



Area Planning Committee (Central and East)

Date Tuesday 11 March 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 11 February 2014 (Pages 1 - 8)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/13/01449/OUT - Land at 10 Redhills Lane, Durham, DH1 4AJ (Pages 9 - 18)
Erection of dwelling with integral garage (outline) (description amended 25/02/14).
 - b) 4/13/01450/FPA - 10 Redhills Lane, Durham, DH1 4AJ (Pages 19 - 28)
Erection of a two storey side and rear extension, rendering to side elevation, new boundary wall to frontage and erection of new boundary fence.
 - c) CE/13/01551/FPA - Land to the rear of Peterlee Post Office, Yoden Way, Peterlee, Co. Durham (Pages 29 - 34)
Siting of cabin accommodation for recycled clothing (retrospective).

- d) CE/13/01568/OUT - Land to the South of Wellfield Road, Wingate
(Pages 35 - 60)
Residential development comprising 161 dwellings including details of access (outline/resubmission).
 - e) CE/13/01569/FPA - Land to the South of Wellfield Road, Wingate
(Pages 61 - 70)
Provision of new and improved green infrastructure including hedge and hedge bank creation.
 - f) CE/13/01651/OUT - Land To The North Of Willowtree Avenue, Gilesgate Moor (Pages 71 - 90)
Outline application for residential development of maximum of 49 units with all detailed matters reserved except access (revised and resubmitted).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

3 March 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

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 11 February 2014 at 1.00 pm**

Present:

Councillor P Taylor in the Chair

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, D Freeman, C Kay, A Laing (Vice-Chairman), J Lethbridge, B Moir, J Robinson, R Lumsdon and I Jewell (substitute for M Davinson)

1 Apologies for Absence

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

2 Substitute Members

Councillor G Holland substituted for Councillor D Freeman and Councillor A Turner substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meeting held on 14 January 2014 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

The Solicitor advised that in respect of item 5d, Councillor Conway was detailed in the report as having called the application up to committee due to matters relating to the amenity of occupiers of the residential area opposite the site.

Councillor Conway would be permitted to take full part in consideration of that application if he had only been representing local residents but was open minded to the application. Alternatively, should Councillor Conway have formed an express view on the application in advance of the Committee meeting, then he would not be permitted to be involved in consideration of the application.

Councillor Conway clarified that he had only represented local residents and confirmed that he was open minded to the application. As such he would take full part in consideration of the application.

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

5a CE/13/01085/OUT – Land North of Windsor Drive, South Hetton, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for an outline residential development (80 houses) at land north of Windsor Drive, South Hetton, Durham (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. Members were reminded that the application before them related only to access proposals.

Councillor R Todd, local Member, addressed the Committee. He advised that his only concern regarding the application related to highway issues. The access to the development site would be from the A182 which already had issues relating to speeding and traffic control. Although measures had already been taken to address those issues, Councillor Todd advised a report was awaited which would establish any potential further measures which could be taken.

The Committee were advised that there was a cluster of retail properties where the access road met the A182 and those premises had extended opening hours which meant they did not close until late in the evening. Vehicles visiting those premises tended to park right on a bend on the highway, thus narrowing the area for moving vehicles to pass. As such highway safety was already compromised in that area and those issues would be exacerbated by the proposed access as detailed in the application. Councillor Todd advised that the Parish Council shared the same concerns as he had

The Highways Officer clarified that although the concerns regarding the highway issues were acknowledged, the Highways Authority was mindful that at the existing junction there were no records of any collisions during the last three years.

In relation to the parking issues, the Highways Officer advised that there were no records of any accidents in the Windsor Drive area and the Highways Authority considered there to be good traffic calming in that area.

As such the amended proposals as detailed within the application were considered acceptable. The Committee were advised that there had been a suggestion from the applicant of an alternative access point, however the proposed width of just 4m had not been considered acceptable by the Highways Authority. The current access proposals allowed for a 5.5m road which, by County Council standards, was deemed sufficient to accommodate a site of up to 300 dwellings.

Councillor Moir referred to the plans for the access and the proposed parking bays which would line the access road. He felt the positioning of those bays and the access and egress to the proposed estate, would be reliant on good driving skills from anyone using them. There was a potential that any bad parking in those bays could impinge on the access road.

In response, the Highways Officer clarified that the bays would be of standard measurements and so were considered acceptable.

Councillor Bell believed the application would be an opportunity to tidy up the appearance of land at the site which those on the site visit earlier that day, had witnessed was currently in an unpleasant condition. Therefore seconded by Councillor Laing, Councillor Bell moved approval of the application.

