



Area Planning Committee (Central and East)

Date Tuesday 14 January 2014
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 December 2013 (Pages 1 - 4)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/13/00461/FPA & 4/13/00542/CAC - 51 The Avenue, Durham, DH1 4EB (Pages 5 - 18)
FPA - Two dormer windows to the rear and car parking area to front;
CAC - Demolition of front boundary wall (retrospective).
 - b) CE/13/00792 - Ruth First House, Claypath, Durham, DH1 1QS (Pages 19 - 32)
Construction of new extensions to the north and east sides of building to provide additional student accommodation.
 - c) CE/13/00918/FPA - Former ITEC site, Neville Road, Peterlee (Pages 33 - 46)
Erection of 58 dwellings with associated infrastructure and landscaping.

- d) CE/13/01300/FPA - Land at Dalton Park, Murton, SR7 9HU
(Pages 47 - 58)

Groundworks and associated 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

6 January 2014

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, R Lumsdon,
B Moir and J Robinson

Contact: Jocasta Lawton

Tel: 03000 269707

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 10 December 2013 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, C Kay, C Marshall, B Moir and R Todd

1 Apologies for Absence

Apologies for absence were received from Councillors K Dearden, S Iveson, A Laing and J Lethbridge.

2 Substitute Members

Councillor C Marshall substituted for Councillor K Dearden and Councillor R Todd substituted for Councillor A Laing.

3 Minutes

The Minutes of the meeting held on 12 November 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 4/13/00766/FPA - 14 Sidegate, Durham, DH1 5SY

The Committee considered a report of the Planning Officer regarding an application for the erection of 2 dwellings, amended plans received 7 October 2013, at 14 Sidegate, Durham City (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.

Mr Ian Hutchinson, local resident, addressed the Committee to object to the application on the grounds of parking provision, bin storage and the houses being used for multi-occupancy.

Referring to parking provision, Mr Hutchinson informed the Committee that there was currently no adequate parking on the road for Sidegate, and that during the last University year of the five houses on Sidegate which had been let to students, three had cars, which parked at the end of the road. The area of land where it was proposed to build the two houses had also been used for car parking, and should the development proceed, this would further reduce the availability of car parking in the area.

Mr Hutchinson informed the Committee that the original application for the site had been for 5 bedroomed properties, but this had now been reduced to 3 bedroomed properties, which would result in an additional 4 extra bins needing to be stored at the terrace, which gave rise to fears around health and safety. Again, the area of land where it was proposed to build the two houses had also been used for some bin storage and this would no longer be possible should the development proceed.

Finally, Mr Hutchinson informed the Committee that there was local concern around the number of sub-divided dwellings already on the street, with only 4 of the 9 houses in the street being owner occupied, the others being let to students. There was concern that the proposed two houses would also become student lets, which would result in 7 of the 11 houses in the street being non-owner occupied. Letters of objection to the proposal had been received from 9 local residents in a street which currently only contained 9 houses, and this provided an example of the strength of feeling in the street.

The Principal Planning Officer addressed some issues raised by Mr Hutchinson. Referring to car parking provision, it was for Members of the Committee, who had previously visited the site, to assess whether the views of officers were correct. Previously there had been two dwellings constructed on the site, which was in private ownership, and therefore was not a site allocated or approved for bin storage. The Principal Planning Officer informed the Committee that the reference in the report to the emerging County Durham Plan policy on houses in multiple occupation and student accommodation had been included for illustrative purposes only and that the pre-submission Plan could only be given limited weight as the draft policy may be subject to change.

Councillor Kay informed the Committee that he knew the applicants agent, Neil Naylor, as a former neighbour up until a year ago. Neil Carter, Planning and Development Solicitor advised that this was a personal interest only and that Councillor Kay could therefore take part in the debate and decision on the application.

Mr Neil Naylor, agent for the applicant, addressed the Committee. The application was not a speculative development as the applicant currently owned two houses in the street and aimed to produce a high quality development which respected the conservation area. The applicant currently owned the gable at 17 Sidegate, which was currently used for bin storage, and would improve this area which could accommodate the extra bins produced from the proposal. There were car parks available near to the proposed development as well as at the end of the terrace. Mr Naylor informed the Committee that the applicant was intending to produce a good quality development which could perhaps attract a premium rent and may therefore not be appropriate for the student market.

Councillor C Marshall requested clarification on the weighting Members should give to the emerging County Durham Plan. The Principal Planning Officer replied that policy officers for this application had advised that weight should not be given to Policy 32 of the emerging Plan as this had been subject to some comment during consultation and may be subject to amendment.

Councillor A Bell informed the Committee that although the HMO issue was a pertinent one in Durham City, there was no certainty that the proposed development would be used for this purpose. The application should be decided on the facts before Committee, and this was a sustainable development on a site which had previously been developed. He moved approval of the application.

Councillor Conway, while accepting that the objection under Local Plan Policy H13 had been addressed in the report, asked about the objection under Local Plan Policy H9 which was not addressed in the report. The Principal Planning Officer replied that Policy H9 referred to the conversion of existing buildings to HMO's and did not refer to new builds, and was therefore not relevant to this application.

Councillor Conway referred to paragraph 60 of the report regarding HMO's and asked whether any condition could be attached to the permission which would require a further application to be made should applicant wish to use the houses as HMO's. The Principal Planning Officer replied that this would be possible, although adequate reasons for attaching such a condition would be needed. The Planning and Development Solicitor added that central Government guidance was that such conditions should only be imposed in exceptional circumstances. Councillor Conway replied that this was only guidance and that it was for the Committee to make its own judgement on the guidance.

Councillor Freeman informed the Committee that Councillor Marshall had raised a valid point about the emerging County Durham Plan and the weighting which should be given to it. The policy on HMOs in the emerging Plan had been implemented because of the problem of HMO's in Durham City centre, which was significantly worse now than when the City of Durham Local Plan was produced in 2004. If the application was to be considered in the context of the emerging Plan then it could be refused on the grounds that the street consisted of 9 houses, 4 of which were student accommodation and there was a strong possibility that the application properties would also be used for student accommodation purposes, or a condition imposed as suggested by Councillor Conway, should approval be granted. Additionally, although there was permit parking in the area, there were

insufficient spaces to park vehicles within the vicinity of the properties. Councillor Freeman moved that the application be refused.

Councillor Kay informed the Committee that he shared Councillor Marshall's view regarding the emerging County Durham Plan, and that this was currently a grey area. However, this application was an opportunity to improve the streetscape of the area. He asked whether, if the application was approved, the applicant would need to submit a further application to change use to an HMO, as this would be a variation of consent. The Principal Planning Officer replied that under current legislation, a dwelling house could be converted to an HMO for up to 6 people without the need for planning permission or consent.

Councillor Todd asked, if the application was to be refused and taken to appeal, whether the Inspector would consider the appeal under the Policies of the emerging County Durham Plan or the Policies of the existing City of Durham Local Plan. The Principal Planning Officer replied that any appeal would be considered under the existing City of Durham Local Plan.

Councillor Conway, while agreeing that the application was an improvement to the streetscape and visual amenity, moved that a condition be added to the permission which would require a further application to be made should applicant wish to use the houses as HMO's, on the grounds of parking and amenity. Councillor Kay seconded imposition of such a condition.

Upon a vote being taken the amendment was lost.

Moved by Councillor A Bell, seconded by Councillor B Moir and

Resolved:

That the application be approved, subject to the conditions outlined in the report.

5b CE/13/00918/FPA - Former ITEC site, Neville Road, Peterlee

The Chairman informed the Committee that this application had been withdrawn from the agenda.

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| APPLICATION NO: | 4/13/00461/FPA 4/13/00542/CAC |
| FULL APPLICATION DESCRIPTION: | FPA - Two dormer windows to the rear and car parking area to front CAC - Demolition of front boundary wall (retrospective) |
| NAME OF APPLICANT: | Mr Viramgama |
| ADDRESS: | 51 The Avenue, Durham, DH1 4EB |
| ELECTORAL DIVISION: | Nevilles Cross Laura Eden |
| CASE OFFICER: | Planning Officer 03000 263980 laura.eden@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The property relates to a substantial mid-terraced property on the south side of The Avenue, a steeply climbing terrace of traditional Victorian properties located within the western part of the Durham City Centre Conservation Area. The properties predominantly date from between 1894-1899 with some later development towards the lower portion of the street. Many of the properties have been extended and altered over the years. There are a range of styles and quality of the buildings in the vicinity as a result but in general the street largely retains its original character and quality.
2. The building is currently two and a half storeys high benefitting from existing dormers and roof lights, it is of brick construction beneath a natural slate roof and features full height bay windows flanking the front entrance. It forms a run of five large town houses of similar appearance and their relationship is emphasized by the change in levels between the properties.
3. The terrace frontages are varied in appearance. Some of the properties benefit from walls, fences, railings hedges or a mixture of the aforementioned and some have open plan elements. Dormers are also a feature within the terrace both to the front and rear of the properties.

The Existing and Proposed Developments

4. Retrospective conservation area consent is sought for the demolition of the front boundary wall. Works have also taken place in the front garden that include the removal of the hedge and landscaped areas to the frontage which have been replaced with gravel chippings. These latter works however would not require planning consent.

