application conflicts with policies E1, E7 and H5 of the Durham City Local Plan, which is considered consistent with the NPPF in this respect.

RECOMMENDATION

That the application is **Refused** for to the following reasons:-

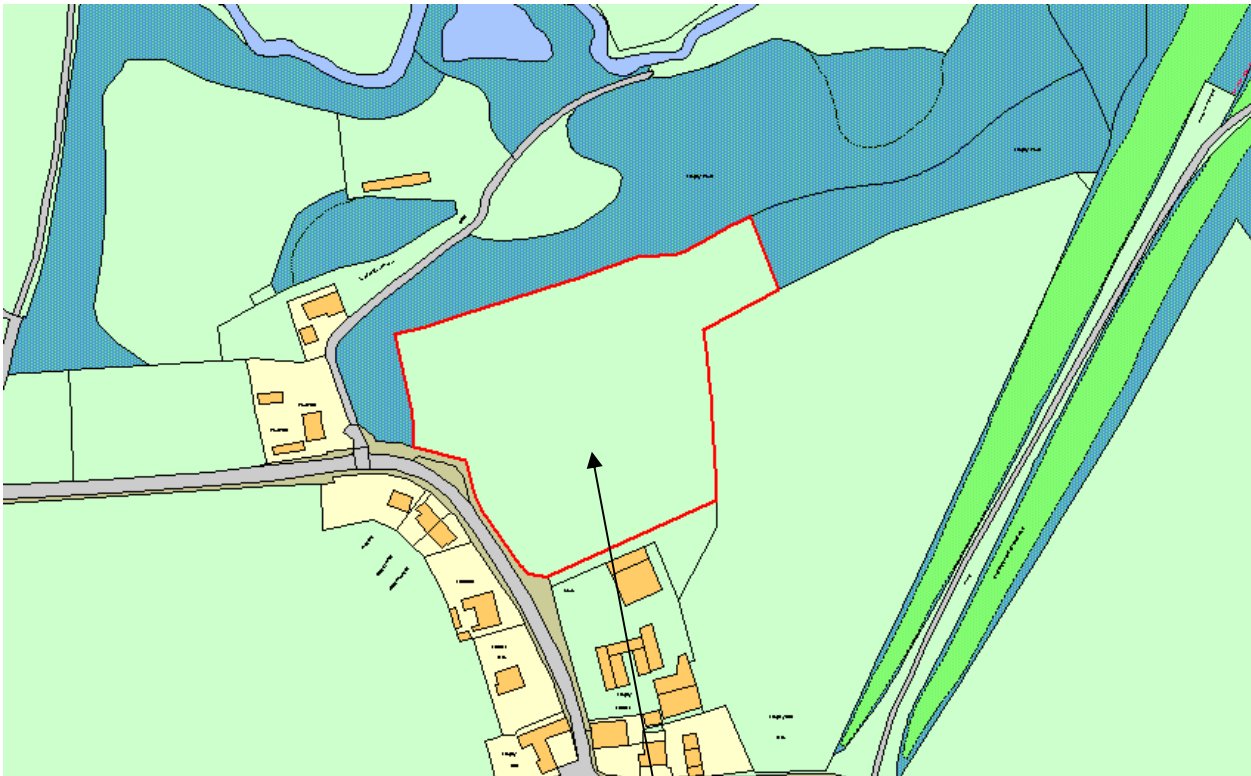
1. The development represents inappropriate development within the Durham City Green Belt without special circumstances to justify otherwise, adversely impacting on its purposes, openness and visual amenity, contrary to Part 9 of the National Planning Policy Framework and policy E1 of the City of Durham Local Plan 2004.
2. The development would result in an encroachment in the open countryside impacting upon its character, openness and visual amenity, contrary to policies E7 and H5 of the City of Durham Local Plan 2004 and paragraph 17 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

74. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking to resolve outstanding issues during the application process, although disagreeing on the principle of development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
County Durham Plan (pre submission version)
Strategic Housing Market Availability Assessment 2013
Non-Strategic Green Belt Modifications Evidence Paper
Response from Highway Authority
Response from Landscape Officer
Response from Environmental Health
Response from Public Rights of Way Officer
Response from Coal Authority
Response from Planning Policy
Response from Ecology
Response from Environment Agency
Response from Archaeology
Public Consultation Responses



Application Site



Planning Services

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Comments

Date 29 August 2013

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00422/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development of maximum of 54 units with all detailed matters reserved except access
NAME OF APPLICANT:	Mr D Hutchinson
ADDRESS:	Land To The North Of Willowtree Avenue Gilesgate Moor Durham
ELECTORAL DIVISION:	Gilesgate
CASE OFFICER:	Tim Burnham Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a previously un developed green field site which sits to the north of Willowtree Avenue, Gilesgate, Durham. The site measures approximately 1.49 hectares in size and is situated within the City of Durham settlement boundary. Residential properties on Willowtree Avenue sit to the south of the site, while residential properties at the Paddocks sit to the east. The A690 and associated slip road sits to the north of the site while business and industrial uses sit separated from the site to the north east beyond Broomside Lane. The site has no particular designation within the City of Durham Local Plan and the principle of development of the site for housing has been accepted as part of the emerging County Durham Plan.
2. Access would be taken from the western side of Willowtree Avenue where the road links with Broomside Lane.

The Proposal

3. This application seeks outline planning permission for a residential development. Approval of details is not currently being sought, but the indicative layout and information supplied with the application suggests 54 no. dwellings with a mix 4no., 3no. and 2no. bedroom houses and single bedroom apartments.

4. The only detailed matter requested for consideration under this application relates to the access. Matters of the appearance, layout, landscaping and scale of the development are reserved.
5. This application is being referred to the planning committee as it constitutes a major development.

PLANNING HISTORY

6. Planning permission was refused for residential development at the site in 1973. Outline planning approval for residential properties was refused in 1980. Outline Planning permission was refused for residential development at the site in 1985. An appeal against this decision was dismissed following a local enquiry in 1986. Planning permission was refused for residential development at the site in 2003. An appeal against the refusal was dismissed. Planning approval for 1 residential dwelling was refused at the site in 2004. An application was granted approval in 2009 for the change of use of land for the keeping of horses. A planning application for the erection of stable block was approved in 2010.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
9. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need

unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

17. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
18. *Policy E5a – Open Spaces within settlement boundaries* states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlements character or to the small scale character of an area will not be permitted.
19. *Policy E10 Areas of Landscape Value* Outlines that the Council will protect the landscape value of the area.
20. *Policy E14 Protection of Existing Trees and Hedgerows* This Policy states that the Council will require development proposals 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.

21. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
22. *Policy H2 - New Housing Development within Durham City* sets out criteria outlining the limited circumstances, in which new housing within Durham City will be permitted, this being primarily appropriate on previously developed land and through conversions.
23. *Policy H12 - Affordable Housing: Ensuring a range of house types.* This Policy states that on larger sites proposed for housing the council will negotiate a fair and reasonable level of affordable housing provision.
24. *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.
25. *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.
26. *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.
27. *Policy T21 Walking* – This Policy states that the Council will seek to safeguard the needs of walkers.
28. *Policy R2 - Provision of Open Space – New Residential Development* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
29. *Policy R11 – Public Rights of Way and other paths* 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 route could be provided.
30. *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.
31. *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.
32. *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.

33. *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.
34. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
35. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
36. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
37. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. Highways Development Management has no objections to the application.
39. Northumbrian Water has stated that they will require a detailed scheme showing disposal of surface and foul water at the site. They have raised awareness that a public sewer crosses the site.
40. The Coal Authority have offered no objection to the application subject to the inclusion of a condition requiring gas monitoring for shallow coal mine gases.
41. The Environment Agency has offered no objection to the application.
42. Belmont Parish Council has objected to the application on the basis that planning permission has previously been refused on this Green Field site. The Parish have expressed concerns of their residents that no more housing is wanted. Concerns are put forward over the increase in traffic the development would bring to already busy junctions. Concerns are put forward as to children's play provision at the site, while the parish suggests safety fencing around the site to prevent children from straying onto busy roads surrounding the site. Concerns are put forward relating to drainage, old mine workings and mine gas. Concerns are expressed over the preservation of hedging and trees at the site.

INTERNAL CONSULTEE RESPONSES:

43. The Councils Landscape section has been consulted on the application and have raised no objection to the principle of developing the site for residential properties. They do have concerns that the provision of 54 dwellings could represent over development and will require details of buffer and screening planting.
44. Environmental Health has raised no objections though recommendations with regards to working hours, dust and noise suppression are made.
45. The Councils Archaeology section have noted that there could be archaeological interest in the site and have suggested conditions requiring investigation.
46. Planning Policy consider that the principle of the proposal is acceptable. They consider that while the proposal conflicts with the City of Durham Local Plan, the National Planning Policy Framework is more relevant in assessing this proposal and the site represents a sustainable location for housing.
47. The Councils senior tree officer has raised no objections to the development and seeks assurance that an arboricultural impact assessment and tree constraints plan will be submitted with any future reserved matters application.
48. The Councils drainage engineer has requested that a detailed surface and foul drainage design should be submitted in relation to the site.
49. Ecology Officers have raised no objections to the proposal, subject to the compliance with and the delivery of ecological enhancements at the site.
50. The Councils Contaminated land Officer has offered no objection to the application and suggested that in the first instance a phase 1 desk top study should be submitted in relation to the site.
51. The Councils Schools organisation manager has raised no objection to the application.
52. Neighbourhood services have offered comments about detailed matters at the site.
53. The sustainable travel section have offered no objections in relation to the development, although have outlined their desire to see a safe crossing across the A690 to enable greater access for residents to the Wear valley.
54. Design and Conservation have reservations over the indicative layout and density of the development but have offered no objections.
55. The Housing development and delivery team have offered their support for the proposed 20% affordable housing provision.
56. The sustainability section has raised no objections to the proposal and have suggested a condition relating to renewable energy at the site.
57. Public rights of way have noted that there are unregistered paths across the development site and have stated that an application under section 257 should be made to extinguish unregistered paths.

PUBLIC RESPONSES:

58. Councillor Moir has objected to the development on the basis of the access to the development which could be detrimental to Highway Safety. Councillor Moir considers that additional traffic movement from the development will cause disruption to traffic flow from the High Grange Estate at peak times.
59. Letters of objection from 14 addresses have been received in relation to the application. Concern is put forward that additional dwellings would cause increased amounts of traffic with congestion likely in the local area especially at peak traffic times of day. It has been suggested that visibility at various junctions in the area is poor and that increased amounts of traffic could infringe highway safety in the local area. Concern is put forward that not enough consideration has been given to sustainable transport options.
60. Concern is put forward that the application would be contrary to Policies H2 and E5a of the City of Durham Local Plan. It is suggested that the application should be refused as it would be contrary to these Policies.
61. Objectors have noted that planning approval has previously been refused at the site for residential development.
62. The green field nature of the site is also noted. Concerns are expressed that development of the site would diminish the green approach towards Durham City. Objectors have suggested that the site should be designated as a village green.
63. Concerns are put forward in relation to wildlife at the site. Objectors are concerned over the potential loss of species from the site that are not mentioned in the submitted ecological report. It is stated that the proposed housing density would not allow for space for wildlife species to remain on site.
64. Concern is expressed over the potential loss of the hawthorn hedgerow, with concern expressed that ecological mitigation offered is being at a bare minimum level.
65. There is concern over loss of views that could result from the development of the site, both from within the site and from existing properties that are situated within the area.
66. Many objectors have expressed concerns over drainage at the site and have stated that the site has drainage problems particularly in very wet weather and during snow melt. Objectors have reported issues with flash flooding in and around the area.
67. Many objectors feel that the level of development would be disproportionate to the site. Concern is expressed over the potential for three storey development. Objectors have suggested that only a small number of houses would be suitable.
68. Concerns are expressed over the availability of school places for prospective future residents of the development.
69. Residents of the Paddock, situated to the east of the proposed development site have expressed concerns that the development would mean an increase in overlooking and a loss of privacy.
70. Concerns are expressed that good agricultural land would be lost were the site allowed to be developed.
71. The loss and change in nature of public rights of way at the site are a cause for concern.

72. Concern is expressed at the lack of community involvement in relation to the application.
73. Concern is expressed in relation to statements made within the application which objectors consider to be misleading.
74. Concern is expressed over former coal mining activities that have taken place on the site and it has been suggested that there is a degree of subsidence in the local area.
75. It is suggested that there is no need for more housing in the area as there are already a number of properties for sale in the local area.