Resolved:

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

5b CE/13/01554/FPA – Land North of Dunelm Road and A181, Thornley, Co Durham

The Committee considered a report of the Senior Planning Officer regarding an application for 28 no. affordable dwellings and 6 no. dwellings including landscaping and access at land north of Dunelm Road and A181, Thornley, Co Durham (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. The Committee were advised of the following alterations to the recommended conditions:

- Landscape Plan (ref: R/1508/1A), Layout Plan (Ref: 120-001 Rev M) and Junction Plan (ref: 3983-C-D9-01 Rev A) to be included in condition 2.
- Condition relating to archaeology work to be included
- Condition 7 to be amended and should now read: *The submitted junction plan (ref: 3983-C-D9-01 Rev A) which details the highway verge improvements to the A181 shall be fully completed prior to the occupation of the first dwelling.*

Further to a query which had arisen on the site visit earlier that day, Members were also advised that the mast which was located at the application site, was an Orange Telecoms mast.

Mr Stokoe, local resident, addressed the Committee. He lived next door to the application site and though one of the main qualities of the proposed site was the views of the surrounding area, Mr Stokoe advised that he would lose the views he currently enjoyed should the application be approved.

Members were advised that the local Parish Council were opposed to the application and Mr Stokoe queried why the strength of their objections were not fully detailed within the officers report. Furthermore he questioned the number of letters which had been received by the Planning Authority, believing there to have been more than the 4 detailed in the report.

Mr Stokoe advised that the owner of the site did not live in the village and so was not concerned with the fragmented appearance of the location. Although the officers report suggested that the development would give a balanced entrance to the village, Mr Stokoe disagreed that this appearance was necessary.

Members were advised that there were numerous vacant properties within the village as there was not a demand for further social housing in that area. Furthermore, there were already 2 other sites identified in the village for future development and Mr Stokoe feared that should the current application be approved, there would be no need for the other sites to be progressed in the future. One of those sites had been ripe for development for years and had used to hold 120 dwellings which had been subsequently demolished.

In relation to the other site (H75: Dunelm Stables), Mr Stokoe highlighted that the officers report suggested it would be delivered within 6-10 years. He disagreed, advising that the covenant which currently restricted development of that site, was due to be removed in the coming months and so the site would be ready for development in the short term.

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

- Parish Council Objections – The Committee was advised that the objections from the Parish Council mirrored the objections from residents and so were adequately covered within the report
- Balance Of Site – The Senior Planning Officer referred to the plans for the development which he believed demonstrated a balanced appearance to the entrance to the village
- Vacant properties – Members were advised that the development would be partially funded with a subsidy from the Homes and Communities Agency, as such development had to commence by the end of March 2014
- Other Development Sites – The two other development sites within the village were still to be allocated in the emerging County Durham Plan. Planning Policy had confirmed that development of the current site would not compromise development of the other 2 sites.

Mr A Willis, agent for the applicant, addressed the Committee. He endorsed the contents of the officers report and took the opportunity to emphasise several key points.

Members were advised that 28 affordable dwellings would be provided on the site which he considered to be a substantial proportion of the recommended number which should be provided in accordance with the Strategic Housing Market

Assessment. Mr Willis stressed that the delivery of this site would not jeopardise delivery of any other earmarked sites within the village.

In respect of the landscaping and visual effect of the site, Mr Willis advised that in designing the site the applicant was keen to create an acceptable landscape impact. As such the hedge surrounding the site at present was considered a significant attribute and so would be retained as part of the development.

In response to queries from Councillor Conway, the Senior Planning Officer clarified the level of importance which should be levied on the various planning documents – the NPPF, the emerging County Durham Plan and the saved Local Plan Policies. The Senior Planning Officer also reiterated that the 2 other sites within the village would in no way be jeopardised should Members decide to approve the application.

Councillor Holland expressed concern regarding the visible gaps in housing and the lack of regeneration within the village which he had witnessed on the site visit earlier that day. He believed that both affordable and infill development was required in that area. The Senior Planning Officer clarified that the 2 sites which would be allocated in the County Durham Plan would see a lot more affordable housing introduced into the area.

Councillor Bell acknowledged that the site was within a sustainable location and would include 28 affordable housing plots. He did express concerns in relation to the junction at the rear of the site which accessed the A181. It had been noted that the speed of traffic on that highway made turning out of the junction somewhat difficult, Councillor Bell therefore queried whether any traffic calming or reduction in the speed limit could be introduced.

The Highways Officer clarified that the Area Traffic Manager had met with the local County Councillor on several occasions to try to resolve issues on the A181. Members were advised however that it would be beyond the scope of the proposed development to deal with any traffic arrangements on the adjoining highway.

It was agreed that the Area Traffic Manager should be made aware of the Committee's concerns in respect of the A181.

Seconded by Councillor Kay, Councillor Bell moved approval of the application.

