



## Area Planning Committee (Central and East)

**Date** Tuesday 10 December 2013  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 12 November 2013 (Pages 1 - 6)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) 4/13/00766/FPA - 14 Sidegate, Durham, DH1 5SY (Pages 7 - 20)  
Erection of 2 No. Dwellings (amended plans received 07th October 2013).
  - b) CE/13/00918/FPA - Former ITEC site, Neville Road, Peterlee  
(Pages 21 - 34)  
Erection of 58 dwellings with associated infrastructure and landscaping.
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

2 December 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)**

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 12 November 2013 at 1.00 pm**

**Present:**

**Councillor P Taylor in the Chair**

**Members of the Committee:**

Councillors J Clark, P Conway, M Davinson, I Jewell (substitute for S Iveson) C Kay, A Laing, N Martin (substitute for D Freeman) and B Moir

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, G Bleasdale, D Freeman and S Iveson.

**2 Substitute Members**

Councillor N Martin substituted for Councillor D Freeman and Councillor I Jewell substituted for Councillor S Iveson.

**3 Minutes of the Meeting held on 8 October 2013**

Minutes of the meeting held on 8 October 2013 were confirmed as a correct record and signed by the Chairman.

**4 Declarations of Interest, if any**

There were no declarations of interest.

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

**5a 4/13/00573/FPA and CE/13/00936/FPA – The Lodge, Newcastle Road, Crossgate Moor**

The Committee considered a report of the Planning Officer regarding the installation of plant and associated works and erection of front extension, demolition of temporary structures to rear, elevation amendments and car park layout amendments (resubmission) at The Lodge, Newcastle Road, Crossgate Moor (for copy see file of minutes).

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

The Committee were informed of the following updates in respect of the application since the report had been published:-

- Sainsbury's had confirmed that they were happy to continue to operate the park and walk and were in discussions with the neighbouring primary school.
- The materials proposed to be used for the scheme had been submitted and agreed with the Design Section and as such no condition relating to this was now required.
- The Highways Section confirmed that they were in agreement with the submitted signage and access arrangements and a Grampian condition relating to this would be attached to any approval at the site.

Mr C Atterton, objector, addressed the Committee. Members were advised that although Sainsbury's advertised the proposed development as a local convenience store, Mr Atterton believed it was much more of a substantial development.

The site was situated on one of the busiest roads within Durham city, as such the store could expect substantial passing trade meaning it would be extremely busy. Mr Atterton therefore queried the adequacy of the site location to cope with the anticipated demand.

Mr Atterton advised that Sainsbury's had made no effort to engage with residents living in the vicinity of the site. He advised that he lived in one of several bungalows which backed onto the site, yet all he and his neighbours had received was a letter from the company advising that a store was to be built at the location.

In terms of noise, Mr Atterton advised that the flow of traffic into the site would be operated via a one way system, with vehicles entering at the south and departing the site at the north exit. As such, every vehicle entering the store would need to pass around the rear of the building, directly at the rear of his property. Members were advised that there were no proposals for screening within the application, in order to prevent noise. In addition to the noise from vehicles passing through the one way system, Mr Atterton also anticipated significant levels of noise from trollies, early morning and late evening deliveries and also air brakes on delivery vehicles.

Members were advised that there was a substantial slope at the rear of the car park which again backed on to Mr Atterton's property, for which there was no provision within the application for any barrier to prevent vehicles slipping directly into his and neighbouring properties.

In addition to screening to prevent noise, Mr Atterton suggested that there should be screening to protect the privacy of those properties at the rear of the site.

Mr Atterton felt the 7am-11pm store opening hours were excessive and again emphasised that even outside of those hours the site would be operational in terms of deliveries being made to the store. Furthermore, the proposals for the store

included an ATM machine which would be operational 24 hours a day and so would mean vehicles visiting the site potentially around the clock.

Members were advised that neighbouring properties would also be subjected to light pollution, as there were currently flood lights at the rear of the site which, although not in use currently, would potentially be used should the store be developed.

Mr Atterton felt that the acoustic wall lining which was to be installed in the proximity of the refrigeration units and air conditioning units was insufficient. Furthermore Members were advised that Mr Atterton had undertaken a comparative traffic survey at a similar site at Gilesgate. He had concluded that the Gilesgate site was extremely busy at all times of day, as such he felt a similar situation would occur at The Lodge site. There was currently only enough space for two cars to wait in the centre of the road adjacent to the site, which would be insufficient especially in peak times.

Mr Atterton raised concerns as to the lack of proposals for the storage of waste, he therefore hoped large volumes of waste would not be stored at the site.

He commented that the current car wash site was unattractive and felt there should be a clear demarcation between the 2 sites. Mr Atterton also urged Members to pay particular attention to road signage, as currently problems were experienced with vehicles turning down Neville Dean having mistaken it as the access to The Lodge.

In conclusion Mr Atterton advised that the proposals would be detrimental to the amenities of neighbouring residents and conflicted with the provisions of the adopted Local Plan.

Mr R Philips, agent for the applicant, addressed the Committee. The Committee were advised that Sainsbury's had identified the site as a great opportunity to provide currently unavailable facilities to within the area.

The store would stock a wide range of products and would not be open on a 24/7 basis. Members were advised that the car wash area was excluded from the application and its future use would be a matter for planning control. The proposals within the application were reiterated and Mr Philips highlighted that signage would be subject of a separate future planning application.

In relation to the design of the development, Mr Philips advised that the applicant had entered into detailed discussions with officers in order to achieve the final design proposals. It was felt that the design as detailed in the application best reflected and complimented the existing building on the site. The proposed extension to the frontage of the current building was believed to be the best solution, as extending in any other direction was restricted.

Mr Philips advised that the current building was not listed or within a designated conservation area. Furthermore the applicant proposed to undertake landscaping works on all boundaries of the site.

Members were advised that all deliveries of goods would occur to the side of the store and as such would not impact on the bungalows to the rear of the site. In addition the ATM would operate in conjunction with store opening hours only, and would be secured with a shutter at all other times.

Mr Philips highlighted that the technical noise assessment had concluded that the reductions in noise were acceptable and the technical transport assessment had concluded that the development would only generate a small number of vehicles as most customers would arrive on foot. Furthermore the school parking arrangements which were currently in place with Nevilles Cross Primary School would continue.

In conclusion, Mr Philips highlighted that the new development would create 20 jobs and would bring the site back to beneficial use.