Applicants Statement

76. This is a site which has been brought forward for development through the Council's Local Planning Process. It was submitted by the applicant as a potential housing site in response to the Council's call for sites for the Strategic Housing Land Assessment (SHLAA) in 2011 as a deliverable, developable and available site in a sustainable location. It was included in the Council's 2012 SHLAA as suitable for residential development. The SHLAA refers to the land as a Greenfield infill site.
77. The site is included in the County Durham Local Plan in Policy 30 as a preferred housing site and is allocated on the proposals map. The Local Plan reported to Cabinet on 18th September 2013 includes the site as preferred housing site. Development on the application site would therefore accord with the Council's emerging policy in the County Durham Plan.
78. The site was the subject of pre-application discussions with officers of the County Planning Department which resulted in the current outline application being accompanied by the following assessments and plans:-
 - Planning Statement
 - Design and Access Statement
 - Topographical survey identifying site factors, levels, trees and shrubs on the site
 - Environmental and Contamination Assessment
 - Coal Mining Risk Assessment
 - Flood Risk and Drainage Assessment
 - Affordable Housing Statement
 - Services and Utilities Statement
 - Draft 106 agreement
 - Indicative Layout including proposals for retaining the public right of way and allowing permissive footpath connections though the proposed housing estate and the stand off distance to overhead power lines.
 - Planning Performance Agreement
79. The Indicative layout was later modified to take on board the requirements of the County Highways Department for a footway north on the main road.
80. The outline application with all matters apart from access reserved is supported by an indicative housing layout showing 54 dwelling units on the 1.49 hectare site. These dwellings are accessed by a cul de sac with footways on both sides. The northern part of the site is undeveloped where a protection stand off distance is required for the overhead power lines, their poles and stays. This area is set aside for informal open space, footpath and landscaping associated with the proposed housing development and also serves as a noise and visual buffer between the proposed development, the A690 interchange, and the industrial/commercial development to the north east. The

indicative layout allows for a percentage of affordable dwellings in accordance with Policy H12 of the City of Durham Local Plan and the layout accords with the criteria set out in Policy Q8. As well as footpath and vehicular access from the access road between Belmont Road and Willowtree Avenue, the internal layout of the site also has pedestrian access to public footpath No 006/5/01 which runs to the west and east of the site and connects to the housing to the south in accordance with policies T21 and R11 in the Local Plan.

81. The indicative layout illustrates the way in which buildings, routes and open spaces (both private and public) are provided, placed and orientated in relation to each other and buildings and spaces surrounding the development. As the layout is reserved at this outline stage, this planning application provides information on the potential for the location of buildings, roads and footpaths and the open spaces proposed.
82. The residential development to the south is largely two storey and conventionally designed semi-detached and detached dwellings with some single storey bungalows. To the east the building form is largely single storey with dormers, the scale of the development has buildings larger in mass than domestic buildings. There is a three storey block of flats to the south east. To the north east there are large commercial and recreational buildings of industrial scale. To the north west there are distant views of residential areas beyond the A690. The application therefore sets the design parameters at 2 – 2.5 (3) storeys to harmonise with the existing character of the locality. This would give a ridge height above ground level of between 7.9 metres and 8.5 metres. The dimensions in terms of width and length vary between the indicative house types from 5.9 metres to 8.2 metres in width and between 8 and 12 metres in length.
83. The proposed landscaping treatment of the private and public spaces is designed to enhance and protect the amenities of the site and the area in which it is situated through both hard and soft landscaping measures. It is proposed that the buildings will harmonise with the appearance and character of the development's surroundings and enhance the entrance to the housing area to the south and the entrance to the City from the A690 junction. A high standard of architectural design is proposed to present a modern contemporary and visually attractive housing development. The detailed design will be expected to show how a judicious use of materials which will greatly enhance the visual appearance of the site and harmonise with materials used in the locality.
84. The Planning Statement which accompanies this application assesses the site in relation to the presumption in favour of sustainable development set out in the National Planning Policy Framework. The site is in a highly sustainable urban location with good access by other means the car to a wide range of social and community facilities and served by a frequent bus service.

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

[HTTP://FRED:8080/IDOXSOFTWARE/IG_SEARCH?APP_ID=1002&MENU=1&FORMPARAMETER1=41200919OUT&FORMPARAMETER2=000000000002&CODE=NYRDKNTJRI](http://fred:8080/IDOXSOFTWARE/IG_SEARCH?APP_ID=1002&MENU=1&FORMPARAMETER1=41200919OUT&FORMPARAMETER2=000000000002&CODE=NYRDKNTJRI)

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

86. The site is located within the Durham City settlement boundary on land which has not previously been developed. The site appears to have previously been used by members of the public for informal recreation but this public use seems to have decreased given the current state of the site which is heavily rutted and overgrown.
87. Policy H2 of the City of Durham Local Plan 2004 states new housing development comprising windfall development of previously developed land and conversions will be permitted within the settlement boundary of Durham City.
88. The proposal relates to a greenfield site which has not previously been developed. The proposal therefore does not fall to be considered under Policy H2 of the City of Durham Local Plan 2004 which relates to previously developed land. The National Planning Policy Framework seeks to boost significantly the supply of housing to create sustainable, inclusive and mixed communities at Paragraphs 47 to 55. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. Development in this location will contribute to this objective, and therefore these factors represent the material considerations to justify developing on land which has not been previously developed. Indeed the sequential approach to development which existed previously in the RSS and was mirrored in the City of Durham Local Plan has not been carried forward into the NPPF and the key criteria is one of sustainability. The introduction of the NPPF also provides a shift change in policy to recommend favourably on the site following a history of planning refusals in this location. The dwellings proposed would contribute towards housing supply.
89. In terms of the emerging County Durham Plan the development site forms part of an area of land that has been identified as an infill housing site, well related to Durham City's shops, employment opportunities, services and facilities. The site was supported at the recent cabinet meeting on the County Durham pre plan submission draft on 18th September 2013. Taking these points into consideration, the development of this site would accord with the emerging County Durham Plan. However, Officers do not yet feel that this emerging policy is at an advanced stage where it can be attributed any significant weight in appraising this application, but feel it appropriate to make members aware of this designation.
90. Policy E5a of the City of Durham Local Plan states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes which contribute to the settlements character or to the small scale character of an area will not be permitted.
91. Officers acknowledge that the land in question does form a notable area of open space, which does offer a contribution to the small scale character of the area. Officers acknowledge that its loss for development would alter the character of the area at a local level. However, to a large extent, development of the site could be read as a relatively logical extension of the existing developed area which could be considered to round off the settled area which is hemmed in by Broomside Lane and the A690 and its slip roads.
92. It is appropriate to consider the degree to which the site to which the application relates currently exhibits important functional, visual or environmental attributes.