5. Planning consent is sought for the replacement of an existing dormer window and the insertion of a second in the rear roof space.
6. Originally it was proposed that two separate vehicular access crossings were created to the front of the property to provide off-street parking on the newly formed gravel garden. It was not proposed to rebuild the wall at that time. Negotiations have since taken place which have resulted in several revisions to the overall scheme. The latest plan would see the partial reinstatement of the wall in brickwork, with coping stone and pillar detailing and the inclusion of green screen hedging. There is proposed to be a 3.8 metre wide opening, centrally located within the frontage, to allow for access to off-street vehicle parking.
7. Turning to the dormer windows, originally it was proposed that the replacement and new window would largely reflect the proportions of the existing being largely squat in appearance but with the benefit of a pitched roof. The design has since evolved so that the windows have a more vertical emphasis being narrower and taller however still benefitting from a pitched roof. They would be constructed from slate to match the existing roof and white UPVC frames. A conservation range roof light is also proposed occupying a central position within the rear roof slope.
8. This application is being referred to Committee at the request of local County Councillor Holland due to the retrospective nature of the development, the impact on the conservation area and the level of public opposition to the scheme.

PLANNING HISTORY

9. Nothing found

PLANNING POLICY

NATIONAL POLICY:

10. 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.
11. Part 12 - 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.

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

12. 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.
13. 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.

14. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
15. 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.
16. 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.
17. Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.
18. Policy Q10 (Dormer Windows) permits dormer extensions provided they are appropriate in design and do not dominate the roofscape or harm residential amenity.

EMERGING POLICY:

19. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
20. Policy 1 (Sustainable Development) – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
21. Policy 18 (Local Amenity) – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
22. Policy 40 (Trees, Woodlands and Hedges) – States that the Council will not permit development that would result in loss of or damage to trees of high landscape, amenity or biodiversity value unless the development in that location clearly outweighs the loss. Where such features are to be lost replacement planting will be required.

23. Policy 44 (Historic Environment) – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Cllr Holland – Committee referral request received for both applications on the grounds of the retrospective nature of the development, the impact on the conservation area and local opposition to the scheme. A further more detailed response was sent concerning the aforementioned points in addition to querying the need for off-street car parking, the impact to services by vehicles crossing the pavement, the appearance of the proposed dormers, the issue of whether a change of use has occurred from a domestic dwelling to a house in multiple occupation (HMO).

INTERNAL CONSULTEE RESPONSES:

25. Tree Officer – No comments to make in relation to the application as there are no trees on site.
26. Highways – No objection to the scheme however note that separate consent will be required to amend the Traffic Regulation Order and to create the new vehicular access crossing. Confirms that a 3.8m wide opening is the smallest that would allow a family sized vehicle to enter and egress the site safely. Furthermore, the wall and any landscaping would need to be no higher than 1m in order to protect sight visibility.
27. Design and Conservation – Initially raised concerns about the overall design of the scheme and the impact the developments would have on the conservation area. Following the submission of amended plans that largely conform with the suggested improvements no objections are raised.
28. Landscape – The impact to the street scene has already occurred through the removal of the wall and hedge. The green screen hedge and the fact that the hardstanding is of a porous material help to mitigate against the impact.
29. Traffic Order Section – No objections raised to the scheme in principle however would note that separate consent would be required to amend the Traffic Regulation Order relating to on-street parking bays adjacent to the site.

PUBLIC RESPONSES:

30. Both applications have been advertised by means of a press notice, site notice and neighbour notification letters. Due to submission of revised plans further neighbour letters have been sent to interested parties - Ten letters of objection have been received in relation to the full plans application and six letters have been received in relation to the retrospective conservation area consent application. The overall grounds for objection concern the impact on the conservation area through the removal of the wall and hedge and installation of gravel forecourt, the impact on the controlled parking zone through loss of spaces, that there is sufficient off-street parking at the site already, the potential impact to services caused by vehicles crossing the pavement, the principle of cars parking in the front garden, due to the retrospective nature of the works not convinced that if approved the applicant would

seek the necessary amendments to the TRO and obtain highways consent for the dropped kerb, the retrospective nature of the development, the loss of a tree, the proposal is not environmentally friendly, restrictive covenants, the length of time it has taken to deal with the planning application, concerns that a change of use to a HMO has occurred and the use of UPVC in the dormer windows. Following the latest round of consultation which shows the partial reinstatement of the wall and the inclusion of a green screen one further letter of objection has been received that reiterates the grounds of objection highlighted above.

31. Letters of objection have also been received from Crossgate Community Partnership. They have objected on the grounds of the potential damage to services caused from crossing the pavement, that there is existing off-street parking at the site, the proposed dormer window materials, the increase in the number of usable rooms as a result of the additional dormer and the possible change of use of the property to a HMO.
32. Letters of objection have also been received from The City of Durham Trust on the grounds of the adverse impact on the conservation area through the removal of the wall and hedge and laying of gravel. They would urge the restoration of the wall. They object to the design of the dormer windows and any change to a HMO.

APPLICANTS STATEMENT:

33. With regards to the above application, we have acted as agents on behalf of the applicant whom we believe has been more than reasonable in compromising with the local authority's requirements.
34. The application has two different aspects which can be broken down into the following topics - The front wall and associated hard standing & New Rear dormer windows:
35. The front wall was in an unstable condition and needed replacing, with regards to the design aspect the applicant has agreed to re-instate the minimum workable opening to 3.8m as well introducing a green screen / hedge and the conservation officer's request. The height of which is restricted to 1m in height to allow a safe working vision splay. There are several properties in this street which have no wall or hedging at all in place. This is why we believe that the applicant has been more than conciliating.
36. The existing rear dormer window is in very poor condition and the roof has several leakages, the dormer windows are designed in accordance with the council's own recommended dormer design guidance as provided direct from DCC. Despite the presence of this design guidance there are several mismatch combinations of dormer window construction to the rear of the properties in the same street. Again the applicant has studied several different options of materials in order to comply with local authority requests.

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

38. In this instance, the relevant considerations are the principle of the development, in particular the accordance with the National Planning Policy Framework (NPPF), the saved policies from the City of Durham Local Plan and the policies contained within the Pre-Submission Draft of the County Durham Plan. Other material considerations are the visual impact of the development on the conservation area, residential amenity, highways issues, as well as the concerns raised by local residents.

Principle of Development

39. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Given the application site lies within the defined settlement limits for Durham City as outlined by the Local Plan it is considered that it represents a sustainable location for new development. Furthermore, as application relates to an existing dwelling house the principle of extensions and alterations to the property is considered to be acceptable.

Visual impact of the development on the conservation area

40. No. 51 The Avenue is an unlisted 19th Century building which makes a positive contribution to the character and appearance of the surrounding Durham City Conservation Area. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
41. At a local level Policy E6 and E22 of the City of Durham Local Plan are also considered to be relevant. These policies state that the special character, appearance and setting of conservation areas will be preserved or enhanced. This will be achieved by only approving development that would be sensitive in terms of its siting, scale, design and materials. The demolition of buildings that contribute to the character of an area would not be permitted however if the principle of demolition were established a detailed scheme for the redevelopment of the site would be required.
42. The aforementioned policies and guidance requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
43. Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. The retention of trees and hedgerows is also encouraged in policy E22.

Retrospective Conservation Area Consent for demolition of the front boundary wall

44. Conservation Area Consent is required for the demolition of walls that exceed 1 metre in height hence the submission of the current application albeit retrospective in nature. As demolition has occurred the significance of the asset needs to be measured in the context of the surrounding area and an assessment made of the subsequent harm caused by the development to establish the most appropriate

action in this case. The works to the frontage have already taken place that include the demolition of the brick wall and pedestrian gate, as well as the removal of the hedging and grassed front lawn which has been replaced by gravel chippings. This has led to the frontage being opened up which has significantly compromised the overall attractiveness of the street scene.

45. It is acknowledged that 51 The Avenue makes a positive contribution to the surrounding conservation area and street scene which is of local historic interest by virtue of its age and individual character. The low wall, hedges and garden arrangement are seen to be important elements of the street's character as they help to reinforce the linear form and add to the aesthetic qualities of The Avenue. The significance of the asset must however be assessed in the context of the surrounding area. This street and in particular this grouping of five terraced town houses benefit from walls, fences, railings, hedges or a mixture of the aforementioned and some have open plan elements. As a result the frontages are far from uniform in appearance. Although the current arrangement clearly looks out of context in the surrounding area as the frontage is completely open, smaller voids and gaps within the boundary elevations are present within the street.
46. The original plans indicated that the front boundary wall would not be rebuilt. The applicant instead proposed to create two separate vehicle access crossing points to allow off-street parking on the newly formed graveled area. Significant negotiations have since taken place that have seen a completely revised scheme being proposed. The wall would now be partially reinstated with the exception of a 3.8 metre wide opening located centrally within the frontage to still facilitate access for off-street parking. In terms of its design, the new boundary wall would be brick built with coping stone and pillar detailing largely reflecting the height and appearance of other developments within the street. At the time of preparing this report, Officers are negotiating with the applicant to ensure that high quality materials are proposed and are hoping to report an update to members at the committee meeting. If no agreement has been reached this matter could be controlled through the imposition of a planning condition.
47. In terms of the loss of the hedging and lawn area this work in itself would not require planning consent. Although these features were considered to positively contribute to the overall attractiveness and appearance of the area the Local Planning Authority ultimately has no control over their loss. Again the original plans did not show the reinstatement of hedging however through discussions a 'green screen' is now proposed. This option was favoured over a replacement hedge as it will not grow over 1 metre high therefore ensuring visibility splays are maintained for highways safety and it will also provide instant impact. The loss of the lawn which has been replaced by gravel chippings is unfortunate however given the permeable nature of the materials planning consent is not required.
48. It is considered that the complete removal of the front wall, hedging and lawn has had a significant detrimental impact on the street scene. The scheme as currently proposed however would see the reinstatement of part of the front boundary enclosure with landscaping provided in the form of a green screen. The overall design of the wall in terms of its siting, scale, design and materials is considered to be acceptable as it would be in character and keeping with neighbouring properties. It is noted local residents are disappointed about cars being parked within the front garden curtilage however the principle of this has already been established most noticeably at no.53 The Avenue, two doors up. As a large section of wall would be rebuilt and through the inclusion of the green screen it is considered that the impact of this would be largely mitigated against regardless. Furthermore, the conservation officer has now removed his objection to the scheme. It is however suggested that

conditions are added to ensure that this scheme is implemented on site within a reasonable timescale and the landscaping measures are protected for the standard five-year period.