Resolved:

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

5c 4/13/01578/FPA – Communal Hall, 63 Marlene Avenue, Bowburn, Durham, DH6 5ER

The Committee considered a report of the Planning Officer regarding an application to convert a communal hall into a residential bungalow at 63 Marlene Avenue, Bowburn, Durham, DH6 5ER (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Kay declared a non pecuniary interest in the application in his capacity as a director on the Board of Dale and Valley Homes and in light of the current consultation which was being undertaken with residents from all 3 ALMO's with regard to the possible transfer of all County Council housing stock to a registered social landlord.

Councillor J Blakey, local Member, addressed the Committee. Members were advised that the building had never been a bungalow in the past and its sole purpose had always been as a communal hall. Although there were other facilities nearby, there were concerns for the distance which elderly people would have to go to access them.

However, Councillor Blakey acknowledged that the building was not being used to its full potential and so it made sense to provide a suitable home in nice surroundings.

Councillor M Williams, local Member, addressed the Committee. He concurred with the comments from Councillor Blakey, however disputed the perceived use of the building. He understood that the building was used more than what was recorded in the booking information. He was also concerned that the conversion of the hall would mean the loss of a local polling station for residents in that area, as such he advised that he would support the application if a suitable alternative polling station could be established nearby.

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

Resolved:

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

5d 4/13/01590/AD – Bells Fish Shop, The Garth, Sunderland Road, Gilesgate, Durham, DH1 2LG

The Committee considered a report of the Planning Officer regarding an application for the retention of illuminated signage to the building including a free standing sign at Bells Fish Shop, The Garth, Sunderland Road, Gilesgate, Durham, DH1 2LG (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 G Kennedy, applicant, addressed the Committee. Members were advised that the current permission on the business premises included provision for 3 signs on the premises. Once the signs were erected it became clear that they were not sufficiently visible and one of the signs would be completely obstructed from public view by a neighbouring property. As such the applicant had taken the decision to remove the original sign from the west gable of the premises and instead erect the free standing sign which would be more clearly visible.

Members were advised that the same design had been used on all the signs, which had been used to enhance the appearance of the building. Mr Kennedy clarified that the signs were only illuminated during opening hours, though there had been an issue with the timers previously which had meant for a short time, the signs were illuminated around the clock.

Mr Kennedy advised the Committee that he currently employed 30 staff and had recruited a further 5 during the previous week. He further advised that his suppliers were all local and the business had a 5 star standard.

Councillor Moir had no objections to the application though would have preferred it not to have been a retrospective application. He commended Mr Kennedy on the overall appearance of the premises and found the size and shape of the signs to complement the design of the building.

Councillor Conway clarified that as a local Member he had been approached by local residents who were not supportive of the application, however he felt that the officers report dealt adequately with those representations. He also commended the applicant on the employment opportunities provided by the business and he was satisfied with the condition relating to trading hours.

In response to Councillor Conway, the Principal Planning Officer advised that any future applications from other businesses for free standing signs, would need to be considered on their own merits.

Councillor Corrigan, local Member, addressed the Committee. She had also received representations from local residents regarding the signs being illuminated out of hours, however she was satisfied that this issue had now been addressed.

Councillor Moir moved approval of the application and upon a vote being taken it was:-

Resolved:

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

6 Proposed Changes to the Constitution – Code of Practice for Members and Officers Dealing with Planning Matters

The Committee considered a report of the Head of Legal and Democratic Services, which proposed changes to Paragraphs 1.6, 3.2, 10 and 11 of the current Code of Practice to reflect updated guidance published by the Local Government Association relating to probity in planning (for copy see file of Minutes).

The Solicitor provided the Committee with an overview of the new guidance from the Local Government Association and the proposed changes to the Council's Code of Practice.

Resolved:

That the proposed changes to the Code of Practice for Members and Officers Dealing with Planning Matters, be noted.

7 Appeal Summary

The Principal Planning Officer provided an appeal update to the Committee in respect of planning application reference 4/12/00925/FPA which had been an application for the redevelopment of the existing body shop to create a new car showroom and the formation of a new parking area at Stoneacre Garage, Sawmills Lane, Brandon, Durham, DH7 8AB (for copy see file of Minutes).

The Committee had previously refused the application in 2013, however following an appeal by the applicant, the Planning Inspectorate determined that the appeal should be allowed, thus overturning the decision of the Committee. The Principal Planning Officer gave an overview of the Planning Inspectorate's reasons for the decision and advised that costs had been awarded to the applicant.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/01449/OUT
FULL APPLICATION DESCRIPTION:	Erection of dwelling with integral garage (outline) (description amended 25/02/14)
NAME OF APPLICANT:	Mr A Duncan
ADDRESS:	Land at 10 Redhills Lane DH1 4AJ
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The application site sits to the west of 10 Redhills Lane which is a detached residential dwelling to the west of Durham City Centre. The site itself currently forms part of the garden curtilage of 10 Redhills Lane and hosts a flat roofed detached garage which is associated with this property. 8 Redhills Lane, a semi-detached residential property sits to the west of the site, while 12 Redhills Lane, a residential bungalow sits to the east of 10 Redhills Lane. Site levels slope downwards from west to east, with property immediately to the west of the site sitting at a lower level than the application site. The application site has an existing vehicular access which serves the garage from Redhills Lane. Opposite the site sits an open area and secondary access to Durham Johnston School.