93. The site as it stands seems to perform a limited recreational function and bears little evidence of use. Officers understand that public rights of way have accrued across the site, however the indicative layout allows for through flow at the site to maintain public rights of way through the site. It must also be stated that the land is private and does not form an overt function as public open space. Other public open space is available in the immediate area, while the Wear Valley and wider countryside which is situated close by is available to the north west beyond the A690.
94. The site does provide visual relief and a buffer to established residential development at Gilesgate Moor when approaching from the direction of Broomside Lane, however in a wider sense, the visual importance of the site would appear relatively limited. The site is to a degree screened on approach to the City from the A690 which sits in a lowered position. In wider views from the north west and north east, the development would be read against the existing built up area of the City and structural landscaping could limit its impact on the Area of High Landscape Value to the west. The Councils landscape section have considered the application and have noted that there would be limited landscape impact from developing the site due to a good degree of boundary screening that currently exists at the site. Indeed this boundary screening currently present is likely to have developed significantly since previous planning refusals at the site.
95. The site would appear to have limited environmental attributes. The site has been identified as being generally poor in terms of habitat structure and wildlife value. Ecology Officers have offered no objection to the proposals subject to adherence to proposed mitigation measures.
96. The site identified within the emerging local plan is slightly larger than the site proposed for this development. The area that is not included within this application is arguably of greater visual importance, being located on the edge of the site next to the A690 with moderate tree cover.

Highways Issues

97. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
98. The site would be accessed from the link road that joins Broomside Lane and Willowtree Avenue. This access would be placed to the north of the access which serves The Paddocks, a low density development of three residential properties. A footpath would be included to the south to provide pedestrian access to Willowtree Avenue, while a pavement to the north would allow pedestrians to cross the road and access areas to the north and east of the site.
99. Highways Development Management Officers have given detailed consideration to the proposed scheme and have offered no objections to the proposals.
100. A significant level of concern has been raised by adjoining occupiers relating to Highways issues at the site and it is suggested that the application would be contrary to Policies T1 of the City of Durham Local Plan. Officers acknowledge that such a housing development would inevitably increase activity in the area to a greater level than currently exists. Residents within the immediate area would notice additional comings and goings. Officers however do not anticipate that the development would introduce a level of traffic into the area that would be harmful to highways safety. A safe and satisfactory access could be provided to the site. Officers do not consider that in

Highways terms, the residual cumulative impacts of the development would be severe and consider that the application would accord with the National Planning Policy Framework in this respect.

Impacts upon Character and appearance of the Area and residential amenity

101. Policies H13 and Q8 seek to ensure that new developments preserve the amenities of residents. Policy Q8 provides detailed guidance on separation distances between properties to ensure adequate amenity.
102. With the application being in outline with all detailed matters reserved except for access, the precise final layout of the development, proximity of properties and siting of windows is at this stage unknown.
103. Officers do acknowledge the concern of residents of properties in the immediate surrounding area. Properties on Willowtree Avenue could suffer a reduced outlook to the rear and could suffer a sense of overlooking from properties that would be situated on the development site. 1 The Paddock would also potentially suffer a slight loss in privacy, particularly to the rear garden area, although Officers did note significant boundary planting between this property and the development site which would mitigate the impact of this somewhat.
104. However, the indicative layout suggests that separation distances recommended within Policy Q8 can be achieved both within the proposed estate and with regards to existing nearby property. Acceptable separation distances are shown on the indicative plan between properties proposed on the development, while acceptable separation distances would appear to be able to be achieved to properties on Willowtree Avenue and at The Paddocks. The reserved matters stage would allow for full details of the siting, size and orientation of dwellings to be finalised and officers consider that adequate privacy and amenity for all existing and proposed occupiers can be maintained in accordance with the guidance contained within Policy Q8. Officers note concerns from the Landscape and Design section relating to housing design and density at the site and these issues will need to be given careful consideration at the reserved matters stage. The housing density proposed is relatively standard for modern housing development within an urban area.
105. Policy H13 states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.
106. Officers again acknowledge that increased activity may be noted by residents around the site. However, Officers do not consider that there would be a significant adverse effect on the character or appearance of the area or the residents within it sufficient to justify refusal of planning permission.
107. Overall, officers do not raise objection to the development on the grounds of harm to residential amenity. In terms of prospective residents of the site, the development would be close to the A690 and mitigation to reduce noise impacts of the nearby road would be expected as part of any reserved matters application. A condition is suggested to ensure that sufficient details are provided.

Ecology

108. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the NPPF most notably at paragraphs 118 and 119.

109. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
110. The application has been accompanied by a protected species risk assessment which was undertaken in June 2013. The survey noted the existence of seven types of habitat, and states that in general terms, the site is poor in terms of habitat structure and wildlife value. A risk to nesting birds was identified at the site, with appropriately timed works recommended to reduce risks to bird species. No evidence of other mammals was found at the site. Ecological enhancements have been proposed to the site which would involve the creation of a grassed area under an ecological management routine in order to increase its species richness. This is proposed to the area in and around power cables which occupy the northern part of the site. It is also recommended that a small pond/scrape be created to increase species richness at the site.
111. The Councils Ecology section have raised no objections to the proposal, the mitigation measures within the submitted habitat surveys should be conditioned on any approval, however.
112. As a result no objections are raised with regards to the impact of the development upon protected species in accordance with Policy E16 of the Local Plan and the provisions of the NPPF.

Planning Obligations

113. The application has been accompanied by the Heads of terms of a S106 agreement to make a financial contribution of £54,000 towards open space and recreational facilities and £29,055 as a public art contribution, based on the number of properties indicated in the application. An affordable housing provision of 20% is proposed within the agreement.
114. The public art and recreational space contributions are considered to adhere to the requirements of Policies Q15 and R2 of the Local Plan and the affordable housing provision is also considered appropriate.