Dormer Windows -

49. Policy Q10 of the local plan requires the window detailing of dormer roof extensions to bear a relationship to the existing fenestration and materials of the property, that they are in scale and character with the host dwelling and are positioned below the ridge line.
50. The majority of the properties within this particular street have been altered to the rear in one form or another. This has impacted on the historical character to the rear of the street meaning this is considered to be a less sensitive area when compared to the higher quality and architectural diversity of the frontage. With reference to dormer windows within The Avenue there are a number that are visible from the back lane which are of various scales, design and appearance including an existing example at no. 51 the application site. On that basis the creation of a further dormer to the rear roof slope is accepted in principle.
51. As discussed the property currently benefits from a dormer window positioned to the left hand side which is horizontal in form with a flat roof. The original submission proposed this would now benefit from a pitched roof with the addition of a replica one to the right hand side. The design of these were considered to be too squat with a horizontal emphasis whereas the existing windows in the rear elevation have vertical proportions. Amended plans were later received showing the dormers largely amended in line with the conservation officer's advice. The dormers as now proposed would be traditionally proportioned, with a more vertical emphasis and a steeper roof pitch, they would be suitably positioned within the roof slope projecting above the eaves and are set well below the ridge line. It is acknowledged that traditional sliding sash windows would have been preferred however given the mixture of fenestration to the rear which comprise of mainly modern casements and the lesser sensitivity of the back lane of this terrace the overall design of the dormers is now considered to be acceptable.
52. Although generally UPVC is discouraged on traditional buildings within the conservation area each proposal must be judged on its merits. The rear elevation is not readily visible within the surrounding townscape, the property also presently features UPVC as do most other adjoining properties. It is not considered that its use here would have a significant adverse impact on visual amenity. The impact on the character and appearance of the surrounding conservation area would be minimal as a result therefore it is not considered reasonable to enforce the use of timber windows. The plans do offer to offset the impact of UPVC by specifying that they would benefit from a wood graining effect however it is suggested that instead standard windows are installed as these type of finishes rarely replicate successfully the natural appearance of wood. The use of lead flashing, slate hung side cheeks and a slate roof covering are all appropriate and would help reinforce the traditional appearance of the dormers.
53. On that basis the revised dormer scheme is considered to be acceptable in design as it would accord with policies Q9, Q10, E6 and E22 of the City of Durham Local Plan.

Trees -

54. Concerns have been raised by local residents in relation to the removal of a tree in the rear garden area. Having assessed the submitted images of the property it appears that there was a tree in the rear garden area however it does not appear that the relevant consent to carry out work to trees in a Conservation Area was sought following a search of the Council's application register. In cases where such works have been carried out without the necessary notice being served, a view needs to be taken as to whether these actions necessitate enforcement action to be taken.
55. The purpose of submitting the above type of application is to provide the Council with sufficient time to place a tree preservation order (TPO) on examples that are worthy of protection. Although it is acknowledged that the tree may have contributed to the overall amenity value of the area, on the basis of the evidence available now they would not necessarily have been considered worthy of a TPO. The Council can ask the applicants to replant trees to replace the ones that were removed. In this instance however it is not considered necessary or appropriate for replanting to take place. The tree was located in the back garden, mainly screened by the existing boundary treatment meaning that the tree would have been largely hidden from public view. On that basis it is not considered that replanting is required in this instance.
56. Given the retrospective nature of the application informatives relating to working practices and procedures for applying to carry out work to trees in a conservation area are suggested so as to avoid these practices happening in the future. In any event this is a separate enforcement matter given that the current applications relate to the full plans application for dormer windows and the conservation area consent for the demolition and rebuild of the front boundary wall.

Residential amenity

57. Section 7 of the NPPF deals with good design and it requires proposals to respect neighbouring properties and the local area more generally. At a local level relevant policies of the City Of Durham Local Plan are considered to be Q9 and Q10 which require extensions (including dormer window insertions) to residential properties to respect the privacy of adjoining occupiers of properties.
58. It is not considered that the proposed developments would have a significant adverse impact on neighbouring properties that would justify refusal of this planning application. In relation to the dormer windows, although it is acknowledged that an additional window is proposed, as it would not project past the established build lines for the property it is not considered that it would impact on privacy or cause issues of overlooking that would be worse than the current levels.
59. The scheme to deal with the alterations to the frontage would also not be considered to adversely impact on amenity. As previously discussed the principle of off-street car parking to the frontage has already been established in the street and the overall design and appearance of the alterations would help to mitigate against any significant adverse impact on residential amenity. On that basis the proposal is considered to accord with both policies Q9 and Q10 of the Local Plan.

Highways issues

60. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate a level of traffic that would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property. This policy is not considered to conflict with the intentions of the NPPF as it too seeks to secure a good standard of amenity for residents.
61. The Avenue lies within the Durham City Controlled Parking Zone. On street parking in this street is via permit parking or pay and display. The application includes the provision of a new area of in-curtilage parking which will require the applicant to apply to have the existing Traffic Regulation Order (TRO) amended to create an area immediately fronting the property to be kept clear to allow access to the proposed parking area. The applicant would be responsible for meeting the administrative cost associated with the TRO amendment and any subsequent costs for implementing the works.
62. Although planning permission is not required to create a vehicular access as the road is not classified, separate highway consent would need to be obtained. An informative could be added to any grant of permission advising the applicant of the relevant contact details for colleagues within the council to discuss both this matter and the TRO amendment.
63. The scheme has been amended significantly during the course of the planning application. Highways Officers offer no objection to the current scheme as amended and have confirmed that a 3.8 metre opening is the smallest sized opening to allow a family sized car to access and egress new in curtilage car parking area safely. They have also confirmed that the overall height of the wall and any associated landscaping at the site should not exceed 1 metre in height as it could have an adverse impact on sight visibility splays. The officer that deals with amendments to the TRO has also not raised any objection to the current scheme however notes that any alterations to the parking bays would be the subject of a separate application to his department.
64. Local residents note that there is existing off-street parking provision to the rear of the property in the form of a garage therefore they do not consider that additional parking is required. As the overall design of the replacement front boundary wall scheme is considered to be acceptable, that the principle of such a development has already been established and that off-street parking to the front of the property would not have a significant adverse impact on neighbouring residents it is not considered that an objection could be upheld solely on the grounds that there is existing off-street parking available. Furthermore, if approval was granted for the off-street parking scheme highways would ensure that the dropped kerb and crossing was implemented to a specified standard to ensure no damage to services occurred through the crossing of vehicles. If the applicant did not submit the required TRO amendment or apply formally to create the new vehicle access crossing this would be a matter for the relevant highways sections to enforce.
65. Overall it is considered that the development is acceptable from a highway safety point of view and would accord with policy T1 of the City of Durham Local Plan.

Neighbour objections

66. The majority of the grounds of objection raised by Cllr Holland, Crossgate Community Partnership, The City of Durham Partnership and local residents have been addressed elsewhere in this report.
67. The retrospective nature of the conservation area consent application to remove the wall and the apparent removal of a tree in the rear garden area is disappointing however it is not a reason in itself to withhold consent should all other material planning considerations be deemed to be acceptable. Planning legislation provides for the opportunity for an applicant to seek consent to regularise unauthorised works. It is acknowledged that both applications have taken significantly longer than the normal eight week application process. Although unfortunate it is considered this delay was necessary as it has helped to facilitate discussions with the agent which officers consider has secured a higher quality scheme. The issue of covenants is a legal rather than a planning matter.
68. Numerous parties have raised concerns that the property has changed from a domestic dwelling to a house in multiple occupation in September 2013 without the necessary consents being obtained. Although the local planning authority have made initial queries into this matter investigations are still pending. The issue of the potential change of use to a HMO is therefore considered to be a separate matter to the consent sought as part of this full plans application for dormer windows and retrospective conservation area consent application for the demolition of the front boundary wall. Notwithstanding this, the addition of a further dormer window would not be considered to conflict with policy H9 of the local plan relating to HMO's as it would not be deemed to be a significant extension given its relatively limited scale and proportions in comparison to the existing property.

CONCLUSION

69. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area, the conservation area nor the wider setting more generally that would justify refusal of these applications.
70. It is acknowledged the removal of the entire length of front wall has had a significant adverse impact on the surrounding Conservation Area. The replacement scheme however includes the reinstatement of a substantial portion of the wall and the inclusion of green screen hedging. The detailed design of the wall is considered to be of a high standard with coping stone and pillar detailing. The principle of off street parking to the frontage is already considered to be established and can be accommodated through separate applications to the highways section for an amendment to the TRO and consent to drop the kerb. The overall design of the dormers is acceptable and given the context of the surrounding area it is not considered that the use of UPVC would be harmful in this instance.
71. Overall the dormer windows are considered to enhance whereas the front boundary wall development would preserve the character and appearance of the conservation area in accordance with guidance contained with the NPPF and the City of Durham Local Plan policies.