Mr Burke, local resident, addressed the Committee. He had lived in the area for 8 years and concurred that there was a sheer lack of appropriate convenience stores within the immediate area. The nearest appropriate facilities were not within walking distance and as such he advised that there was a lot of local support for the development. Furthermore, Mr Burke approved of the physical extension proposed to the current building which he felt would greatly improve the overall appearance.

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

- Screening – a landscaping scheme had been submitted with the application and there would be a condition attached to any permission regarding the implementation of that scheme. The existing planting at the site was to be retained and enhanced.
- Light Pollution – a condition was proposed to be imposed to control the issue of light pollution.
- Plant Equipment/Noise – Environmental Health had assessed this aspect of the application and was satisfied with the measures proposed to reduce noise.

Councillor G Holland, local Member, addressed the Committee. He advised Members that he had requested the application be brought before the Committee for consideration because of the size of the application and the number of objections.

Members were advised that the premises currently known as The Lodge had a troubled history and in recent weeks the premises had now actually ceased to function.

Councillor Holland advised that local residents who were in support of the application did not live directly in proximity of the site, however those objecting actually had the premises on their doorstep. He echoed the fears and concerns of those local residents in respect of noise, loss of privacy and downgrading of the landscape. As such Councillor Holland stressed the importance of conditions to be attached to any approved permission.

He advised the Committee that conditions 2-6 were essential measures, however Councillor Holland felt that conditions 2, 5 and 6 required strengthening.

In relation to condition 3, while it appeared to be a robust condition, Councillor Holland stressed that it must be enforced.

Councillor Holland advised that he shared the concerns of the City of Durham Trust in respect of excessive traffic especially at peak times. While he accepted that the application was permitted development and as such difficult to refuse, Councillor Holland requested that sufficiently strong conditions were enforced.

The Highways Officer addressed the Committee. He advised that while the Highways Authority did have concerns about the application, it was understood that it could not be refused upon highways grounds.

The Highways Officer acknowledged that there would undoubtedly be queues especially at peak times, however advised that there would be a protected right turn lane which would have sufficient capacity.

For the benefit of the Committee, the Highways Officer advised as to how traffic rates were predicted.

Members were advised that in relation to the car park arrangements, the Highways Authority welcomed the one way system as well as the proposal to build out the kerb line at the exit of the premises, to dissuade drivers from using the adjacent slip road which headed in the direction of Bearpark.

Councillor N Martin supported Councillor Holland's reasons for bringing the application before the Committee to be determined. As a local Member for the area, Councillor Martin advised that there was a lot of local support for the development, explaining that in recent years the area had seen an increase in residential properties but a decrease in facilities.

He shared the concerns expressed regarding screening to the rear of the site and in relation to condition 3 Councillor Martin queried whether a physical fence or barrier could be requested, as he felt that would be a reasonable condition to impose.

In conclusion Councillor Martin accepted that it was a difficult application to refuse and therefore agreed that the strength of conditions was key.

In response to a query, Councillor Martin clarified that the National Cycle Route which ran adjacent to the A167 would not be affected by the development.

In relation to the condition suggested by Councillor Martin, the Principal Planning Officer advised that such a condition would be appropriate. The Solicitor agreed, advising that an additional condition could be imposed regarding appropriate screening, with the details of height, design and materials to be approved by the Planning Authority.

**Resolved:**

That the application be **APPROVED**, subject to the conditions outlined in the report, the extra condition requested by the Principal Planning Officer relating to highway and signage improvements, and an additional condition considered necessary by the Committee relating to appropriate screening to the rear of the site, with responsibility for the wording of the additional conditions and the approval of specifications of said screening, delegated to the Principal Planning Officer.



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/13/00766/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 2 No. Dwellings (amended plans received 07th October 2013)
<b>NAME OF APPLICANT:</b>	Mr Ian Eggleston
<b>ADDRESS:</b>	14 Sidegate Durham DH1 5SY
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### SITE

1. The application site is an area of land which sits between 11 and 14 Sidegate, which is a historic street within the Durham City Centre Conservation Area forming a steep link between Framwelgate Waterside and the A691. The road is not a through road to vehicles under normal use but bollards can be removed to provide occasional access. The area is currently formed of concrete hard standing, a small overgrown grassed area and a conservatory which is attached to the south west facing side elevation of 14 Sidegate. A garden area sits towards the rear of the site.

2. No's 11 and 14 Sidegate contain a window each to their side elevations which overlook the application site. The south west facing ground floor side elevation of 14 Sidegate bears a hallway window while the north east facing elevation of 11 Sidegate exhibits a first floor bathroom window.

3. In a wider context land levels slope downwards from south west to north east. Open ground lies opposite the application site while further terraced dwellings sit along the south east side of Sidegate. Properties on Diamond Terrace sit up the hill separated from the street by front gardens to the north west.

### PROPOSAL

4. The application proposes the erection of 2 terraced dwellings which would fill in the gap between the existing terrace in this part of Sidegate. The dwellings would be of two storey construction, with accommodation in the roof space, with the lower property stepped down slightly.

5. In terms of design features, a dormer window would be provided to both the front and rear roof slopes of the properties. Two rear off shots serving each dwelling separated by a

valley gutter would provide additional habitable space at ground floor level. Windows would be centrally aligned above one another to the front elevation.

6. Internally, the ground floors are proposed to be equipped with lounge, bathroom, kitchen and dining area. To the first floor, a bedroom and a bathroom is proposed, with two bedrooms proposed to the second floor.

7. Externally reclaimed blue slate roofs are proposed, with lead cheeks to dormer windows, reclaimed brick to match to front elevations with new brick to match proposed to the rear. UPVC sash windows are proposed.

8. This scheme is being reported to the Planning Committee at the request of County Councillor Richard Ormerod due to concern over anticipated parking problems in association with the new dwellings, due to concerns that the buildings will leave insufficient space for bin storage and because it is considered that the proposed development is not in keeping with the character of Sidegate.

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## **PLANNING HISTORY**

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9. There is no recent relevant planning history relating to the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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

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

The following elements are considered relevant to this proposal

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

## LOCAL PLAN POLICY:

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

**16. Policy E16 (Nature Conservation – The Natural Environment)** This Policy requires that any potential impact upon nature conservation interests should be investigated as part of any planning application.

**17. 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.

**18. Policy H2 (New Housing in Durham City)** requires that new housing is in keeping with the traditional character and setting of the City, preferably on previously developed sites.