Other Issues

115. Concern has been raised by residents with regard to drainage at the site. Land levels slope away from existing residential property in the area. A flood risk assessment and drainage strategy has been submitted alongside the application which concludes that the site can be designed in a safe manner and in accordance with contemporary guidance for flood risk and surface water management. A Utilities assessment has also been submitted which concludes that the development can be adequately serviced and drained without adverse impact on the local infrastructure network or downstream areas. Assessment has been made by both the Councils own drainage engineer, Northumbrian Water and the Environment Agency. Northumbrian water has not raised concerns with regards to the ability of their network to accommodate anticipated flows arising from the development. The Councils Drainage Engineer and Northumbrian water have requested that a detailed drainage scheme for foul and surface water is submitted in relation to the scheme.

116. Coal mining activity has been noted at the site in the past, and a coal mining risk assessment has been submitted alongside the application. The Coal Authority has considered this information and has noted that the site is within the Coal Mining High Risk Area. The Coal Authority consider that the submitted information is sufficient for the purposes of the planning system and meet the requirements of the National Planning Policy Framework in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority have offered no objection to the application subject to the imposition of a planning condition requiring gas monitoring for shallow mine gases.
117. Policy Q15 states due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area. Policy R2 relates to recreational and amenity space in new major residential developments. A contribution towards public art is detailed within the application to provide visual interest within the area. Given the reasonably compact nature of the application site, the provision of on site play facilities would not appear feasible. To satisfy Policy R2 a contribution towards off site play provision has been sought which could be spent on the improvement or provision of play facilities within the local area.
118. The application proposes an affordable housing provision of 20%. Although details of the delivery of this and the form that this will take will be reserved for future consideration, the Councils Housing Development and Delivery Team has offered its support for the affordable housing provision outlined.
119. In relation to trees and hedges at the site, a reserved matters application would need to be accompanied by full tree surveys and landscape proposals.
120. Public Footpath 5 abuts the north and west of the site boundary and would be retained. Un registered paths also cross the site and these would need to be dealt with under a section 257 notice. Footpath links are shown on the indicative layout to maintain pedestrian links through the site.
121. In relation to issues of school places for potential residents at the site, the Councils School organisation manager has offered no objections to the application and it is considered that there are sufficient school places in the area to accommodate the additional pupils likely to be generated by the development.

CONCLUSION

122. The application site is classed as a green field site and as a result the development would not fall to be considered under Policy H2 of the City of Durham Local Plan. However, with the emergence of the National Planning Policy Framework and the emergence of the new County Durham Plan, development proposals are required to be assessed in the light of a changing and evolving planning system.
123. A key consideration is whether the development can be considered sustainable. With the proximity to Durham City, access to a range of facilities and services, availability of public transport links and the road network officers consider that the development is sustainable and represents a logical addition to this corner of the settlement.
124. Much public objection relates to highways implications. Officers have sought to discuss these matters within the report, and the conclusion of the Councils highways officer is that the development is acceptable from a highways viewpoint.

125. On balance, officers consider that the proposed development would constitute an appropriate and sustainable development at the location with no significantly harmful effects noted by Officers which would warrant refusal of the application. Approval is therefore recommended.

RECOMMENDATION

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

- i. A contribution of £54,000 for recreational and play space
- ii. A contribution of £29,055 for public art
- iii. An affordable housing provision of 20% of total development

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

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

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

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

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

Proposed site plan (excluding details of layout) 05.42.003 received 12th September 2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E5a, E10, E14, E16, H2, H12, H13, T1, T10, T21, R2, R11, Q1, Q2, Q5, Q8, Q15, U5, U8a, U11 and U14 of the City of Durham Local Plan 2004.

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

Reason: To prevent the increased risk of flooding from any source in accordance with the National Planning Policy Framework and Policy U8A of the City of Durham Local Plan 2004.

5. No development shall commence until plans showing full engineering details of the proposed access road have been submitted to and approved in writing by the Local

Planning Authority. The access road shall be completed in accordance with the approved details before any of the dwellings hereby approved is first occupied.

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

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

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

7. Prior to commencement of development the applicant should undertake the programme of gas monitoring, as recommended in Section 6 of the Coal Mining Risk Assessment. The results of the monitoring, and details of any necessary mitigation measures, shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development.

Reason: To ensure that the risks from mine gas to the future uses of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with the NPPF and Policy U11 of the City of Durham Local Plan 2004.

8. No development shall commence until a Tree Constraints Plan and Arboricultural Implications assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting existing trees and hedgerows at the site in accordance with Policy E14 of the City of Durham Local Plan 2014.

9. Prior to submission of the reserved matters the developer must undertake an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The strategy shall include details of the following:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area,
- ii) an assessment of the impact of the proposed development on any archaeological remains identified.
- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

- v) notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

Reason: To comply with Policy E24 of the former Durham City Local Plan, as the site has archaeological potential.

10. A copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the archaeological phase of work associated with this development.

Reason: To comply with paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

11. No development shall take place until a site investigation and desk top study has been carried out in accordance with Part IIA of the Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the desk top study should include the following information in relation to the study site:

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

All former holes in the ground on or close to the study site

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.

12. If any historical land use which may cause contamination of the site is found from the desk top study site investigation, no development shall take place until an intrusive site investigation (Phase 2) has been carried out. The site investigation methodology shall be agreed in writing with the local planning authority prior to commencement of the site investigation. The results of the site investigation shall be submitted as a report and approved in writing by the local planning authority.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.

13. No development shall take place unless in accordance with the mitigation detailed within part 4.3 the Extended Phase 1 Survey by Durham Wildlife Services, Belmont Road, Durham City received 13th June 2013.

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

14. No development shall take place until a scheme for protecting the future occupiers of the development hereby permitted from noise from the A690 has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: In order to prevent noise disturbance in accordance with Policy H13 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The applicant has entered into a Planning Performance agreement with the Council in relation to this scheme and the application is being presented to committee in accordance with the timescales agreed within the agreement.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

Response from Belmont Parish Council

Public responses

Response of the Highway Authority

Response from Northumbrian Water

Response from The Coal Authority

Response from Environment Agency

County Durham Local Plan (Preferred Options)



Planning Services

Outline application for residential development of maximum of 54 units with all detailed matters reserved except access

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Date 08th October 2013

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/00598
FULL APPLICATION DESCRIPTION:	Erection of detached dwelling to the east of 20 Faraday Court (amended plans).
NAME OF APPLICANT:	Mr and Mrs Maclaurin
ADDRESS:	Land at 20 Faraday Court, Neville's Cross, Durham
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Susan Hyde

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application relates to flat grass land which currently forms the garden of 20 Faraday Court which is an end town house on the contemporary Sheraton Park development lying to the south of Neville's Cross in Durham City. The application proposes to subdivide the garden and the application site forms the east section of the garden. Access into the site is via Faraday Court and the land is bordered by tree lined footpaths to the north, south and east and mature trees lie within and adjacent to the garden. The boundary of the City of Durham Conservation Area is located beyond the application site to the east of the site adjacent to the footpath.