PROPOSAL

2. The application seeks outline planning approval to erect one residential dwelling with integral garage on the site. Although indicative plans providing details of the size and scale of a residential dwelling were submitted alongside the application these details have since been removed from consideration by the applicant's agent. Changes to planning regulations mean that further details are not required to be submitted alongside an application for outline planning approval, and further details relating to the reserved matters of access, appearance, landscaping, layout and scale would need to be submitted at a later stage if outline planning approval was granted on the site. The red line site plan has identified an area of approximately 260m² for the development of one residential dwelling.

3. Councillor Martin has requested that the application be determined by the planning committee due to concerns over garden grabbing, impact to 8 and 12 Redhills Lane and due to concerns over an existing hedge.

PLANNING HISTORY

4. There is currently an application pending consideration for extensions and alterations to the main dwelling on the site 10 Redhills Lane.

PLANNING POLICY

NATIONAL POLICY

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

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

The following elements are considered relevant to this proposal:

7. *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.

8. *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.

9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

LOCAL PLAN POLICY:

10. *Policy E14 - Protection of Existing Trees and Hedgerows* This Policy states that the Council will require development proposals to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

11. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

12. *Policy H2 - New Housing within Durham City* – This Policy supports the development of previously developed sites and conversions within Durham City.

13. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

14. *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

15. *Policy T10 - Parking – General Provision* - states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

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

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

18. *Policy U13 - Development on unstable land* This policy states that development on unstable land will only be permitted where there is no risk to users of the development or where appropriate remediation measures can be undertaken.

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.

Policy 15 is particularly relevant, relating to development on unallocated sites. It states

All development on sites that are not allocated in the County Durham Plan or in a Neighbourhood Plan, will be permitted provided the development:

- a. Is appropriate in scale, design and location to the character and function of the settlement;
- b. Does not result in the loss of a settlement's last community building or facility (of the type which is the subject of the proposal) unless it can be demonstrated that it is no longer viable or has not been purchased by the community following the procedures set out in the Community Right to Bid;
- c. Is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet the criteria defined in Policy 35 (Development in the Countryside).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm> in relation to the City of Durham Local Plan and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/> in relation to the County Durham Plan.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

20. Highways Development Management: no objection.
21. Ecology: No objection.
22. Northumbrian Water: No objection.
23. Coal Authority: Object to application.
24. Environmental Health: No objection and advice given on appropriate construction practices.

PUBLIC RESPONSES:

25. Councillor Martin has requested that the application be determined by the planning committee. Concerns have been expressed that the application would constitute a garden-grab new property that will severely affect the light to the rear of No 8 Redhills Lane as well as the visual amenity of the residents of No 12 Redhills Lane. Concern is also raised over an established beech hedge to the rear of the existing property that is threatened by the development.
26. Six letters of public objection have been received in relation to the proposed development. One letter of concern has been received.
27. There are fears that the property could be used as student accommodation. There are concerns that the building would be out of character with the surrounding area and would reduce the value of property within the area.
28. Concern is expressed by a neighbouring occupier over impact on landing and shower room windows. Concern is expressed over potential loss of light to the rear garden of the neighbouring property. There is concern that development on the site could represent over development while there are also fears for a loss of privacy and amenity. There is concern in relation to parking demand within the street and fear that a new dwelling would introduce a significant amount of noise into the area.
29. Concern has been expressed in relation to plans previously submitted alongside the application, with views expressed that the dwelling shown was too large to be comfortably accommodated on the site. Suggestions have been made that any future development should be appropriate in scale, design and positioning on the site.

APPLICANTS STATEMENT:

30. The site currently forms part of the overgrown garden of 10 Redhills Lane. It currently has an unattractive detached garage with a flat felt roof.
31. Our proposal is to demolish the garage and construct a detached 2 and a half storey dwelling house with an integral garage with landscaped gardens to the front and rear. The house will be occupied by our son who works in Durham City. Living in the new house would enable him to walk to and from work.

32. The frontage of the house would be in line with all other properties in Redhills Lane. Its size and scale are in keeping with all surrounding properties.

33. Its external appearance would be similar to all other properties in the street and it would be constructed of materials to be agreed with the Planning Authority. Other properties in the street comprise detached houses, semi detached houses, detached bungalows and flats.

34. As Redhills Lane has a gentle gradient it would be our intention to lower the ground level slightly so that the ridge height follows the ridge height of adjoining properties.