**19. 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.

**20. 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

**21. 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.

**22. 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.

**23. 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.

**24. Policy Q10 (Dormer Windows)** This Policy requires that dormer windows should be appropriate in design.

**25. Policy U8A (Disposal of Foul and Surface Water)** requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

**26. Policy U11 (Development on Contaminated Land)** This Policy requires that any contamination be identified and if necessary addressed prior to development.

**27. Policy U13 (Development on Unstable Land)** This Policy seeks to ensure that land which could be unstable is made safe and suitable for development.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **CONSULTEE RESPONSES:**

28. Highways Development Management has offered no objections to the application. They have suggested that not providing dedicated parking provision to the dwellings is acceptable as the site is accessible for pedestrians and nearby to local facilities and transport links. It is stated that any residents in the properties could apply for parking permits up to a maximum of two per dwelling for parking at the eastern end of Sidegate or Framwelgate Waterside.

29. The Coal Authority has raised no objections to the application subject to the imposition of a condition relating to intrusive site investigations.

30. Northumbrian Water has raised no objections to the application.

### **INTERNAL CONSULTEE RESPONSES:**

31. Design and Conservation have offered no objection to the application as they suggest it offers the opportunity to enhance the terrace and this part of the Conservation Area.

32. Ecology Officers have offered no objection to the application.

33. Planning Policy has offered no objection to the application.

34. Pollution Control has offered no objections subject to appropriate measures being implemented to manage dust and noise disturbance during any construction activity.

### **PUBLIC RESPONSES:**

35. The City of Durham Trust has commented on the design of the scheme and amendments to the scheme have been incorporated. Sidegate Residents Association has objected to the application. Letters of objection have also been received from 9 local residences.

36. Most objections are put forward on the basis that the properties would be brought into use as Houses of Multiple Occupation. Objections are put forward on the basis of lack of bin storage space provided, while further concerns are put forward that an increase in residents on the street would put further pressure on available parking space in and close to the street. It is suggested that further HMO's would be of detriment to the street and would negatively impact on the surrounding Conservation Area. There are concerns that a current sense of community could be damaged or lost. A request has been made that a covenant be placed restricting the properties to family use only. It is suggested that the application is contrary to Policies H9 and H13 of the City of Durham Local Plan.

### **APPLICANTS STATEMENT:**

37. Mr & Mrs Eggleston have owned 14 Sidegate and the adjacent site for nearly ten years for which they have let the property to students and other private individuals, the site

as it stands is surplus to requirements for the purposes of the people living in the property and they feel that reinstating two houses on the site would greatly improve the area.

38. Due to their long term involvement in the site the applicants are keen to see the site developed without harming the amenity of the existing residents and have gone to great lengths produce a satisfactory design and to consult with the Local Authority and accept their guidance on the design. The applicants have put forward a detailed scheme which is in keeping with the adjacent buildings | the street.

39. There have been several concerns raised by local residents particularly regarding renting the properties to students however it should be pointed out that this is not necessarily the case, the properties will be high quality and be attractive to all manner of prospective tenants. Mr & Mrs Eggleston pride themselves on letting the property to responsible individuals and have not experienced any problems with their tenants, the fact that they own other properties in the street means it is not in their interest to cause disturbance to the detriment of other residents.

40. Mr & Mrs Eggleston feel that the scheme submitted is sensitive to the immediate surroundings, will result in an improvement to the area and provide good quality rental housing which is always required in the City and would respectfully hope that the committee agree and support the application.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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41. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development at the site, the character and appearance of the Conservation Area, the layout and design of the proposed development, the impact on the residential area and highways issues.

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

42. Officers consider the site previously developed land. The site appears to have been developed in relatively recent times and it appears that terraced properties stood here, possibly demolished during the 1960's. The side elevations of 11 and 14 Sidegate have a fairly rough and uncompromising appearance, the current structures offering evidence of previous buildings on this site. The site has remained developed through the provision of hard standing and a conservatory, and Officers do not interpret the site as private residential garden.

43. The area is residential in nature and therefore further residential accommodation would be an entirely appropriate use of the land at this site. Policy H2 of the City of Durham Local Plan seeks to direct new residential development to previously developed land and conversions; therefore this application is in accordance with this Policy.

44. Notwithstanding this interpretation, The NPPF puts forward strongly a 'presumption in favour of sustainable development'. On this basis even if the land was considered to constitute private garden, and therefore a green field site, Officers consider that the development site would be sustainable due to its proximity to Durham City Centre.

45. The current arrangement and state of the site stands out somewhat, and the filling of this gap would represent a natural continuation of the terrace. Officers do not consider that the principle of the development of this site would represent inappropriate development which would harm the local area in principle.

### **The character and appearance of the Conservation Area**

46. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials.

47. The National Planning Policy Framework at Part 12 is of relevance. This requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Durham City Centre Conservation Area.

48. The infilling of the site with a development that reflects the style, scale and pattern of development within the surrounding area is considered acceptable.

49. The style and detailing of the proposed development reflects that of the surrounding terraced properties. The nature of this terrace within Sidegate is of stepped properties due to the changing ground level.

50. To the front and rear roof slopes, proposed dormer windows of appropriate design would allow the incorporation of habitable accommodation to the second floor. The dormer windows would be set well down from the ridgeline, would be of appropriate proportion and would not over dominate the roof slope.

51. The materials which are proposed would serve further to make the development appropriate to its Conservation Area setting. Externally reclaimed blue slate roofs are proposed, with lead cheeks to dormer windows, reclaimed brick to match to front elevations with new brick to match proposed to the rear. UPVC sash windows are proposed. These materials are befitting of the sites Conservation Area setting. While the use of UPVC is not ideal, windows in such materials have come on significantly and if good quality sash windows are sourced, it can be very difficult to differentiate them from more traditional materials such as wood. The exact windows to be used can be controlled via condition.

52. Officers consider that the development would rationalise the site and improve the appearance of the Conservation Area between 11 and 14 Sidegate. The current gap site offers very little in terms of visual amenity and has a stark and unfinished appearance that detracts from the character of the Conservation Area.

53. Officers consider that the application would enhance the character of the Conservation Area, while reflecting an appropriate standard of design and materials in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act, Part 12 of the National Planning Policy Framework and Policies E6 and E22 of the City of Durham Local Plan.

### **The layout and design of the proposed development**

54. Policy Q8 requires that new residential development should be appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate

amenity space and privacy should be afforded to each dwelling and outlines appropriate separation distances between properties.

55. The two dwellings have been designed to match the scale, form and density of adjoining properties within the terrace and are considered acceptable in this respect. The design of the dwellings would not look out of character with the surroundings.