Proposal:

2. The application seeks planning permission for the erection of 1 detached dwelling that is two and a half storeys in height and provides five bedrooms. All the existing boundary trees are shown to be retained.

3. The application is brought before planning committee at the request of Councillor Nigel Martin and Councillor Grenville Holland.

PLANNING HISTORY

4. No planning history on this site but there is a history of residential extensions on Faraday Court.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. 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.
10. 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.
11. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. NPPF Part 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.
13. 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.

14. 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.

15 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:

16. 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.

17. Policy E15 Provision of New Trees and Hedgerows states that the Council will encourage tree and hedgerow planting.

18. Policy E22 Conservation Areas - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

19. Policy H2 New Housing within Durham City states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. Policies Q1 and Q2 General Principles Designing for People and Accessibility states that the layout and design of all new development should take into account the requirements of all users.

26. Policy Q5 Landscaping General Provision sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

27. Policy Q8 Layout and Design – Residential Development sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

28. Policy 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.

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. The County Highways Officer has raised no objections to the development.

INTERNAL CONSULTEE RESPONSES:

31. Ecology – Initially requested further information with regard to the possibility of bats on the site. The applicant provided further information and the Senior Ecologist is satisfied that a bat survey is not required.
32. Design and Conservation – Raised no objection to the principle of a dwelling on the application site but raised concerns about massing and scale of the dwelling which was out of keeping with other dwellings in the street scene. The application has been amended to address this point.
33. Tree Officer - Requested amendments to the application so that the proposal was outside the tree root protection area. Amended plans have been received to address this.
34. Public Rights of Way – Have confirmed no alterations to the footpaths are proposed.
35. Landscape Architect – Objected to the original application as she considered it was overdevelopment of the site.

PUBLIC RESPONSES:

36. The application was advertised by letters being sent to local residents, a site notice was erected and a notice appeared in the local press.
37. A total of 8 no. letters of objection have been received with regards to the application and 2 no. letters raising some comments of support.
38. Objections are raised to the proposed massing and design of the dwelling with it being considered that this is overdevelopment of the application site. In addition concern about how close the gable end is to the footpath and the impact of the balcony on the footpath.
39. Many residents objections relate to the loss of mature trees on the application site and in the applicants garden that were felled some years ago. Concerns relate to the loss of the mature trees leading to a larger flat garden that has now formed this application site for development.
40. Concern about the loss of light and views from neighbouring dwellings and that the new dwelling will have a view of neighbours gardens.
41. Objections to additional traffic, and car parking with neither the existing or proposed dwelling having a garage and only on street parking being available. In addition concern about the access to the application site potentially trespassing over part of the access in the neighbours ownership.
42. The two letters in support of the development compliments the design and layout of the new building, consider another dwelling adds to the needed housing stock in Durham and does not detract from the amenity of the area or access and parking.

APPLICANTS STATEMENT: (SUMMARISED BY PLANNING OFFICERS)

43. The applicants, Mr & Mrs Maclaurin, have a growing family with ageing parents and they have outgrown their current home. They have a clear need for a better designed home, with a more efficient use of floor space, and within walking distance of their children's

schools. The dwelling has been designed to be in keeping with the existing properties in the surrounding area, it is of a high quality and in materials to be in keeping with the street. In addition the dwelling benefits from a large garden and the retention of all the trees and hedges on the site.

44. Access to the new dwelling is via the existing estate road and parking for 3 vehicles is available on the drive. All the access to the adopted highway is in the applicants' ownership. The applicants have negotiated with the Planning Officer in the light of the residents concerns and Officers concerns and have reduced the size of the dwelling, moved the siting away from the trees and hedge and altered the design of the dwelling.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

46. The proposed development site consists of part of an existing garden at 20 Faraday Court. The application site being within Neville's Cross is also located within the Durham City settlement boundary as defined by the Local Plan. Policy H2 of the Local Plan accepts the principle of windfall development of previously developed land for residential development. There is no saved local plan policy in respect of Greenfield windfall sites. However, on a recent planning appeal statement relating to another site in Durham City the Planning Inspectorate considered that Policy H2 was not a negative or restrictive policy which automatically considers that housing on greenfield land is unacceptable. The Inspectorate emphasized the need to consider each application on its own merits and in that instance found no adverse effect in accepting the development at the site. In a similar vein whilst the NPPF emphasizes the importance of redevelopment of brownfield land it does not preclude development on greenfield sites. This site is within a settlement boundary on a clearly defined site, close to schools, services and public transport links and therefore has good sustainability credentials.

47. As a result the principle of the development can be accepted as Policy H2 of the Local Plan is not directly relevant as the site is Greenfield and the proposal is considered to be in accordance with the thrust of the NPPF, particularly in terms of sustainability.

Impacts Upon the Character and Appearance of the Area

48. 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.

49. Some public objection to the development proposal relates to the design and massing of the proposed dwelling although some support has also been received.

50. Officers initially raised objection to the appearance of the proposed dwelling and requested that the applicant address these, seeking to provide a smaller footprint to be

more in keeping with the street scene and a design with better reference to the character and appearance of the area. As a result the dwelling has been reduced in scale and the elevations now reasonably reflect the vernacular in the area. The bay windowed gable on the front elevation has also been reduced in height to match the neighbouring properties. A balcony is also proposed on the rear elevation which is sited so that there are no views available over the neighbours garden at no. 20 Faraday Court. Views to the rear (south) are restricted due to the existing trees and there is a distance of 15 metres before the boundary of the neighbours gardens to the rear. Views to the east are over open playing fields.