RECOMMENDATION

That the application CE/13/00461/FPA (Two dormer windows to the rear and car parking area to front) be **APPROVED** subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Application forms, design and access/heritage statement, location plan received 16/05/2013, drg. no. R2125-SK01a received 01/10/2013, drg. no. R2125-SK02B received 12/12/2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E6, E15, E22, Q9, Q10 and T1 of the City Of Durham Local Plan and Parts 7 and 12 of the NPPF.

3. The approved scheme relating to the frontage works shown on drg. no. R2125-SK02B shall be fully implemented on site within 16 weeks of the date of this permission.

Reason: To ensure that a satisfactory form of development is obtained in accordance with saved policies E6, E15, E22 and T1 of the City Of Durham Local Plan and Parts 7 and 12 of the NPPF.

4. If the green screen shown on drg. no. R2125-SK02B fails to flourish or is removed within a period of 5 years from the substantial completion of the development it shall be replaced on a like for like basis in the next available planting season.

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 of the City Of Durham Local Plan.

That the application CE/13/00542/CAC (Demolition of front boundary wall –retrospective) be **APPROVED** subject to the following conditions;

1. The approved scheme relating to the frontage works shown on drg. no. R2125-SK02B shall be fully implemented on site within 16 weeks of the date of this permission.

Reason: To ensure that a satisfactory form of development is obtained in accordance with saved policies E6, E15, E22 and T1 of the City Of Durham Local Plan and parts 7 and 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made 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
Emerging County Durham Plan
National Planning Policy Framework
Internal consultee responses



Planning Services

Development at 51 The Avenue, Durham, DH1 4EB
 4/13/00461/FPA - Two dormer windows to the rear
 and car parking area to front
 4/13/00542/CAC - Demolition of front boundary wall
 (retrospective)

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Comments

Date 14 January 2014

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COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICATION No: | CE/13/00792 |
| FULL APPLICATION DESCRIPTION: | Construction of new extensions to the north and east sides of building to provide additional student accommodation. |
| NAME OF APPLICANT: | Mr Robert Fulton |
| ADDRESS: | Ruth First House, Claypath, Durham, DH1 1QS |
| ELECTORAL DIVISION: | Elvet and Gilesgate |
| 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 City Conservation Area and relates to a large building wrapping around the street corner at the junction of Providence Row and Claypath. The locality is mixed in character with the upper part of Claypath predominantly Georgian, including a number of listed buildings, the upper part residential, the lower commercial. This is in contrast to Providence Row which includes Victorian terraced dwellings at the lower-end and larger modern developments within the upper-part. A significant level change exists on site, with the level falling away down Providence Row from Claypath, surrounding developments either follow this level change or are sited at a similar level to that of Claypath.
2. Planning permission is sought for the erection of extensions to the existing building, these would be in two separate elements. The first would be a 4 storey extension projecting off the existing northern elevation into an adjacent car parking/hard standing area. This extension would measure a maximum of 10.2m in length by 6.3m in width, while the pitched roof would have a maximum height of 13.2m from ground level. A smaller lean to extension would adjoin this larger extension measuring 6.6m in length by 2.4m in width, at a maximum height of 7m from ground level. Windows would be located on all three sides of the extension, while development would be constructed from brick with composite panel and bay window detailing.
3. The second element would be in the form of an extension to the east elevation on top of an existing flat roof part of the building. The extension would measure 6.8m in length by 7.2m in width and the pitched roof would have a height of 7.2m. Oriel windows would be located in the north and south elevation of this extension, restricting views to neighbouring properties. The proposed extensions would

increase the number of bedrooms across the building by 20, effectively creating a series of large HMO's within a Sui-Generis use class.

4. This application is being reported to committee on the request of Cllr Ormerod, the ward councillor for the area due to concerns regarding the proximity of the development to neighbouring residential properties, visual impact, amenity space provision, refuse provision, potential disruption during construction and lack of parking.

PLANNING HISTORY

5. Change of use from retail unit to form 1 no. three bedroom apartment within C4 (House in Multiple Occupation) use class with minor alterations to north and west elevations. Approved (10/00142/FPA)
6. Change of use of 2 no. office/retail units to 2 no. Houses of Multiple Occupation providing residential accommodation for students including external alterations to existing shop fronts. Approved (4/11/00474/FPA)

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. *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 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.
11. *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.

12. *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.
13. *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.

LOCAL PLAN POLICY:

14. *Saved Policy E6 (Durham City Conservation Area)* Sets out the Councils aim to preserve the especial character, appearance and setting of the Durham City Conservation Area by ensuring a high quality design
15. *Saved Policy E21 (Protection of the Historic Environment)* requires development proposals to minimise adverse impacts on significant features of historic interest.
16. *Saved Policy E22 (Conservation Areas)* Sets out that the Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials, where appropriate reflecting existing Architectural features.
17. *Saved Policy CC1 (City Centre)* Seeks to promote a mixture of uses within the City.
18. *Saved Policy H2 (New Housing within Durham City)* Sets out that within the development limits, new housing development will be permitted providing the development is located on previously developed land.
19. *Saved Policy H9 (Multiple Occupation/ Student Households)* Sets out that the sub-division or conversion of houses to HMO's or proposals to extend or alter HMO's should provide adequate parking, protect the amenities of neighbouring residents, have an appropriate scale/character and will not result in concentrations of dwellings to the detriment of the range and variety of local housing stock.
20. *Saved Policy H13 (Residential Areas)* seeks to protect the character, appearance and amenity of residential areas.
21. *Saved Policy Q1 (Design)* Sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
22. *Saved Policy Q8 (Residential Development)* Sets out the standards that new residential developments should comply with.
23. *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

24. *Saved Policy T10 (Parking Provision)* Seeks to limit the number of parking spaces as a property to encourage sustainable transport choices.

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://www.cartoplus.co.uk/durham/text/00cont.htm>

EMERGING POLICY:

25. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
26. *Policy 18 (Local Amenity)* Seeks to resist developments that will have a significant adverse impact on amenity as by way of noise: vibration, odour, light pollution, overlooking, visual intrusion, loss of light or loss of privacy.
27. *Policy 32 (Houses in Multiple Occupation and Student Accommodation)* sets out that in order to support a mixed and balanced community 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.
28. *Policy 44 (Historic Environment)* sets out that development which would lead to total loss of significance of a designated heritage asset will not be permitted unless the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by the benefit of bringing the site back into use.

The above represents a summary of those policies considered most relevant in the County Durham Plan the full text, criteria, and justifications of each may be accessed at:
<http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highways Authority* – Highlight that although no parking provision would be made for the development, given its location within Durham City controlled parking zone and its likely use, this is considered acceptable. However it is advised that any increase in occupancy would not be supported with an increase in parking permits.
30. *Northumbrian Water* – Offer no objections.

INTERNAL CONSULTEE RESPONSES:

31. *Environmental Health Section* – No response received.
32. *Design and Conservation Section* – Overall considers that the development offers the opportunity to improve the very prominent poor quality side elevation and yard area of Ruth First House which would therefore enhance the appearance of this part of the Conservation Area. The development is considered appropriate in terms of size, scale, form and design in relation to the host building and the modern character of this part of Claypath/Providence Row.
33. *Archaeology Section* – Advise that a condition requiring a written scheme of investigation should be submitted prior to work commencing.
34. *Ecology Section* – Advise that given the areas in front of the buildings consists of hardstandings, with limited foraging habitat and no direct habitat connectivity to river or woodland there is a minimal risk that bats would be affected, it is however recommended to attach an informative reminding the developer of their obligations under habitat legislation.

PUBLIC RESPONSES:

35. The development has been advertised by means of individual notification letters, site notice and press notice. In total 4 objections have been received in relation to the application, including from St Nicolas Community Forum and the City of Durham Trust as summarised below:-
 - Noise and disturbance generated by students
 - Reduction in amenity experienced by surrounding properties, including light loss and overbearing impact,
 - Noise pollution during construction,
 - Congestion during delivery of materials,
 - Over development of the site,
 - Lack of parking.

APPLICANTS STATEMENT:

36. The proposed development will utilise an unattractive hard standing area and will mask the existing development on site which is of poor quality when viewed from Providence Row. The scheme has been carefully designed to compliment the surrounding area and would result in a visual improvement in this part of the Conservation Area.
37. The accommodation would compliment the existing student accommodation provided on site, which is comprehensively managed. Additional provision would be made for bin stores to the rear of the site which would clear the frontage of the clutter associated with the storage and collection of waste.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MRGMA2BN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

38. 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 relate to the principle of development, visual amenity of surrounding area, amenity of adjacent land uses and highway safety. These issues are addressed in turn below.

Principle of development

39. The National Planning Policy Framework seeks to promote sustainable development and communities by concentrating development in urban locations, thereby reducing the need to travel due to proximity of infrastructure, employment sites and community facilities. This is also recognised more specifically at a local level in policy H9 of the Local Plan which sets out that the subdivision, conversion and extension of buildings to serve as HMO's or student accommodation will be considered acceptable in principle within Durham City.
40. In assessing the sustainability of the location of this proposed residential accommodation against the above policy context, it is considered that the site performs well. This is because the application site is located in a sustainable location, within a mixed use area and in close proximity to the centre of Durham City. Within the vicinity of the application site commercial properties, public buildings and amenities are located, future residents would therefore have ready access to these facilities without the need to utilise the private motor car.
41. In addition to sustainability objectives, the NPPF sets out that development should provide a range of housing types and sizes responding to the needs of all members of the community, including ensuring that there is a mix and range of housing available for different members of the community. Objections around this issue have been raised from St Nicolas Community Forum, who consider that there is an oversupply of student accommodation in the area which has an adverse impact.
42. Saved Policy H9 of the Local Plan seeks address this aiming to restrict concentrations of HMOs to preserve the range and variety of local housing stock and to ensure that a particular type of housing is not reduced to an unacceptable extent, while policy H13 also seeks to protect the character of residential areas. In appraising the application against this policy, it is recognised that there are significant concentrations of student populations in the immediate area. However the proposed development is for a new build/extension to an existing development occupied by students. It is also considered that this development is unlikely to be occupied by the wider community members due to the limited market demand of apartments, limited amenity space and lack of car parking.
43. This wider matter is also addressed in the emerging County Durham Plan, through policy 32. This policy sets out that in order to support a mixed and balanced community 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.