56. Officers acknowledge that outdoor amenity space at the site would be limited, provided only in the form of a very small yard area to the rear of the single storey off shots to the back of the dwellings. Nevertheless, the space provided would not be significantly out of character to that provided at many terraced residential properties both in the immediate vicinity and within the City centre.

57. The design of the scheme has been amended at the suggestion of Conservation Officers. Through negotiation, improvements have been brought to the scheme including the re positioning of windows to the front elevation and the inclusion of a valley gutter design to the rear off shots to reduce the massing of these elements and to enable them to be read separately from one another.

58. The loss of the hallway window to 14 Sidegate is not considered problematic as the hallway is not considered a habitable room which could reasonably expect an outlook. 14 Sidegate is within the ownership of the applicant. The loss of the first floor bathroom window to 11 Sidegate is also not considered problematic. Officers understand the applicant has agreed a scheme to relocate this bathroom window by providing a velux style window to the roof slope, works which would constitute permitted development. Again, a bathroom window could not be expected to offer significant outlook and the arrangements form a satisfactory solution to the issues for officers. The site overlooks sloping open ground to the front and an area populated by trees with the Raddison hotel beyond to the rear, and no other issues of significance surrounding the layout and design of the proposed development have been identified.

59. On balance, officers consider that the application is appropriate in terms of Policy Q8. The proposed development does not raise significant issues surrounding its relationships to other nearby properties, while the dwellings would be suitable in scale, form, density and materials to their surrounds.

### **The impact upon the residential area**

60. It is important to note that while points of objection have been received in relation to these properties being student lets, this type of tenure is by no means a certainty, although Officers acknowledge that this use is possible. The possibility of utilising an additional room or two for bedrooms within each property is recognised. It would not seem possible however to provide any more than 5 bedrooms per property at the extreme end of the scale through converting part of the dining room and the lounge. Officers consider that the dwellings would likely fall within the C4 use class (House in Multiple Occupation) if utilised by between three and six unrelated individuals, as their only or main residence, although this would very much depend on the exact arrangements at the properties and between the tenants as to whether a C3 (Dwellinghouse) or C4 use was active at the site. It is currently 'permitted development' to change between C3 to C4 use.

61. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

62. Officers have been informed that for the records of 2010-2011 only 10 Sidegate is a licensed HMO. Officers understand that student exemptions for council tax purposes were also applied at 14, 16, and 17 Sidegate and North Barn, Crook Hall during that period.

63. The County Durham Plan, currently in draft form, proposes to address the issue of houses in multiple occupation and student accommodation. Policy 32 states that in order to support mixed and balanced communities and maintain an appropriate housing mix, applications for new build houses in multiple occupation will not be permitted if the application site is located in, or within 50m of a postcode area where more than 10% of the total number of properties is already in use as a licensed HMO or student accommodation exempt from council tax charges. Policy officers have opined that if both properties were implemented as small HMO's or converted to small HMO's at a later stage this application or any future change of use may be contrary to this policy in the emerging local plan. However, despite representing the authorities current proposed thinking on issues relating to HMO's, the pre submission draft local plan can currently only be given limited weight in the decision making process, as the draft policy may be subject to change.

64. Concerns over the habitation of the properties by students are noted. It is acknowledged that students may have different lifestyles to many other residents on the street. There is a variety of type and range of housing within Sidegate and Officers consider that the proposed dwellings would not result in a development that would be to the detriment of the range and variety of local housing stock. There are no set thresholds in relation to the acceptability of one type of housing or another, and it is for Officers to make a considered judgement, taking into account all relevant material considerations on the matter. Officers are unable to identify any issues that would cause such significant harm to the locality as to warrant refusal of this planning application.

64. It is important to note that the properties are designed internally as family accommodation.

66. In light of the above considerations and in accordance with Policy H13, officers do not consider that the properties would create a situation where the character or appearance of the area or the amenities of residents within them would be significantly compromised.

67. Officers do not feel that a development at the level of accommodation proposed would contravene the National Planning Policy Framework which aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

## **Highways Issues**

68. Policy T1 requires that new development should not be detrimental to highway safety or generate traffic which would have a significant effect on the amenity of occupiers of neighbouring property. Policy T10 states that vehicle parking off the public highway should be limited in amount so as to promote sustainable transport choices and reduce the land take of development.

69. Highways Development Management has offered no objections to the application. They have suggested that not providing dedicated parking provision to the dwellings is acceptable as the site is accessible for pedestrians and nearby to local facilities and transport links. It is stated that any residents in the properties could apply for parking permits up to a maximum of two per dwelling for parking at the eastern end of Sidegate or Framwelgate Waterside. Officers have been made aware that there is competition for parking spaces in the immediate area, but have visited the site on various occasions and at different times of day including university term time and seen parking available near to the site on most occasions. Officers do not therefore consider that the provision of a maximum



of two parking permits per dwelling would lead to significant highways or parking problems that would warrant refusal of the application.

## **Other Issues**

70. Concern has been expressed over the lack of arrangements for the storage of refuse bins at the site. On visits to Sidegate bins appear to be stored on the terrace adjacent to the north east side elevation of 17 Sidegate or occasionally on the footpath to the front of the terrace. Bins have also been noted stored on the application site. Officers are able to request details of the bin storage arrangements via condition. Officers however are satisfied that suitable arrangements could be agreed which would not compromise highway safety or be harmful to visual amenity to a significant degree. Officers, on balance do not consider this issue so significant as to contribute towards a refusal reason against the application.

71. A bat risk assessment has been undertaken in relation to the application site as a risk to bats was identified due the age of the properties which adjoin the site. The risk assessment concluded that the development site offers no opportunities for bats to roost. The development site has therefore been classed as having a low risk in relation to roosting bats. The Councils senior ecology officer has agreed with this conclusion and has offered no objection.

72. Due to the relatively compact nature of the site in its Conservation Area setting and the limited external space provided, Officers see it appropriate to remove permitted development rights relating to extensions, roof alterations and outbuildings.

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## **CONCLUSION**

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73. Officers consider that the principle of the development site is acceptable as the site constitutes previously developed land within the City of Durham Settlement boundary and residential use is appropriate in the context of the surrounding area.

74. Officers consider that the application is appropriate in terms of impact upon Durham City Centre Conservation Area as the development is designed in such a manner that it would enhance the character and appearance of the Conservation Area and improve the appearance of a stark site which offers little to the character of the area.

75. Officers consider that the development is acceptable in terms of the scale, layout and design. Two dwellings designed in a manner to match their surroundings are considered appropriate in this location.