51. Some public concern relates to the loss of mature trees that were removed on the application site before this application was submitted. The loss of these mature trees is noted and was investigated at the time the trees were removed. It was concluded that no action could be taken over their removal as they were not subject to any control by the Council. It is noted that since the trees were lost a Tree Preservation Order was served on the remaining worthy trees on the Sheraton Park estate to protect the remaining mature trees that are considered an asset to the visual amenity of the area.

52. A comprehensive tree report by Batson was submitted with the planning application which plotted the constraints from the existing trees. Amended plans were sought and received from the applicant which reduced the footprint of the dwelling so that it did not encroach on the root protection area of the tree to the rear. It is also relevant that the trees to the rear are located to the south of the dwelling and so this elevation will suffer from shade cast which also added to the good practice of reducing the footprint of the building away from the root protection area.

53. To the east of the site adjacent to the footpath there is an existing planted row of young trees which are just outside the boundary of the planning application site. The siting of the dwelling has been amended to ensure there is at least 3 metres between the young hedge and the dwelling to allow this hedge to mature in height. The growth of this existing hedge will also assist in softening the development adjacent to the existing footpath.

54. Overall the amended layout and design of the dwelling is considered to be appropriate with no harm caused to the existing trees and the layout allows for the existing trees and hedge to mature which is appropriate to the visual appearance of the area. However given the prominence of the siting of the dwelling in the street scene and the tree constraints on the site Officers consider that it is appropriate to remove permitted development rights for extensions and ancillary buildings in the garden by condition.

Residential Amenity

55. Some public opposition to the development raises concerns over the proximity at which the dwelling would be built to existing property and the loss of privacy and amenity.

56. 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.

57. The 2 ½ storey dwelling is located in alignment with the existing street pattern with the same residential relationship occurring between the properties. The existing side elevation of no. 20 has one bedroom window which the agent has offered to obscure glaze as part of this application. However as it is looking into a blank gable and there is an additional window to the primary bedroom window (which is on the front elevation) this is not considered to be needed. A second window is into a bathroom which is obscure glazed. To the rear there is a distance of over 30 metres from the proposed rear elevation to the existing rear elevation of the detached dwellings on Westcott Drive which exceeds the Council's Policy guidelines. To the front elevation no 21 Faraday Court is located at an

oblique angle to the application site and as such there are no material residential amenity implications.

58. Objectors have also raised concerns about overlooking of the gardens on 21 Faraday Court. The rear gardens of the terraced dwellings already have an element of being overlooked by the existing neighbours and the siting of the proposed dwelling reflects the existing street pattern. As such the level of residential amenity is considered to be consistent with other properties on the estate and the introduction of an additional dwelling would not materially impact upon the position.

59. Overall officers consider that the development is acceptable in terms of its impacts upon residential amenity for both existing and prospective occupiers.

Highways Issues

60. Matters regarding parking and highway safety have been a concern within the public responses to the application.

61. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF seeks to promote sustainable transport choices. With regards to plans and decisions paragraph 32 of the NPPF advises that safe and suitable access to a site should be achieved for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

62. The County Highways Officer has carefully considered the application and has raised no objection to the application. Vehicular access and two parking spaces are provided with the proposed dwelling. It is also of note that an objector has clarified that he has ownership of part of the highway and the County Highway Officer has reviewed this and continued to raise no objection to the application.

63. Objectors have also raised concerns about the potential impact of the development on the footpath from Faraday Court to the east. This footpath is outside the application site and is not shown to be altered.

64. On balance the proposed development is considered to be acceptable from a highway perspective.

Ecology

65. 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. In this case the County Ecologist has carefully considered the site but does not consider that a habitat survey is required on the site.

Other Issues

66. The application site does not lie within the City of Durham Conservation Area but its boundary runs adjacent to the playing fields to the east of the site. In accordance with Policy E22 the County Conservation Officer has therefore considered the impact of the development on the setting of the Conservation Area and subject to the amended plans has raised no objection to the development.

67. Residents have raised concerns about the detrimental impact building works will have on the residential amenity of the area. Officers consider it appropriate to attach a condition with regard to working hours.

CONCLUSION

68. The proposed development seeks the development of a dwelling within a settlement boundary in a small residential estate and such a development is in principle considered to be in accordance with the provisions of the Local Plan and having regards to the aims of sustainable development running through the NPPF.

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

70. A further key consideration and point of concern from public responses relates to highway safety and the County Highway Officer has carefully considered the application and not raised any objection to the access and parking.

71. Officers raise no objections having regards to other key material planning considerations such as impacts on nature conservation assets and public rights of way.

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

RECOMMENDATION

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

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

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

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

Location Plan A3 size received 9th July 2013

Planning Layout Rev A received 10th September 2013

Ground Floor Plan 03 Rev A received 10th September 2013

First Floor Plan 04 Rev A received 10th September 2013

Second Floor Plan 05 Rev A received 10th September 2013

Front and Rear Elevations 06 Rev A received 10th September 2013-09-25

Side elevations 07 Rev A received 10th September 2013

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

3. Notwithstanding any details of materials submitted within the application no development shall commence until full details of the make, colour and texture of all walling,

roofing and hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

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

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

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

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

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

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, D and E of Part 1 of Schedule 2 of the said Order shall be carried out on the dwelling.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22 and Q8 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application 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





Planning Services

Erection of a detached dwelling to the East of 20 Faraday Court

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Date 8th October

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/00786/FPA
FULL APPLICATION DESCRIPTION:	Single storey rear extension and single storey side extension
NAME OF APPLICANT:	Mr N. Lofthouse
ADDRESS:	47 Beech Close, Brasside, Durham DH1 5YB
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes an east facing semi detached dwelling house with detached garage to the side. The existing garage is not attached to the host property; it is however attached to the neighbouring property, no. 48 Beech Close. The dwelling is brick built with a roof covering of Marley modern tiles. To the north of the host property is number 48 Beech Close, to the east is highway, to the south is 46 Beech Close and to the west is the rear garden of the host property, beyond this there is no development.

The proposal

2. Planning permission is sought for a single storey rear extension and single storey side extension. The existing detached garage would be demolished to accommodate the proposed single storey side extension. The single storey side extension would accommodate a garage and utility room and the single storey rear extension would provide a garden room.
3. The application is reported to committee at the request of the divisional Councillor for Framwellgate Moor, Councillor Wilkes.