44. In considering this matter, it is noted that in the proximity of the application site there is a significant number of properties occupied by students, likely over the 10% threshold advocated within the policy. However in accordance with paragraph 216 of the NPPF, it is considered that only limited weight can be given to this policy given outstanding objections and the limited consultation held to date (policy 32 emerged in the latest draft of the local plan) and that the Pre-Submission Draft may be subject to change. It is therefore not considered sound to resist the application solely on the basis this policy, particularly as the proposals when assessed against saved policies of the Local Plan would be considered acceptable and are consistent with the NPPF. In this instance it is considered that relevant policies of the Local Plan still carry more weight than the County Durham Plan at this time.
45. Overall it is considered that the proposed development is located in a sustainable location and would not impact on the range of housing available within the wider area. Therefore in principle the development is considered acceptable subject to further detailed analysis of its impacts.

Impact on character and appearance of conservation area

46. The National Planning Policy Framework seeks to conserve or enhance heritage assets in a manner appropriate to their significance. In this instance the heritage asset can be identified as the Durham City Conservation Area, which saved policies E6, E21 and E22 of the Local Plan seek to preserve the setting, appearance and character of Conservation Areas. Special attention is also required to be given under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
47. In appraising the impact of the development on the character of the Conservation Area the advice of the Council's Design and Conservation Section has been sought. It is advised that Ruth First House is a large building visually dominant due to its siting and form, wrapping around the street corner at the junction of Providence Row and Claypath. The building is of 1960s construction, heavily altered mainly when it changed use from retail and offices to accommodation, on the northern side (rear) of the building an unattractive hard standing area is located bordered by brick walls with a retaining wall to the rear. This area is currently used for car parking and bin storage with stairs providing fire escape access to Ruth First House. Overall the Design and Conservation Section consider that this building is of little historic or architectural merit and makes a neutral impact on the significance of this part of the Conservation Area.
48. In terms of the visual impact of the development, it is considered that it would be viewed as part of the transition point at the top-end of the street where larger modern buildings, such as the BT Exchange, Claypath Court and Finney Court are sited. The Conservation Officer advises that the proposed development would be in keeping with the scale and character of these surroundings buildings, while also being viewed as an appropriate subservient extension to the main building. The development would also have the added benefit of masking the poor quality north facing elevation of Ruth First House and result in the loss of the unattractive hard standing area/bin store, providing a positive enhancement of the street scene.
49. The development also has no impact upon the character or setting of any of the historic/listed buildings within Claypath/Providence Row and it would not affect any views of the World Heritage Site. Although it would be visible from some public

vantage points along the street frontage of Claypath it would be stepped in from the existing building line which would lessen its visual impact while the linear form of the street would be continued by the proposed front wall and railings which is appropriate.

50. With regards to the scale and design, the proposed extension, although large, is considered a subservient addition to the existing building. Its visual massing is also successfully broken up with the front elevation stepping down from the existing building and by the stair tower and main accommodation block being subservient to each other. The rear extension also steps in from the side building line and from the side they read as two separate elements with the gable dominant in views looking up the street. The proposed bay windows with infill centre panels, the window proportions matching the existing building, the cladding wall panels, artstone string course and timber barge boards are all appropriate detailing within the conservation area.
51. Overall it is considered that the proposed development will have a positive impact on the conservation area in this location in accordance with policies E6, E21 and E22 of the Durham City Local Plan. It is however considered appropriate to attach conditions requiring details of materials to be used and full window details on any approval.

Residential Amenity

52. Policy H9 of the Local Plan sets out that conversion or extension of properties for student accommodation/HMO's will only be permitted where they protect the amenity of neighbouring residents and there is adequate amenity areas provided at the property. The policy clarifies this by stating that adverse effects on the amenities of other occupants include noise disturbance and infringement of privacy. In addition to this policy Q8 of the Local Plan requires new residential developments to protect the amenities of adjacent land users by setting out a number of guideline separation distances for new developments. This includes a 21m buffer between windows of habitable rooms, 13m between a habitable room window and a two storey gable and 6m between a window and a single storey gable. Although these separation distances are aimed at new build housing developments, they are considered appropriate in this instance to act as a guideline.
53. In appraising the impact of the development against the above policy context it is considered that there are a number of neighbouring developments that would be impacted upon to varying degrees by different parts of the development, including Finney Court, Claypath Court and the rear of 38-40 Claypath. The impact on these different developments is assessed below in turn.

Finney Court

54. To the north west the existing modern development of Finney Court is located, this 3 to 4 storey development was constructed in 2007 and directly abuts the application site at its most southern point. A number of habitable room windows serving different apartments overlook the existing hardstanding area to the rear of Ruth First House.
55. The proposal would be in close proximity to the development of Finney Court, at it's closest approximately 8.5m. However there is a significant level change between the two sites, with the ground floor of Finney Court being elevated approximately 5m above the lower ground floor of the proposal at its most extreme point. This means that the ground floor of Finney Court would look out onto the roof plane of the closest

element of the scheme at a distance of 8.5m, representative of looking out onto a single storey extension. The next block of development, the main body of the extension, would be sited approximately 11m from the habitable room windows of Finney Court, again given the level changes on site, this would be representative of a window looking out onto a 2 ½ storey elevation. Although the level changes reduce the impact of the development, a loss of amenity would arise for residents of the ground floor apartment of Finney Court overlooking the application site in terms of an overbearing effect, loss of outlook and daylight.

56. In appraising this impact in more detail, the development site has been viewed from inside this ground floor apartment which is split over two levels. The bedroom and bathroom of the unit are situated at a higher level, directly overlooking the application site and a living area and second bedroom at a lower level, overlooking an amenity strip. The principal impact of the development would therefore be on the higher level bedroom, however this room already experiences a limited outlook due to vegetation growing in a buffer strip between the two developments and the proximity of the rear service yard. The room also currently experiences a loss of privacy due to the location of an external stair access on Ruth First House. This results in requiring either the blinds or curtains drawn on a regular basis to preserve levels of privacy. On balance, it is therefore considered that given the existing situation and the layout of the apartment a reduction in the level of amenity would not be significant and would not justify refusal of the application solely on this basis, giving weight to the benefits of removing the unsightly bin storage and hardstanding area..
57. Views could be achievable back towards the development of Finney Court from the extension above the flat roofed element. However in order to mitigate this it is proposed that the windows would have angled frames, directed away from Finney Court to prevent views, this approach is considered acceptable and would protect the amenity of neighbours in this respect.

Claypath Court

58. To the west (front) of the proposal, the residential development of Claypath Court is located, this comprises a 4 and 5 storey building containing a number of apartments occupied as either sheltered accommodation or retirement housing for older persons. The proposed development would be located a minimum of 14m away from Claypath Court, below the 21m guideline for main facing elevations in the local plan. Objections have been raised regarding this separation distance and the potential impact on existing occupants.
59. However Claypath Court and the development site do not lie parallel to each other, while the facing elevation of Claypath Court is irregular with a number of set backs and recesses breaking up the building. This means that the 14m separation distance is only evident between certain elements of the scheme while also being similar to the existing relationship between the existing development of Ruth First House and Claypath Court. The scheme also proposes to insert a composite panel in the front portion of the bay detailing on the front elevation, this would have the effect of restricting forward views to Claypath Court, reducing any potential loss of privacy. Providence Row is also a busy thoroughfare with ready views into some of the apartments of Claypath Court.
60. While there would be a loss of outlook experienced from the apartments of Claypath Court, this needs to be balanced against the improvements to the existing situation, removing the unsightly bin storage and hardstanding area.

38-40 Claypath

61. To the north of the application site the rear of 38-40 Claypath is located, this consists of a number of two and three storey terraced properties which look back over the development of Ruth First House. The proposed extension above the existing flat roof development would be visible from these properties at a minimum separation distance of approximately 10.3m.
62. However the bulk of the proposal would be offset from the direct view of no.38 Claypath due to the orientation of the building and the incorporation of a lean-to style roof. An existing large conifer hedge would also largely screen the development, while the existing building of Ruth First House also has an established impact. It is also proposed that oriel windows that would face back into Ruth First House protecting the privacy of these adjacent residents.
63. Objections have been received regarding potential noise generated from the development as it would likely be occupied by students. However this use has been established in the premises, while the development is also sited in a town centre location with established noise and disturbance, a significant loss of amenity is therefore not expected to arise in this respect. The potential does exist for a degree of disturbance to be created during the construction phase, given the proximity of residential properties. It is therefore recommended that a condition be attached to any approval limiting hours of construction and controlling construction methods and noisy operations.
64. Limited amenity space would be provided for future residents of the units, similar to the existing situation. This however is also considered acceptable given the town centre location and availability of public amenity areas in the vicinity of the site. Provision would also be provided for cycle and bin storage within the development.
65. Overall it is considered that the proposed development would have an impact on the levels of privacy and amenity experienced by neighbouring developments. However on balance any reduction is not considered to adversely affect the amenity of neighbouring residents to a degree that should lead to refusal of planning permission, partially considering the benefits of removing the unsightly bin storage and hardstanding area. It is therefore considered that the proposal complies with policies H9, H13 and Q8 of the Durham City Local Plan in this respect.