76. The development would be acceptable in terms of its impact upon the residential area as Officers consider that the level and density of accommodation proposed would not have a significant adverse impact upon the character of the area to the detriment of community cohesion. In the absence of an evidence based policy that can be given significant weight in the planning process relating to proportions of properties to let in any given area, it is not considered that the introduction of a further two properties of the scale proposed, even if utilised as student accommodation would demonstrably harm the balance of the local community.

77. Officers consider that the application is acceptable in terms of parking and highways issues. Parking is available within nearby streets and Highways development management have confirmed that each dwelling would be eligible to up to two parking permits each.

78. Taking all relevant planning considerations into account, Officers consider the application to meet the requirements of the National Planning Policy Framework and

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## **RECOMMENDATION**

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

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

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

2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until full details of the windows proposed for use have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

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

4. 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, B, C or E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

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

5. Notwithstanding any details of materials submitted with the application no development shall commence until full details of bin storage arrangements have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

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

6. Prior to the commencement of the development hereby approved the intrusive investigative works recommended within the Coal Mining Risk Assessment by Dunelm Geotechnical and Environmental received 01<sup>st</sup> November 2013 must be undertaken. The results of said investigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Should the results of the investigative works confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, the proposed scheme of remedial/mitigation works must be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed remedial/mitigation scheme.

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

7. 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.

8. 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.

9. The development hereby approved shall be carried out in strict accordance with the following approved plans. Drawing P2013/11/02 rev A, P2013/11/03 rev A received 07<sup>th</sup> October 2013, Bat Risk Assessment by Barrett Environmental Ltd received 29<sup>th</sup> August 2013 & Coal Mining Risk Assessment by Dunelm Geotechnical and Environmental received 01<sup>st</sup> November 2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E16, E22, H2, H9, T1, T10, Q1, Q2, Q8, Q10, U8A, U11 and U13 of the City of Durham Local Plan 2004.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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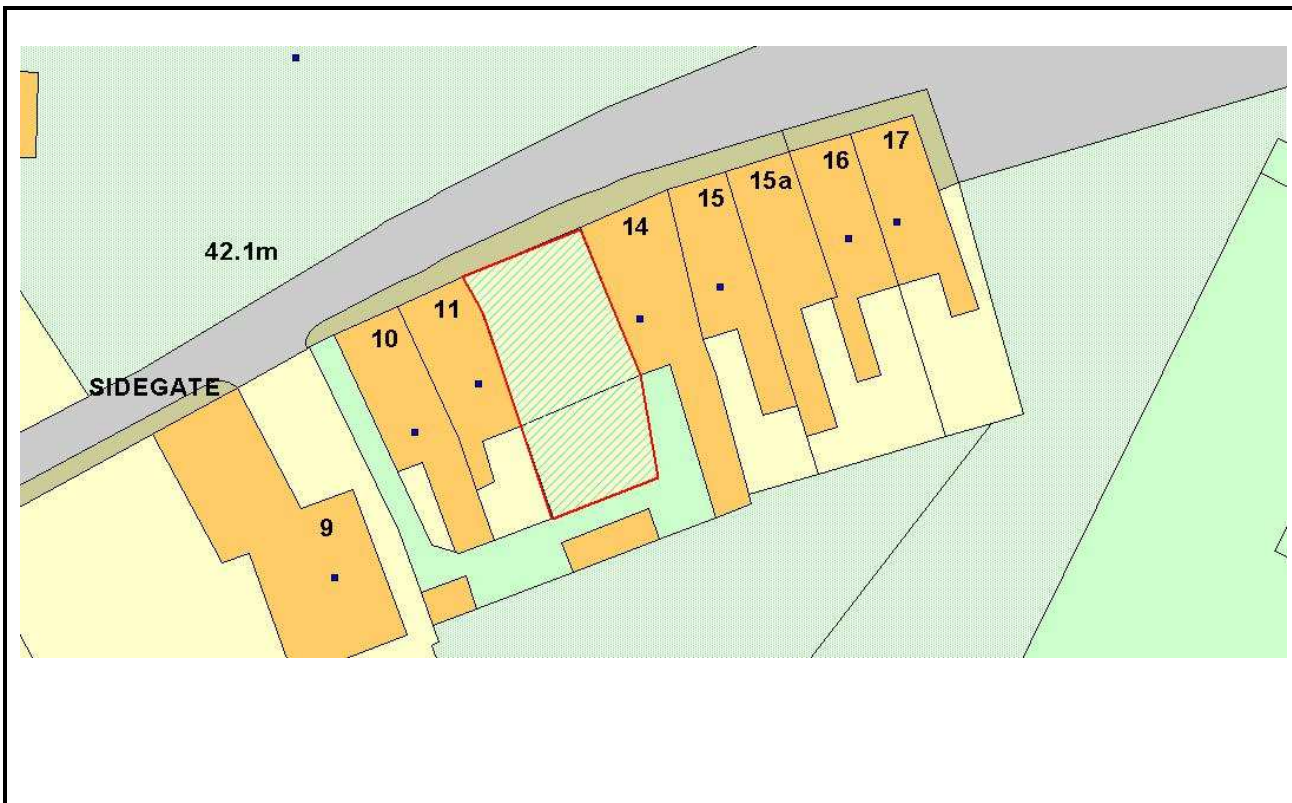
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has not been made within the 8 week target provided due to the application being called up to committee and due to the need to address coal mining issues, however the application has been reported to members at the first available opportunity.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
City of Durham Local Plan 2004  
Response from Councillor Ormerod  
Responses from City of Durham Trust  
Response from Objectors  
External and internal consultation responses



**Planning Services**

Erection of 2 No. Dwellings (amended plans received 07th October 2013) at 14 Sidegate, Durham, DH1 5SY

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**Date** 10<sup>th</sup> December 2013

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NOS:	CE/13/00918/FPA
FULL APPLICATION DESCRIPTION	ERECTION OF 58 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING.
NAME OF APPLICANT	PERSIMMON HOMES
SITE ADDRESS	FORMER ITEC SITE, NEVILLE ROAD, PETERLEE
ELECTORAL DIVISION	PETERLEE WEST
CASE OFFICER	Laura Martin 03000261960 dmcentraleast@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to the former ITEC site on Burnhope Way, situated close to Peterlee town centre. The building has been cleared and the site has been grassed. The site, which includes the former car park and associated grounds serving the ITEC building, covers an area of 1.3 hectares. Areas of mature planting bound the site to the north, east, and south. The application site slopes down to the Dene in the northeast corner. Residential properties are situated adjacent to the site: to the east on Burnside; to the north on Woodfield; and to the west on Neville Road.