35. At the request of the Planning Authority a bat survey was undertaken. No bats are present.

36. It is our intention to retain the mature hedging at the front side and rear of the plot.

37. After checking the Council's website as at midday on 26 February there are no objections to the proposed house from neighbours or other organisations. If this is not the case I would like an opportunity to comment further.

38. Pre application advice was obtained from Mr Burnham prior to this application and we were advised that the application would be looked upon favourably.

39. I trust that you will honour this pre application advice and that outline planning permission will be granted.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://fred:8080/IDOXSoftware/IG_search?app_id=1002&menu=1&FormParameter1=CE1301578FPA&FormParameter2=100110741166&code=QVGKPHUGJX

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development at the site, impact upon character and amenity and highways issues.

The Principle of the development of the site

41. Policy H2 of the City of Durham Local Plan 2004 supports the provision of new housing comprising of windfall development of previously developed land and conversions. The application is not in accordance with this Policy and has been advertised as a departure.

42. However, the key aspect to the principle of development in this location is Officers' consideration that the site is sustainable in accordance with National Planning Policy Framework guidance. It is well related to other residential property and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities within Durham City. Public transport links are easily available nearby. The development of an appropriately sized, scaled and positioned dwelling set appropriately within the sloping site would relate reasonably to the existing settlement, forming a natural continuation of development within the street between two well established residential

dwellings at 8 and 10 Redhills Lane. Greater weight is now being afforded to the NPPF than the City of Durham Local Plan Policy H2, whereby sustainability is a key consideration.

43. Policy Q8 of the City of Durham Local Plan seeks to ensure that the layout and design of any new development is appropriate. It requires that development is appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate privacy and amenity is provided to each dwelling.

44. Given that the application is for outline planning permission with all matters reserved, issues surrounding the layout and design of the development can at present not be given any detailed consideration.

45. Indicative plans were initially submitted with the application but these have since been withdrawn from consideration due to Officer concerns over the size and scale of the building that had been suggested.

46. Nevertheless, Officers need to be satisfied that a suitable dwelling could be accommodated on the site. The application site measures approximately 10m in width to the front of the site and approximately 15mtrs in width to the rear. The depth of the site would be between 23 and 25mtrs. The site has an area of approximately 262 m². This type of plot size would not be out of character with other plots in the area. Officers consider that it would be possible to locate a modest detached dwelling on the site for example, with a reasonable garden area, which would be acceptable in terms of layout and design to the character of the area. Any dwelling on the site may need to be set down slightly within the landscape to follow the slope of the land downwards from east to west.

Impact upon character and amenity

47. Policy H13 of the City of Durham Local Plan 2004 states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. Given the area is predominantly residential in nature, Officers consider that the development of a dwelling would be acceptable in this respect.

48. Existing habitable room windows to the western elevation of 10 Redhills Lane would be removed (as part of an associated application CE/13/1450/FPA) with alternative windows to be provided to the front and rear elevations of the existing dwelling. Windows do overlook the site from the east facing side elevation of 8 Redhills Lane; however these appear to serve a landing and shower room and as such would not be considered as habitable rooms. Inevitably a dwelling in this location would result in a degree of loss of morning sunlight to this side of the neighbouring property and rear garden. A distance of approximately 3.6mtrs still does exist from the side elevation of this dwelling to the boundary of the site with 10 Redhills Lane, and any overshadowing resulting from the development of a dwelling on this site would not be sufficient to justify refusal of planning permission. A ground floor window in the west facing elevation of 10 Redhills Lane has been blocked up in a manner which would not represent development coming under planning control. A suitable window arrangement could be provided to this part of 10 Redhills Lane under permitted development rights orientating windows to the front and rear if required.

49. Facing distances to the rear of properties on Surtees Drive to the south well in excess of the required 21mtrs could be achieved. Officers do not consider that an appropriate dwelling to the site would have such a significant impact upon the character and amenity of the area to warrant refusal of the application. Officers acknowledge that a dwelling on this site, depending on its position, does have the potential to restrict some longer distance views from a side window at 12 Redhills Lane and the rear garden of this property. This would need to be assessed at the reserved matters stage if outline permission is granted.

Highways Issues

50. Highways Development Management has offered no objections from a highways aspect to the principle of a dwelling in this location. Highways Officers have noted that on street parking may be causing problems within the street and require that an acceptable level of off street parking would need to be provided commensurate with the size of the dwelling. This issue would be considered at the reserved matters stage when details of the design and layout are submitted.

Other issues

51. The Coal Authority has objected to the proposed development and has suggested that a coal mining risk assessment is needed to ensure that the site is, or can be made safe and stable for development. While ideally these assessments should be submitted upfront it is Council Policy not to invalidate an application if such a risk assessment is lacking. This information is however conditioned and the developer will be required to submit a coal mining risk assessment and carry out any necessary remedial measures as part of any planning approval.