Highway Safety

66. Saved policies H9 and T1 of the Durham City Local Plan require that all developments protect highway safety and provide sufficient off street car parking, particularly in relation to HMO's.
67. As part of the consideration of this application, a consultation exercise has been held with the council's highway officer, who offers no objections to the scheme, despite the lack of car parking. This is because the building is located within Durham City controlled parking zone where car parking is restricted to metered bays or permits. It is however advised that any increase in occupancy of the building would not be supported with an increase in parking permits. The property is also located in an accessible location while it is highly likely that the building would be occupied by students, who generally have a lower car ownership than general households. The scheme is therefore considered to comply with policies T1 and H9 of the Local Plan.

68. Concerns have been raised regarding the storage and location of building materials given the constraints of the site. However officers consider that it would be technically feasible to store materials on site, while it would be an offence to store building materials on the adjacent highway. Basically, this is a matter for the developer to resolve.

Other Issues

69. 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 given the good condition of the building, the limited alteration to roof voids and the urban environment with limited connectivity links to the river or woodlands, it is considered unlikely that the granting of Planning Permission would constitute a breach of the Conservation Habitats, & Species Regulations 2010 (as amended) as advised by the Ecology Section. It is however recommended to attach an informative reminding the developer of their obligations under habitat legislation.
70. Limited information has been submitted in relation to the drainage from the development site, however it is indicated that the development would use existing connections to Northumbria Water infrastructure, who raise no objection to this. Given that this matter will be picked up through the Building regulations regime, it is not considered necessary in this instance to further control this matter.
71. Given the site's location within the Conservation Area and proximity to historic streets the Council's Archaeology Section recommend that a condition requiring a scheme of archaeology recording and monitoring be submitted before development commences.

CONCLUSION

72. The proposed scheme has been considered against the policy documents identified above. The principle of the development is considered acceptable being located within the settlement limits of the City of Durham, in a sustainable location, commensurate with existing student developments in this location
73. The scheme is considered appropriate in terms of impact upon the Durham City Centre Conservation Area as the development would improve the prominent poor quality side elevation of the existing building, appropriate in size, scale, form and design
74. Although the development would have an impact on the amenity and privacy of surrounding developments, on balance this impact is not considered to be significant in this instance to warrant refusal of the scheme, particularly considering the enhancement of Durham City Conservation Area in this location.
75. The development would not have an adverse impact on highway safety or any ecology interests. There are no material planning considerations which indicate a decision should be otherwise, and therefore the application is recommended for approval

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

Proposed Ground Floor Plans, Ref 12057 P-11, Rev C, Received 7th November 2013
Proposed 1st and 2nd Floor Plans, Ref 12057 P-12, Rev C, Received 7th November 2013

Proposed Elevations, Ref 12057 P-13, Rev C, Received 7th November 2013

Reason – To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies E6, E21, E22, CC1, H2, H9, Q1, Q8, T1, T10 of the Durham City Local Plan

3. Notwithstanding any details of materials submitted with the application, no development shall commence until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that a satisfactory form of development is obtained in the interests of visual amenity of the Durham City Conservation Area accordance with the provisions of policies E6, E21, E22 and Q8 of the Durham City Local Plan.

4. Notwithstanding the submitted information, details (including cross-sections), materials and colour of all windows, (including bay and oriel windows) shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved commences. The development shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory form of development is obtained in accordance with policies E6, E21, E22 and Q8 of the Durham City Local Plan.

5. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

6. Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment and a scheme of dust suppression shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works.

Reason: In order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

7. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation and monitoring has been submitted to and approved in writing by the Local Planning Authority to detail:
- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii) Post-fieldwork methodologies for assessment and analyses.
 - iv) Methodologies for a programme of building record, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
 - v) Report content and arrangements for dissemination, and publication proposals.
 - vi) Archive preparation and deposition with recognised repositories.
 - vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - viii) Monitoring arrangements, for the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Prior to first occupation of any property a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited with the Local Planning Authority.

Reason: To comply with Policy E24 of the former Durham City Local Plan to safeguard any archaeological interest of the site and ensure that the information gathered is publically available, in accordance with paragraph 141 of the National Planning Policy Framework

STATEMENT OF PROACTIVE ENGAGEMENT

76. In dealing with the application, the local planning authority has taken a pragmatic approach in appraising the suitability of the scheme seeking to offer solutions to potential problems and concerns in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Application file, including historic applications,
Consultation responses,
Objections Received,
The City of Durham Local Plan 2004,
The National Planning Policy Framework (NPPF)
The County Durham Plan, Pre Submission Version



Application Site



Planning Services

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Comments

Date 12th December 2013

Scale 1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|------------------------------|--------------------------------------------------------------------------|
| 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 |

DESCRIPTION OF THE SITE AND PROPOSAL

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. As part of the application process the car parking to the properties adjacent to the northern boundary has been amended slightly through a repositioning of house types, in order to allow the creation of larger front gardens and to avoid a mass of hard standing to the frontage of this part of the development. In relation to the southern boundary this has also been amended with the properties set back from Burnhope Way with gardens now facing onto gardens. To the frontage adjacent to Burnhope Way this would be left mainly open with a landscaped area and footpath linkage through the estate. Only a small section of close boarded fencing is now proposed to the Burnhope Way frontage to Plots 51 and 58.
6. The application is brought before members as due to the scale of the works it is classed as a major development.

PLANNING HISTORY

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.

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. 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.

11. 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.
12. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. Part 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

15. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
16. Policy 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.
17. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
18. 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.
19. 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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. Town Council- no comments
21. Environment Agency- Raises no objections to the scheme subject to agreement from Northumbrian Water
22. Northumbrian Water- Request that the Floor Risk Assessment is conditioned as part of any approval at the site.
23. Police Architectural Liaison Officer- stresses the importance of Secure by Design.
24. Natural England- no response.
25. National Health Service- No comments
26. Coal Authority- no comments

INTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

37. 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

38. 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.
39. 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.
40. 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 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 sites 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 issue 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

PLANNING CONSIDERATION AND ASSESSMENT

41. 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.
42. 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

43. 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.
44. 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.
45. 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.
46. 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

47. 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. 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. As previously noted as part of the application process amendments have been made to the southern boundaries and the properties have been pulled away from the boundary with Burnhope Way. This would help to soften the appearance of the development on the approach into Peterlee and provide an attractive entrance to the town. Within the estate properties have been handed and altered position slightly in order to achieve views through the development and to create adequate front garden areas. This has led to a reduction in the number of visitor car parking spaces within the development, however the Highways Authority have raised no objections and state that the reduced number is still in accordance with the Durham County Council parking standards.
49. 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.

CONCLUSION

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.

RECOMMENDATION AND CONDITIONS

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 F, 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 dated 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.

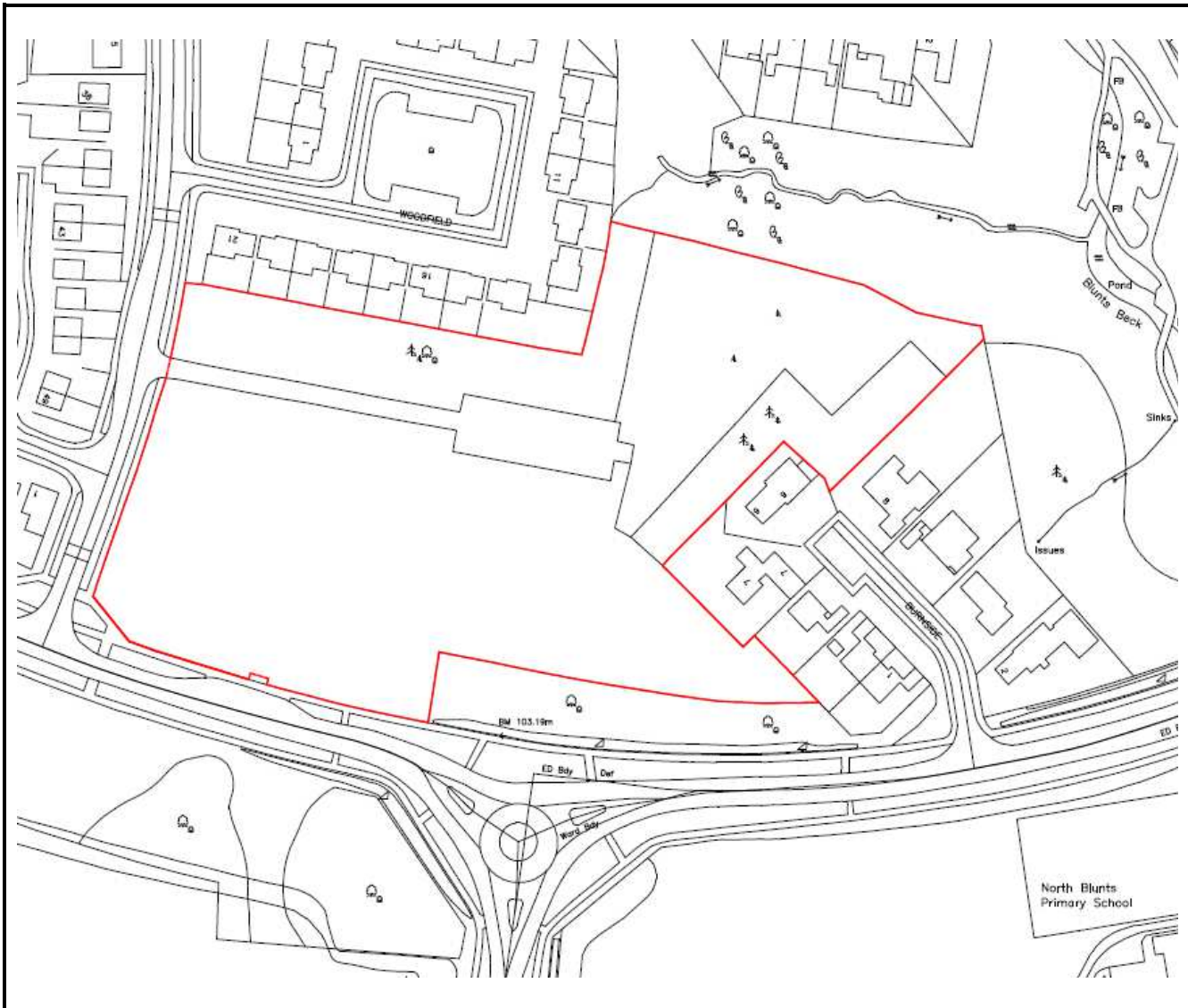
Reason: In the interests of the residential amenity of the area and to comply with Policies 1 and 35 of the Easington Local Plan.