#### The Proposals

2. Planning permission is sought for the erection of 58 dwellings; three main house types are proposed; 2 bedroomed terraced properties, 3 bedroomed semi-detached properties and 4 bedroomed detached houses. The mix of house types proposed will provide a natural progression from small starter homes through to larger family houses.
3. The main vehicular access is provided from Neville Road, which creates a central spine road through the scheme, off which access is provided onto residential frontages and two cul-de-sacs, running southwards towards Burnhope Way.
4. The properties along the northern part of the application site are set back from the boundary of the site and the existing residential properties on Woodfield. This allows the retention of existing perimeter landscape as public open space. The proposal comprises various landscaping works, which include new planting along the southern boundary of the site adjacent to Burnhope Way. Exact landscaping details would be agreed through the use of an appropriate planning condition. The proposal involves the removal a large number of trees on the northern and eastern site boundaries,

with some also to be removed from the southern boundary of the site adjacent to Burnhope Way

5. The application is brought before members as due to the scale of the works is classed as a major development.

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## **PLANNING HISTORY**

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Application Site:

98/691 - Residential Development Outline - Approved

00/355 - Temporary Car park - Refused

00/487 - Temporary Car park (re-submission) – Refused

01/191 - Replacement Primary School and Nursery – Approved

05/763 – Proposed residential development comprising 18 no. Houses, nursery and relocation of playing fields – Approved

PL/5/2009/0510 RESIDENTIAL DEVELOPMENT COMPRISING 52 NO. UNITS- Approved subject to the signing of a S.106 Agreement. To date however this agreement has never been signed and the application is still outstanding.

CE/5/2013/0879- Erection of fencing (Retrospective)- Approved.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. 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.
7. 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’
8. The following elements are considered relevant to this proposal:-
9. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
10. Part 4 - 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.
11. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.



12. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. Part 8 - 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.

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

## **LOCAL PLAN POLICY:**

### District of Easington Local Plan

14. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
15. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
16. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
17. Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
18. Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

19. Town Council- no comments
20. Environment Agency- Raises no objections to the scheme subject to agreement from Northumbrian Water

21. Northumbrian Water- Request that the Floor Risk Assessment is conditioned as part of any approval at the site.
22. Police Architectural Liaison Officer- stresses the importance of Secure by Design.
23. Natural England- no response.
24. National Health Service- No comments
25. Coal Authority- no comments

**INTERNAL CONSULTEE RESPONSES:**

26. Education- state that there are sufficient school places within the area to cope with the additional demand from the development.
27. Housing Development and Delivery- advise that the application achieves the required provision of Affordable housing at the site.
28. Public Rights of Way Officer- raises no objections
29. Environmental Health Officer- raises no objections but requests a condition relating to hours of construction.
30. Design and Conservation- requested amendments to the layout of the scheme and requests that conditions relating to tree retention and landscaping are attached to any approval.
31. Highways Section- raises no objection following the submission of amended plans.
32. Landscape Officer- Requests a condition relating to Tree protection plan and landscaping
33. Archaeology- no comments
34. Tree Officer- requests the imposition of tree protection measures.
35. Sustainability Officer- requires sustainability report.

**PUBLIC RESPONSES:**

36. The application was advertised by means of Site notice and Press notice. A further 85 letters of notification were sent to neighbouring properties within the area. 5 letters of representation have been received
37. Concerns relate to the increase in traffic movement in association with the Burnhope Way and Neville Road junction from the new development and also in respect of HGV movements in relation to construction.
38. Concerns are also expressed from a neighbouring property to the east of the application site at Burnside. They consider that the development due to the location of plot 24 would be visually intrusive due to the gable of the property and parked cars. It is also stated that due to the proximity of the gable it would cause loss of light to the living room area.

39. The neighbouring property also has concerns that the cars accessing plot 24 will cause light pollution into their property. Devaluation of property and loss of landscaping is also raised. The main objection from this resident is potential for surface water flooding from the development site. It is stated that their property already suffers from flooding and the proposed development would increase this problem.

## **APPLICANTS STATEMENT:**

This development offers the opportunity to create a new sustainable residential development within Peterlee. The proposals for 58 units across a mix of two, three and four bedroom properties including 10% affordable housing provides an excellent range and choice of dwellings to satisfy current and future residential requirements for Peterlee and also the wider County Durham area.

We have engaged with the Council throughout the planning process and are satisfied that the scale and form of development, as well as the proposed housing mix is appropriate within this locality. The proposals shall develop an urban infill site within the development limits of Peterlee, creating a new, attractive residential development for the town.

The site's location within an existing residential area of Peterlee ensures that the site is highly sustainable in relation to local amenity with open space, recreational facilities, and local schools within close proximity to the development. Furthermore, existing public transport routes directly adjacent to the site provide frequent services to key retail and employment opportunities within the town and beyond.

Public consultation has been carried out through which a number of concerns were raised. Through adaptation of the proposal and responses to these concerns, which are available within the accompanying Statement of Community Involvement, we are confident that there are no outstanding issues regarding the development.

Finally, the impacts of the development have been mitigated via a planning gain package which includes an offsite Recreation/Leisure Contribution in addition to the 6 affordable housing units that shall be provided on site.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=MSNTVPBN03T00](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MSNTVPBN03T00)*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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40. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
41. The main considerations in regard to this application are the principle of the development and site history, design, scale and layout, landscaping and trees, affordable housing, play space and other considerations.

## **Principle of Development and site history**

42. The proposed application is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within Part 6 of the National Planning Policy Framework. In this instance this application relates to a previously developed site situated on the edge of Peterlee town centre, it is therefore considered to be located within a sustainable location and to accord with the general principles of national planning policy.
43. In terms of Local Plan policy the application site is located within the Peterlee settlement boundary as identified in the former District Of Easington Local Plan. The site is considered to represent 'Brownfield land', the development of which falls to be considered, in the context of 'saved' policy 67, as a windfall site on which housing development is considered to be acceptable in principle.
44. Previously planning permission has been granted for a mixed-use development on this site, which included the erection of 18 no. houses, this permission is now time expired , but it can be considered to set a precedent for the principle of the development of this site.
45. Furthermore, an application was approved in 2010 subject to the signing of a S.106 agreement for the erection of 52 houses. The previous applicant however has failed to sign the S.106, thus the decision has not yet been issued but the application is still live. It is therefore of note that Members previously resolved to approve a 52 unit housing scheme on the site and nothing has changed since then which would justify a different approach

## **Design, Scale and Layout**

46. In general, the design, scale and layout of the development are considered to be generally in keeping with the previous approvals on the site. It is considered that there is no consistent design or use of materials surrounding the site that could influence this scheme and as such the proposed house type design and materials are considered acceptable. The scale of the development is considered to generally reflect the surrounding buildings and the layout is also considered appropriate given the constraints in relation to site shape and location.
47. The scheme broadly achieves the distancing standards in terms of privacy and amenity space, which are set out in the relevant appendix of the District of Easington Local Plan. All properties are provided with generous private gardens.
48. In summary, the proposed design and layout of the development are considered to accord with the relevant development plan policies. Conditions to agree materials to be used, means of enclosure, and landscaping works should be attached to any grant of planning permission to ensure the Local Planning Authority retain control over the finish and appearance of the development.