52. A bat risk assessment has been submitted in relation to the buildings on site. The site has been identified as being low risk for bats and the Council's senior ecology Officer has offered no objections to the application.

53. Officers cannot give significant weight to whether or not students would occupy any property built on the site or to issues surrounding any potential devaluation of property in the area. The current application is for a single dwelling, whilst the latter issue is not a valid planning consideration on which a refusal of permission could be based. Officers acknowledge that activity could increase slightly in the area should a dwelling be built but the additional activity associated with one property would not be to an unacceptable level, and cannot therefore give significant weight to concerns over potential future noise or disturbance.

54. Environmental Health have offered guidance on appropriate working practices during construction of the property at the site and these would be included as an informative with any approval.

CONCLUSION

55. Officers consider that the principle of the development is acceptable as it would represent residential development in a sustainable location with good access to a range of services in line with the National Planning Policy Framework. Officers consider that the site is capable of playing host to a residential dwelling of appropriate layout and design while no significant adverse impacts upon the character or amenity of the area or the amenities within it have been identified. The development is considered appropriate in relation to highways safety.

56. Taking all relevant planning considerations into account, Officers consider the application to meet the requirements of the National Planning Policy Framework Parts 6, 7 and 10 and Policies E14, E16, H13, T1, T10, Q8, U8A and U13 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

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

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

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

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

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

Site Plan received 14th November 2014 & Bat Risk Assessment, Dendra Consulting Ltd received 17th January 2014.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies E14, E16, H2, H13, T1, T10, Q8, U8A and U14 of the City of Durham Local Plan 2004.

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

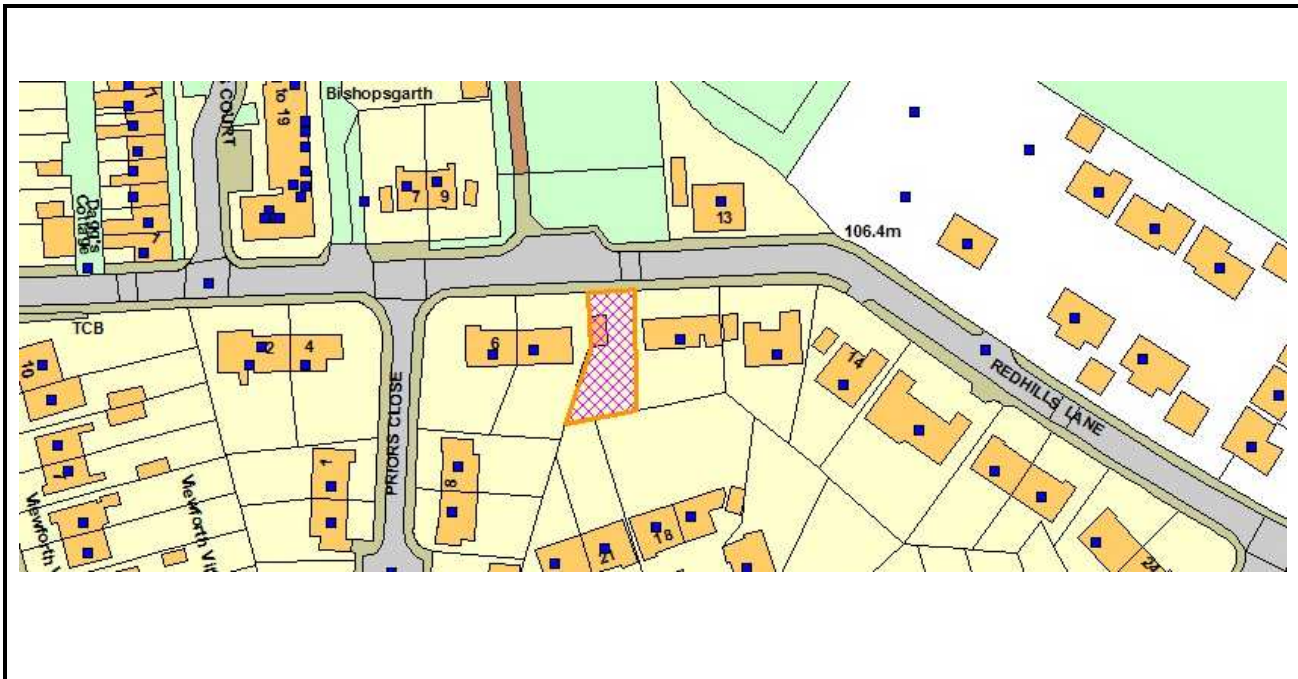
Reason: To prevent the increased risk of flooding from any source in accordance with the National Planning Policy Framework and Policy U8A of the City of Durham Local Plan 2004.