PLANNING HISTORY

4. There has been no recent relevant planning history.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy

Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

LOCAL PLAN POLICY:

10. *Q9 Alterations and Extensions to Residential Property* –sets out the requirements which alterations and extensions to residential property should adhere to.
11. *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.
12. *T10 Parking* – sets out the requirements for provision of off road parking in new residential development.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

13. *The Highways Authority* raises no objections.

INTERNAL CONSULTEE RESPONSES:

14. None

PUBLIC RESPONSES:

15. The application has been advertised by way of letters to individual residents. Two objections have been received making the following comments:
 - The front extension would connect with the boundary wall thus changing the status of my property from detached to terraced, significantly reducing the market value of my property. It will also impinge adversely on the street scene and change the nature of the established residential development.

- Demolition of the existing garage and excavation for new foundations and services for the garage and utility room might compromise the stability of my property, in particular the boundary wall.
- The erection of this extension will mean that the house will have no side access and rubbish bins will therefore be left on the street.
- For the past 24 years my detached property has only been attached to a garage meaning it has been relatively quiet. The new extension also contains a utility room which I am sure will provide additional noise as it will contain washing machines etc. My son resides in the adjoining room and the additional noise factor could affect his ability to concentrate on his studies.
- Renovation has been on going for over two years with disruption to the street, and with work commencing some mornings at 7am including weekends causing noise and disturbance. If the plans are accepted work will go on for a considerable length of time.

APPLICANTS STATEMENT:

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

It has not been possible to contact the applicant to provide a statement.

PLANNING CONSIDERATIONS AND ASSESSMENT

16. 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 visual amenity, residential amenity, highway safety and other issues.

Visual amenity

17. Policy Q9 'Alterations and Extensions to Residential Property' of the City of Durham Local Plan 2004 states that alterations and extensions to residential property will be permitted provided that the design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area and wherever possible the development incorporates a pitched roof.
18. It is considered that the design, scale and proposed construction materials for the proposed extensions would be in keeping with the character and appearance of the host dwelling and the surrounding area. The side extension would be visible within the street scene; it is considered that it would be subordinate to the host property and would be constructed of materials to match the main dwelling.
19. Flat roofs are generally to be avoided, this is set out in Policy Q9 of the City of Durham Local Plan 2004, however in this case this part of Beech Close is characterised by flat roofed garages with a number of neighbouring properties having flat roof garages to the side, including the other half of the semi number 46 Beech Close. It is considered that the flat roof will assist with retaining a balance between the pair of semis. The flat roof is therefore considered to be in keeping with the host property, the streetscene and the surrounding area and lack of a pitched roof would not provide justification for refusing planning permission.

20. The proposed rear extension would not be readily visible within the street scene, it would be subordinate to the host dwelling and would be constructed from materials to match the host property.
21. It is considered that the proposed extensions would not be detrimental to the visual amenity of the host property or the surrounding area in accordance with policy Q9 of the City of Durham Local Plan 2004 and the NPPF Part 7.

Residential Amenity

22. The existing garage at number 47 Beech Close is attached to number 48 Beech Close. There is then a gap of 1.2 metres between the garage and the host dwelling number 47 Beech Close. The proposed extension to the side would effectively infill this gap.
23. There are no windows in the side elevation of the proposed side extension which would overlook number 48 Beech Close.
24. There are no windows in the side elevation of the proposed rear extension facing onto number 46 Beech Close. There would be a glazed folding door facing onto the garden of number 48 Beech Close, however it would be located almost 9 metres from the boundary of number 48 Beech Close and views would be screened by existing boundary treatments.
25. The impact of the rear and side extension is further reduced as the neighbouring property number 48 Beech Close is set forward 2 metres from number 47 Beech Close. The effect of this street layout is that the side extension would not be readily visible from number 48 Beech Close. The proposed side extension would not be set back any further into the rear garden of the host property than the existing detached garage.
26. Due to the orientation of the site it is considered that the proposed rear extension would not create any significant loss of light to number 46 Beech Close. In addition due to the design and scale of the proposed rear extension it is considered that it would not create any significant overbearing issues for neighbouring properties.
27. Concerns have been raised in relation to the potential disturbance arising during the construction period of the development; it is considered appropriate to attach a considerate working informative to any planning permission for the development, as a planning condition would not be appropriate for this scale of development.
28. A neighbour comment relates to the potential disturbance activities in the utility room may cause in terms of noise impacts. It is considered unlikely to give rise to significant noise levels which would be considered detrimental to the amenity of neighbouring properties.
29. It has been stated within a neighbour objection that the property would have no side access as a result of the development and this could result in bins being left on the street. It is considered that there is adequate space at the front of the property to store bins off the street, alternatively they may be stored in the proposed garage.
30. The proposed development is considered to be acceptable in terms of residential amenity and would be in accordance with policy Q9 of the City of Durham Local Plan 2004.

Highway Safety

31. Durham County Council's highways engineer has assessed the proposal and raises no objection to the development. The proposed development is considered to be acceptable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

Other Matters

32. An objection to the development states that the side extension would connect with the boundary wall thus changing the status of number 48 Beech Close from detached to terraced, significantly reducing the market value of the property. The market value of a property is not a material planning consideration. Further, it is noted that the joining of the two properties has resulted from the extension of number 48 Beech Close up to the boundary line. In these circumstances it would be unreasonable to prevent the applicant from utilising the space between the house and garage for the side extension. It is considered that in terms of the relevant planning considerations the proposal would be acceptable in terms of visual amenity, residential amenity and highway safety.

33. Concerns have been raised in relation to the potential damage the construction of the side extension may cause to the foundations and party wall at 48 Beech Close. Damage to a neighbouring property as a result of development is a civil matter. Property owners are protected through the Party Wall Act 1996.

34. The ward Councillor has raised the issue of access to the rear of the property and the problems this may cause for works to trees in the rear garden. There would still be access from the rear garden to the front of the property via the dwelling house and via the utility room and garage extension. As a result of the development the applicant would still be able to remove garden waste from the rear of the property.

CONCLUSION

35. The proposed development would not be detrimental to the visual amenity of the area or the residential amenity of neighbouring properties in accordance with policy Q9 of the City of Durham Local Plan 2004.

36. The proposal would be acceptable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
	Site Location Plan	8/8/2013
1B	Proposed Views	8/8/2013
1A	Proposed Plans	8/8/2013

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

3. The external surfaces of the proposal hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extensions will form part.

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 Q9 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

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