## **Landscaping and Trees**

50. The application site currently contains a number of trees situated along the northern, eastern and southern boundaries. A number of trees are proposed to be removed to facilitate the development. The loss of these trees is regrettable, however, the current proposal now proposes a similar number of trees to be removed as the 2010 planning approval on this site.

51. In relation to the loss of the trees on site, no objections have been raised by officers providing a planning condition is attached to any grant of planning permission to ensure that all trees to be retained are protected during the construction process.
52. The landscaping proposals submitted with the application are not detailed, but they do show substantial planting areas provided along the southern boundary of the application site and the retention of the wooded area to the north east of the application site. The exact landscaping details, and timing of landscaping works, are to be agreed through the use of a planning condition attached to any grant of planning permission.
53. Concerns have been raised by local residents in relation to the loss of trees on the site and the lack of landscaping. It is considered that the proposed development incorporates suitable landscaping works, and that the existing trees to be retained along with the new planting proposed will provide adequate screening along the boundaries of the site to allow the application to be approved.

## **Highways**

54. The proposed access arrangements for the development are considered to be acceptable, and are in accordance with the arrangements in relation to the previous grant of planning permission on this site. The proposed parking arrangements are also considered to be acceptable and accord with the relevant development plan guidelines. It is not considered that the proposed development will have any detrimental effects on the local highway network or highway safety to warrant refusal of the planning application.
55. In respect of the previous approval at the site in relation to the erection of 52 dwellings a condition was attached requiring the erection of a Puffin Crossing in conjunction with an application for a food store on the adjacent North Blunts former school site. The developer however has not offered a crossing as part of this application as considered upon its own merits, due to the size of the development a crossing is not required. The Highways Authority whilst reluctant agree with this conclusion and concede that it would not be appropriate to insist on a crossing based upon this application alone.

## **Affordable Housing**

56. The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. This application proposes 6 units to be provided on an affordable basis, equating to 10% of the total dwellings proposed which is in accordance with the requirements of the Council's up to date Strategic Housing Market Assessment
57. The units to be provided on an affordable basis are 6 two-bedroomed properties. It is proposed that the affordable housing will be provided with approximately half rented through a local landlord, and half available to buy through a shared equity scheme. The affordable housing requirements will be secured through the use of a S.106 Legal Agreement.

## **Play Space**

58. Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of on site play space provision, equating to a total of £29,000 based on £500 per dwelling. The secured finance would be used to improve existing play space within the Peterlee West Electoral Division. The applicant has agreed to enter into such an agreement.

## **Ecology**

59. The application site is in relatively close proximity (approximately 3km) to Durham Coast Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) Natura 2000 site, the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
60. The process of assessing the potential implications of a proposal on European Wildlife sites that form part of the Natura 2000 network is known as 'Habitats Regulations Assessment' with the step by step process of assessment set out within the Conservation of Habitats and Species Regulations 2010, commonly referred to as the Habitats Regulations. The Local Planning Authority, before deciding to give any consent to a project which is likely to have a significant effect on a European site, is required to undertake an appropriate assessment of the implications for the site in view of its conservation objectives unless satisfactory provision of off-site Green Infrastructure can be provided or improved elsewhere in the vicinity.
61. In light of the above, and in order to take pressure from additional visitors away from the coastal designations of significant importance, the applicant proposes to provide a financial contribution of £15,000 toward off-site Green Infrastructure (GI) in order to directly off-set the impacts of the development proposals on the Natura 2000 sites local to the development site. It is considered that this is sufficient to offset the impacts on the European Wildlife Sites and therefore the proposal will not have a significant effect on those sites.
62. Having regards to the above officers do not consider that there would be any impact as a result of the proposed development upon protected species and therefore no objections are raised having regards to Part 11 of the NPPF

## **Other Considerations**

63. In relation to flooding, concerns have been raised by residents regarding the impact the proposed building works may have on the existing residential properties situated on Burnside, by way of drainage issues. In terms of concerns in relation to flooding, the applicant has confirmed that a connection will be provided to the main sewer for both foul and surface drainage, and has provided a full Flood Risk Assessment in support of the application. The Flood Risk Assessment does not predict any problems associated with the development; furthermore Northumbrian Water and the Environment Agency have raised no objections to the proposal. As such it is not

considered that the proposed building works should have any detrimental effects in terms of drainage problems sufficient to warrant refusal of the application.

64. Concerns have also been raised by the occupant of No.7 Burnside, a residential property situated to the east of the application site. It has been suggested that the proposed development will have a detrimental impact on the occupants of this dwelling by way of loss of outlook and overshadowing. This concern specifically relates to plot 24 of the proposed development, which is to be set a minimum of 20 metres from the existing rear elevation of No. 7 Burnside to the gable of Plot 24. Therefore in this case Plot 24 is well in excess of the required 13.5 metres in respect of main elevations to gable elevations as recommended in the Local Plan guidelines. Whilst it is acknowledged that there are windows to the living area within 9 metres of the gable elevation, the living room is served by other windows which do not directly over look the development site and as such this is not considered to be an issue sufficient to warrant refusal.

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## **CONCLUSION**

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65. In conclusion the proposal is considered to accord with the relevant national planning guidance and development plan policies. The proposal involves the development of an area of previously developed land situated in a highly sustainable location close to Peterlee town centre.
66. The proposed development provides for a mix of different house types in keeping with government policy, and accords with requirements to provide affordable housing. The design and layout of the proposed development are considered to be broadly acceptable, subject to conditions relating to materials and boundary treatments. Due to the siting and design of the proposed development it is considered that any impacts on adjacent occupants will be limited and will be insufficient to warrant refusal of the application.
67. The proposed works involve the loss of a comparable number of trees on the site to a previous application approved by the former District Of Easington Council. The proposed landscaping works will help to mitigate the loss of the trees. Subject to tree protection work the proposal is considered to be acceptable in landscape terms.
68. The proposed access and parking arrangements are considered to be acceptable and it is not considered that the proposed development will have any detrimental impacts on the local highway network or highway safety to warrant refusal of the application.
69. Subject to the suggested conditions, planning permission should be approved.