5. Prior to commencement of development the applicant should undertake a Coal Mining Risk Assessment. The results of this risk assessment shall be submitted to, and approved in writing by the Local Planning Authority before the commencement of development. Any remediation measure identified as being necessary resulting from this risk assessment shall be carried out prior the commencement of development.

Reason: To ensure that the risks to the future uses of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with the NPPF and Policy U13 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 City of Durham Local Plan 2004
 Response from Councillor Martin
 Consultation responses



Planning Services

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Erection of dwelling with integral garage (outline) (description amended 25/02/14)

Date 11th March 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/01450/FPA
FULL APPLICATION DESCRIPTION:	Erection of a two storey side and rear extension, rendering to side elevation, new boundary wall to frontage and erection of new boundary fence
NAME OF APPLICANT:	Mr A Duncan
ADDRESS:	10 Redhills Lane Durham DH1 4AJ
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The property which is the subject of this planning application is 10 Redhills Lane, which is a large detached property which sits on a reasonably sized plot. The property itself appears to have been relatively untouched since it was built and sits with garden areas to its south and west.
2. A single storey element sits to the western side of the property, while a detached garage sits further to the west on an area of land within the applicants control but subject to a separate current planning application. 8 Redhills Lane, a semi-detached residential property sits further to the west of the site, while 12 Redhills Lane, a residential bungalow sits to the west of the dwelling. Site levels slope downwards from east to west, with property further to the west of the site sitting at a lower level than the dwelling to which the application relates.
3. A new vehicular access is proposed to the eastern end of the site with a driveway accessed off Redhills Lane serving an integral garage.

PROPOSAL

4. The application seeks planning approval for the erection of extensions to the existing dwelling. A first floor extension is proposed above an existing single storey element at the eastern end of the property to provide additional bedroom and bathroom accommodation, while a modest two storey extension of approximately 2m in depth would be placed at the western end of the existing building to provide additional ground floor accommodation and a bathroom.

5. A fairly significant single storey rear extension is also proposed to the eastern side of the property. This would measure approximately 7.2mtrs in depth and 6.9mtrs in width, 2.4mtrs to eaves level and 3.8mtrs to ridge height.

6. A double and single bay window are proposed to the front elevation along with a modest porch. Brickwork to the front elevation of the existing property is proposed to be re built and painted render is proposed to the west facing gable and rear elevation. It is proposed to remove the existing window from the west facing elevation and provide a revised window arrangement to front and rear. It is proposed to re build the existing front wall and re roof the property in concrete tiles to match those existing.

7. Councillor Martin has requested that the application be determined by the planning committee due to issues surrounding massing, visual amenity and impact on a hedgerow.

PLANNING HISTORY

8. There is currently an application pending consideration for outline planning permission on land immediately to the west of this dwelling.

PLANNING POLICY

NATIONAL POLICY

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

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

The following elements are considered relevant to this proposal:

11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

LOCAL PLAN POLICY:

12. *Policy E14- Protection of existing trees and hedgerows* This policy seeks to protect trees and hedges on development sites where appropriate

13. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

14. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

15. *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

16. *Policy T10 - Parking – General Provision* - states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

17. *Policy Q9 – Alterations and Extensions to residential property* – this policy relates to the extension and alteration of residential properties. These are generally considered acceptable where appropriate in design, scale and materials and acceptable in relation to the privacy and amenity of adjoining occupiers.

18. *Policy U13 - Development on unstable land* This policy states that development on unstable land will only be permitted where there is no risk to users of the development or where appropriate remediation measures can be undertaken.

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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm> in relation to the City of Durham Local Plan and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/> in relation to the County Durham Plan.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

20. Highways Development Management: no objection.

21. Ecology: no objection.

PUBLIC RESPONSES:

22. Councillor Martin has requested that the application be determined by the planning committee. Concerns have been expressed that the proposed rear extension to the existing property is excessive in its massing and will affect the visual amenity of the neighbours in No. 12 Redhills Lane. Concern is also raised that there is an established beech hedge to the rear of the existing property that is threatened by the development.

23. Letters of objection and concern have been received from three nearby occupiers.

24. Concern has been expressed from an adjoining occupier that long range countryside views would be lost when looking towards the west from the living room of the property. A preference has been expressed by an adjoining occupier that the existing beech hedge to the rear should be retained at its current height.

25. Concern has been expressed by a local resident who lives opposite the site. They are concerned that they would lose low winter sun which assists in melting ice from the roof of their property due to the proposed extension. Objection is also put forward on the basis that the extension would have an over bearing impact upon windows at the bungalow opposite. Concern is also expressed for parking in the area and the adjoining occupier would not wish to see parking directly in front of their property as they are situated relatively closely to the highway. The resident opposite feels under threat in terms of highway safety due to being on the corner of the road.

APPLICANTS STATEMENT:

26. 10 Redhills Lane is currently an unattractive detached house which was constructed in approximately 1960. The gardens are overgrown and no modernisation or updating works have been carried out since it was originally constructed.