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

BACKGROUND PAPERS

- Submitted Application Forms 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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COMMITTEE REPORT

APPLICATION DETAILS

| | |
|-------------------------------|------------------------------------------------------------------------------------------------------------------|
| APPLICATION NO: | CE/13/01300/FPA |
| FULL APPLICATION DESCRIPTION: | Groundworks and associated landscaping |
| NAME OF APPLICANT: | Peveril Securities (Dalton Park Retail) Ltd |
| ADDRESS: | Land at Dalton Park, Murton, SR7 9HU |
| ELECTORAL DIVISION: | Murton |
| CASE OFFICER: | Barry Gavillet, barry.gavillet@durham.gov.uk , 03000 261958 |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is to the south of the built up area of Dalton Park and is located directly to the east of Murton, approximately 3 miles south west of Seaham and 5 miles north of Peterlee. The site is in close proximity to Hesledon Moor East, Hesledon Moor West, Stoney Cut Cold Hesledon and Hawthorne Dene Sites of Special Scientific Interest (SSSI).
2. The site, which is currently used as parkland and informal recreation involves a series of manmade earth mounds. These existing mounds were the subject of a major earth works remediation scheme in 2000 as part of the phase 1 development works at Dalton Park. The majority of the earth removal (over half a million cubic metres) was to facilitate the future phase two works, however in order to protect the substrate a sacrificial layer of material was retained over the whole of the phase two area.
3. The whole Dalton Park site area extends to 10.3 ha (25.4 acres) of previously developed land, formerly used as a site for the siting of colliery waste and other related activities. The site is occupied by an Outlet Shopping Park, restaurants and associated car parking, which comprises 15,164 sq m of retail floorspace with over 80 outlets ranging from 67 sq m to 1020 sq m. Outline planning permission has recently been granted for a foodstore, hotel, cinema, food and drink units and a petrol filling station on the phase two area to the north of this application site.

Proposal:

4. As part of the Phase II development at Dalton Park it is necessary to form a development plateau for the foodstore, hotel, cinema and food and drink units. In order to create this plateau a large amount of existing material will need to be

relocated to create a stable development area. These proposals involve the relocation of extracted material to areas of existing landscaping mounds to the south east corner of the wider Dalton Park site.

5. Planning permission was granted in July 2013 for the relocation of a portion of this material to existing mounding and landscape areas adjacent to the current application area. The previous application suggested that there was a surplus of material and consideration was being given to where additional material could be accommodated. Moreover, at the time of the previous application the amount of additional material excavation required was unknown.
6. A proportion of this material is proposed to be distributed within the area of the site currently subject to the reserved matters application. It is proposed that the remainder would overlay existing landscaping mounds and this is the basis for this application.
7. The existing mounds which would be remodelled sit outside the profile of larger landscaping mounds at the southern boundary of the site. The mounds to which this application relates are 94 metres and 103 metres. By overlaying the ground material it would increase the mounds by 18 metres and 24.5 metres to 112 metres and 127.5 metres respectively.
8. This application is being reported to committee as the site area of land over which the material is to be distributed classifies it as a major development.

PLANNING HISTORY

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

12. The factory outlet shopping element of the scheme which was initially meant to financially anchor the leisure developments was commenced and has been on site for some ten years; however the leisure developments of the approval were never commenced.
13. Since then, the applicant has successfully argued that a further food store was needed to anchor some of the leisure developments which were previously proposed. Hence an outline planning permission for a food store, hotel, cinema, food and drink units and a petrol filling station has recently been approved. Further to this, the application for reserved matters and various other related applications have been submitted but are still pending decisions.

PLANNING POLICY

NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

16. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
17. *Part 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.
18. *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.
19. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
20. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity

where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

District of Easington Local Plan

21. *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.
22. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
23. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
24. *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.
25. *Policy 90* - Development resulting in the loss of outdoor sports facilities will not be approved unless it would enable enhancement of the remaining land, alternative provision of equal or enhanced benefit is provided, development involves provision of new related outdoor facilities and there is an excess of such facilities in the area.
26. *Policy 92* - Amenity open space will be protected unless development would enable enhancement of the remaining play space or alternative provision of equal or enhanced benefit is provided.

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

EMERGING POLICY:

27. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:

28. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
29. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
30. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
31. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
32. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
33. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. The Environment Agency has no objections to the proposals but has given informal advice and requested conditions relating to controlled waters as the site is underlain by the magnesian limestone principal aquifer.
35. Northumbrian Water does not object but offer informal advice to the applicant. They advise that a public sewer crosses the site and may be affected and hence diversion, relocation or protection measures may be required.

INTERNAL CONSULTEE RESPONSES:

36. Pollution control officers have no concerns regarding any noise, odour or light issues.
37. Ecology officers have no objections to the proposals. However, officers have some concerns regarding the proposed landscaping scheme as it would have low ecological value. As such a landscaping condition has been suggested that would ensure a landscaping scheme of ecological benefit.
38. Landscape officers have not objected to the proposals in principle but have raised some concerns regarding the height and form of the new land formations.

PUBLIC RESPONSES:

39. The application has been advertised by way of individual letters, a press notice and site notice. No responses have been received as a result of this consultation exercise.

APPLICANTS STATEMENT:

40. The proposed works are required to relocate material extracted from the area of the foodstore and hotel under planning permission (LPA Ref: PL/5/2009/0548 as amended) to the adjoining land (application site). This is the most appropriate and sustainable way to deal with the redistribution of the material and does not give rise to adverse consequences.
41. Planning permission was granted in July 2013 (LPA ref: PL/5/2013/0202) for the relocation of a portion of this material to existing mounding and landscape areas adjacent to the current application area. The previous application acknowledged that there was a surplus of material and consideration was being given to where this material could be accommodated. In addition, at the time of the previous application the material excavation for drainage and foundation analysis was unknown.
42. A portion of the material will be distributed within the area of the site currently subject to a Reserved Matters application (LPA ref: PL/5/2013/0230) which is pertinent to the extant outline planning permission as amended.
43. The remainder, will overlay existing landscaping mounds (approved as part of planning permission LPA ref: HIST/1998/0385) which form part of this application.
44. The existing mounds to be remodelled sit outside the profile of larger landscaping mounds at the southern boundary of the site. The mounds to which this application relates are 94.00m and 103.00m. By overlaying the ground material it will increase the mounds by 18.00m and 24.50m to 112.00m and 127.00m respectively.
45. The landscaping for the remodelled areas will include "dry meadow" wildflower seed and grass, as agreed for the previous ground modelling application (LPA ref: PL/5/2013/0202). The Landscape Statement which supports this application sets out the dry meadow grass specification.
46. The "dry meadow" flower seed and grass will grow quickly which is evident from Phase 1 factory outlet development. The Landscape Statement includes a photograph taken in August 2003 which shows that the site was 'green' between 6 to 9 months after the planting and seeding had taken place.
47. The proposed works match the existing landscaping form and provide further screening to the development.
48. The proposals do not give rise to any effects in terms of ecology, flood risk or contamination.
49. This proposal is an integral part of the regeneration of the commercial development (Phase 2) at Dalton Park.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

51. In this instance the main relevant considerations are the impact on the landscape, contaminated land issues and ecology.

Impact on landscape

52. This application site is not within an area, or close to an area that has been designated for its landscape value. The proposed works are within an area which is currently used as parkland and informal recreation and involves a series of manmade earth mounds. These existing mounds were the subject of a major earth works remediation scheme in 2000 as part of the phase 1 development works at Dalton Park.

53. This application proposes that part of the spoil from the development which has outline approval would be deposited on the existing landscaped spoil from the original Dalton Park development. It is proposed to regrade and reprofile the existing landscaping, increasing the height of the two earthworks mounds by 18 metres and 24.5 metres. Although the landscape officer has some concerns relating to the height of the mounds, and that they do not reflect the East Durham landscape generally, no objections have been put forward on landscape grounds. The applicant has responded to these concerns stating that the proposed gradients are almost identical to those recently approved adjacent to this application site and would be barely visible in views from the north and south. In addition to this, conditions have been suggested which would ensure that an agreed landscaping scheme is implemented. Such a landscaping scheme would include details of an appropriate planting scheme to be agreed with landscape officers and ecologists.