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## **RECOMMENDATION AND CONDITIONS**

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That the application be **APPROVED** subject to a Section 106 legal agreement securing a financial payment of £29,000 toward the upgrading or provision of play space, a financial contribution of £15,000 toward the provision or enhancement of Green Infrastructure, to ensure the delivery of 10% on site affordable housing and subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. c-1007-01, NRP-001 Rev E, N13141-SK202, Extended Phase 1 Survey, Neville Road, Peterlee Report No. 1 August 2013, Design and Access statement dated August 2013, SGD-01 Rev B, MR-WD01 Rev F, CD-WD01 Rev H, MS-WD01 Rev F, RS-WD01 Rev N, SU-WD01 Rev M, RF-WD01 Rev M, WS-WD01 Rev N, NRP-AH-01, NR(E)-TR-01 Rev A, Planning Statement, Flood Risk Assessment dated July 2013 by Patrick Parsons, N13141-SK201, N13141-SK200, Tree Survey Report dated August 2013 and Statement of Community Involvement date September 2013, NRP-010  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the Easington Local Plan.
3. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.  
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.
4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.  
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.
5. Notwithstanding any details of materials submitted with the application no development shall commence until 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 be constructed in accordance with the approved details.  
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.



6. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.  
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.
7. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees have been submitted to and approved in writing by the Local Planning Authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed: a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local planning authority. b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local planning authority. c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees. d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local planning authority has been sought. e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2012 'Trees in Relation to Construction'.  
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.
8. Prior to the commencement of the development a Sustainability Statement shall be submitted to and approved in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved statement.  
Reason: In the interests of sustainability and to comply with National Planning Policy Framework Part 1.
9. Site works (including deliveries and operation of temporary site generators) shall only be carried out during the following hours: Monday - Friday 08:00 to 18:00 hours and Saturday 09:00 to 14:00 hours.  
Reason: In the interests of the residential amenity of the area and to comply with Policies 1 and 35 of the Easington Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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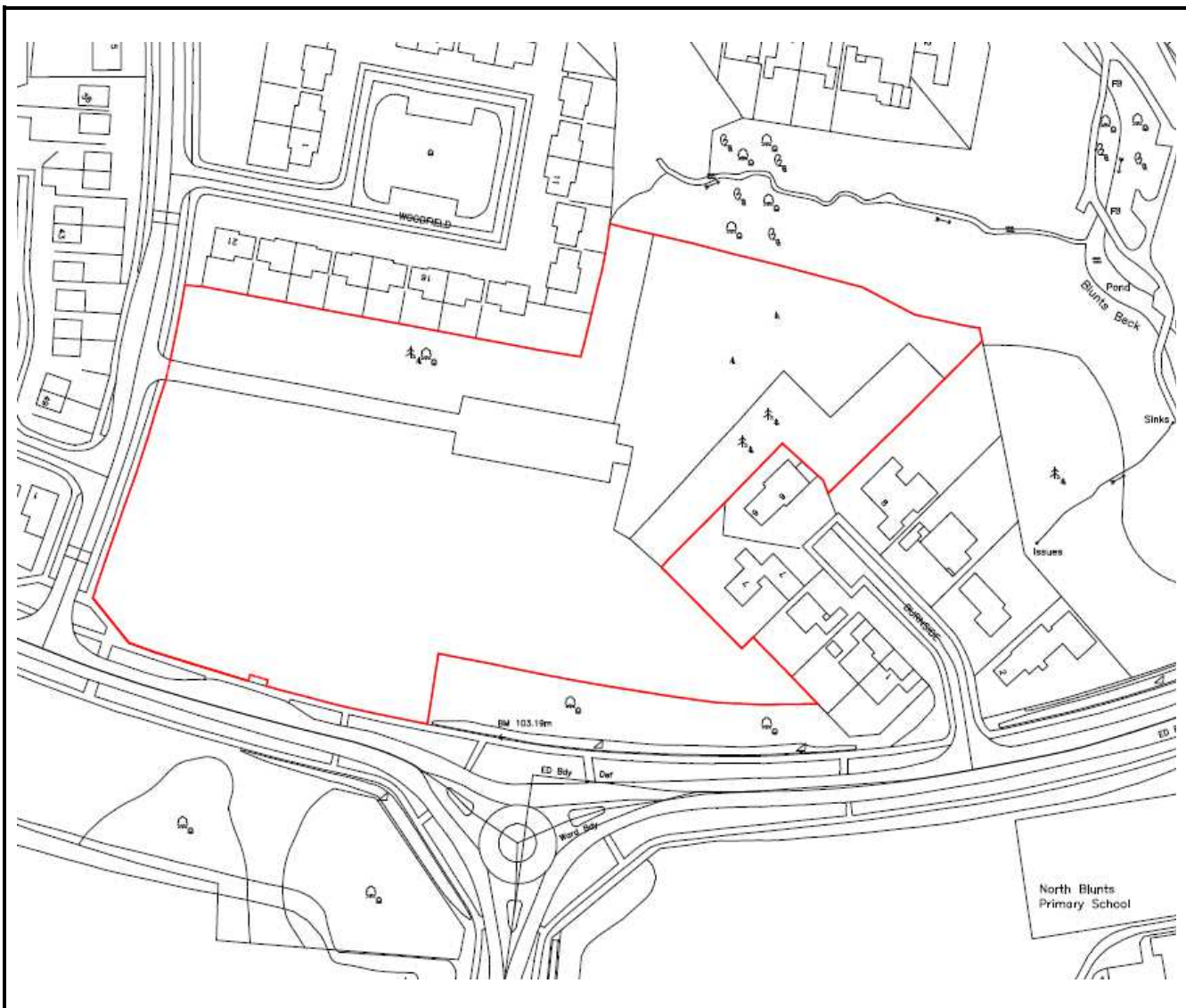
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 13 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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



**Planning Services**

**ERECTION OF 58 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT FORMER ITEC SITE, NEVILLE ROAD, PETERLEE**

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**Comments**

**Date** 10 December 2013

**Scale** 1:1250

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