54. Furthermore, it is considered that further landscape mounding would help screen the built development within Dalton Park from both residents of the nearby East Moor Estate and from users of the A19, whilst using the material on site rather than transporting it elsewhere is seen as a more sustainable solution which would not harm the viability of the scheme, and indeed would save the costs of off-site disposal.

55. Overall, although it is accepted that there would inevitably be some short term disturbance, it is not considered that the remodeling of the existing mounds in order to accommodate the material from the site of phase 2 would have an adverse impact on the immediate or wider landscape given the height of existing mounds adjacent to this application site which are of similar size and the suggested landscaping conditions. Therefore it is considered that the proposals are in accordance with saved policies 1 and 35 of the District of Easington Local Plan and parts 7 and 11 of the National Planning Policy Framework.

Contaminated Land Issues

56. A number of potentially contaminative land uses have previously been undertaken within the site boundary including coke ovens and associated gasworks wastes, colliery spoil heaps and mineral railways, the site itself was a former landfill site. The environmental setting of the site is considered to be sensitive given the presence of a culverted watercourse running through the site combined with the fact that the site falls within the zone of a public water supply and is underlain by the Magnesian Limestone principal aquifer.
57. The Environment Agency have stated that further evidence is required to ensure that the material to be moved across to the site from the Phase 2 development site is suitable for use and will not pose an unacceptable risk to controlled waters.
58. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
59. The Environment Agency have no objections in principle to the proposals as submitted, however, the risks posed by the material to be moved across from the Phase 2 development area to controlled waters are still being assessed. Notwithstanding this, they state that the proposed development is unlikely to increase the risk of contamination to the culverted surface water or underlying groundwater. Numerous reports relating to the Dalton Park site and proposed works have been previously assessed. Following the review of these reports, the Environment Agency consider that planning permission can be granted for the proposed development as submitted subject to a number of conditions.
60. It is considered that subject to these suggested conditions that the proposals would have no adverse impacts in terms of contaminated land or controlled waters and would be in accordance with part 11 of the National Planning Policy Framework.

Ecology

61. This application site is in close proximity to Hesledon Moor East, Hesledon Moor West, Stoney Cut Cold Hesledon and Hawthorn Dene Sites of Special Scientific Interest (SSSI).
62. Ecology officers have no objections to the proposals in principle but are concerned about the landscaping proposals submitted. Therefore it is advised that an alternative new landscaping scheme would present an opportunity to create Durham Biodiversity Action Plan Priority Species and Habitats such as a low grassland sward suitable for Dingy Skipper butterflies. As such it is suggested that a suitable landscaping scheme is conditioned should the application be approved.
63. In light of the above it is not considered that the proposals would have any adverse impact on biodiversity or habitats and would be in accordance with saved District of Easington Local Plan policy 18 and part 11 of the NPPF both of which seek to enhance and protect the natural environment.

CONCLUSION

64. It is considered that these proposals would enable the recently approved second phase of Dalton Park to proceed without delay and would serve to ensure that the jobs and regeneration benefits that the approved development would bring about are secured.
65. As concluded in the report it is considered that the proposals would not have any significant adverse impact on either the surrounding landscape or ecology that would warrant refusal of planning permission.
66. Therefore it is considered that the application is in accordance with both saved District of Easington Local Plan Policies, National Planning Policy Framework and emerging policies in the County Durham Plan which has a presumption in favour of sustainable development and which seeks to secure economic growth in order to create jobs and prosperity.

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 References; Earth Mounding – Additional area – Site Location Plan AL(D)108, Additional Stockpile Mounding Sections 99334/2006 rev B, Additional Stockpile Mounding 99334/2005 Rev B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan and parts 7, 8 10 and 11 of the NPPF.

3. No development shall commence until a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local planning authority. No tree or shrub shall be removed until the landscape scheme, including any replacement tree and shrub planting, is approved as above. The landscape scheme shall include accurate plan based details of the following:

- The existing distribution of trees and shrubs: annotated on plan and schedule to show quantities, species, size, vigour & growth characteristics.
- Groups & species, or percentages of groups and species, scheduled for retention or translocation.
- Details including planting, species, sizes, layout, densities, numbers.
- Details of planting and translocation procedures or specification.
- Finished subsoil, topsoil & manure levels, depths, distribution and specification details

- Grass & wildflower seeded areas, varieties, percentages & rates of application.
- Details of seat design and reinstated paths profile.
- 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 phase of works.

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

4. All planting, seeding and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting & seeding seasons following the practical completion of the bulk material spreading exercise. Any trees, shrubs or seeded areas that die or fail to flourish are removed within a period of 5 years from the practical completion of the scheme shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.

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

5. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not harm controlled waters in accordance with part 11 of the National Planning Policy Framework.

6. The application site shall not be made open to the public until a verification report, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, shall be submitted to and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any

plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the development does not harm controlled waters in accordance with part 11 of the National Planning Policy Framework.

7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the development does not harm controlled waters in accordance with part 11 of the National Planning Policy Framework.

8. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours to 1800 hours Mondays to Fridays (excluding bank holidays) and 0800 hours to 1300 hours on Saturdays.

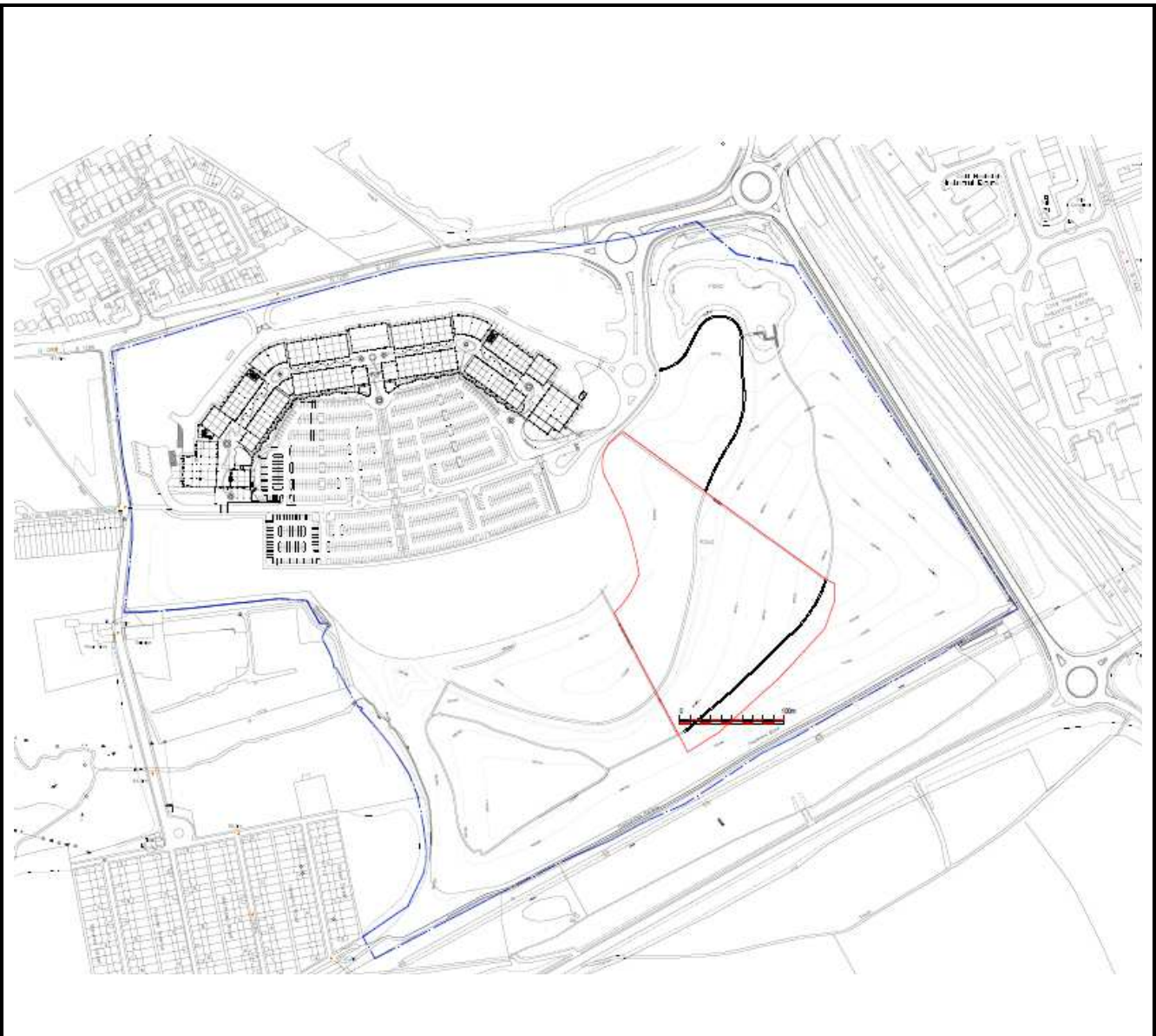
Reason: In the interests of residential amenity and to comply with saved policies 1 and 35 of the District of Easington Local Plan.


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

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- District of Easington Local Plan 2001
- National Planning Policy Framework
- County Durham Plan Preferred Options
- Consultation Responses



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|  <p>Planning Services</p> | <p>Proposed Groundworks and Landscaping at Dalton Park, Murton</p> | |
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| | <p>Date January 2014</p> | |