27. We are proposing to extend the property and improve its appearance to create a family home for ourselves. We propose to spend a considerable amount of money on the property and unless we end up with a property which suits our day to day requirements we may be forced to totally rethink our plans.

28. Comments from 21 Surtees Drive. No objections were raised but the owner would prefer it if the beech hedge was retained. We would be happy to comply as we consider this to be a feature of the house.

29. Comments and objections from 13 Redhills Lane. The owner says our proposed extension would be a massive building and restrict light and sun. We have been very conscious of our neighbours opposite and although we would have liked an attic conversion with dormer windows we had decided against this as we felt it would be too large. The frontage of our property is proposed to be reduced by one metre so that we can form a path down the left hand boundary. The outlook from his bungalow will be improved considerably by him having an attractive house opposite to look across to as oppose to what he looks across to at present. He suggests it would be used for student lets. This is certainly not our intention. He says our visitors will park in front of his bay window. This is not the case as we will have one garage and 2 parking spaces on our drive. Entry to his driveway will not be restricted in any way. In addition, new parking restrictions are to be introduced by the Council along Redhills Lane. He says water will freeze in his gutter and down pipe due to lack of sunlight. We are reducing the frontage of our house not extending it. If his gutter is aligned correctly water will flow to the downpipe. Water cannot freeze in a down pipe if it is kept clear.

30. Objection from 12 Rehills Lane. The owners are concerned about losing views over the countryside and sunlight. Until a few weeks ago they had no view whatsoever as our house had a huge unkempt privet hedge along the boundary and 3 feet into our garden there was a high thick unkempt Laurel hedge. There were also several mature and extremely high conifers which had never been pruned for 50 years. It is only now that these have been removed that they get any view at all. We had originally wanted a 2 storey extension at the rear of our property but we reduced this to a single storey extension with no windows on the side overlooking our neighbours to try to be considerate to them. In addition, we are proposing to move our whole gable wall away from their boundary by one metre to allow

more light into their garden. Also, we intend to construct a new boundary wall or fence down the whole of this boundary, which will enhance their property considerably.

31. No other objections or comments from other neighbours have been received.

32. To summarise, we feel that our proposals for the property will enhance the road considerably and be a huge improvement for all the neighbours.

33. We trust you will look favourably upon our application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://fred:8080/IDOXSoftware/IG_search?app_id=1002&menu=1&FormParameter1=CE1301578FPA&FormParameter2=100110741166&code=QVGKPHUGJX

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development at the site, design, scale and materials, impact upon amenity and highways issues.

The Principle of the development of the site

35. Policy Q9 of the City of Durham Local Plan relates to alterations and extensions to residential property. It states that these will be permitted provided that the design scale and materials are sympathetic to the main dwelling and the character and appearance of the area, provided that a pitched roof is incorporated and provided that the extensions respect the privacy of adjoining occupiers of property.

36. The property as existing appears to have been relatively untouched since construction and currently has an arrangement that could be considered somewhat dated. The principle therefore of carrying out refurbishment works or extension to the property would appear logical and is considered acceptable.

Design, Scale and Materials

37. Officers consider the alterations proposed acceptable in terms of design. While it is noted that significant changes in physical appearance are proposed to the property, first floor extensions of the type proposed are commonplace in residential areas within Durham. The first floor extension proposed to the eastern end of the property would sit neatly against the property and in line with the existing building line. The two storey extension to the western end of the site would also be relatively low impact, extending only 2mtrs from the rear elevation of the dwelling. The porch to the front of the dwelling would be modest in appearance and impact.

38. Officers acknowledge that the single storey extension proposed is significant in terms of depth and width. However the principle for the acceptability of such extensions has become established through the recently introduced permitted development regime for large single storey rear extensions, which subject to neighbour consultation procedures allows on detached dwellings for extensions of between 6 and 8mtrs in depth.

39. While the predominant building material in the area is brick, there are some examples of the use of render. Officers do not consider that the application of render to part of the rear elevation and a side elevation would be inappropriate within this location.

40. A double and single bay window are proposed for introduction to the front elevation. Bay windows are a common feature on older housing stock within the locality. Officers consider that the extensions to the property would be sympathetic to the main dwelling and the character and appearance of the area. There are a variety of house types in the area.

Impact upon amenity

41. Officers have made a careful assessment of the extension in relation to the amenities of neighbouring occupiers, particularly in relation to the occupiers at 12 Redhills Lane who are situated immediately to the east of this development site.

42. This property has a window in the side elevation which serves a living area to the rear of the house facing west. This window does currently have long range views towards countryside to the west of Durham. Officers acknowledge that these long range views may be lost to the occupiers of this property if the single storey extension were to be developed. Officers do however note the stumps of former boundary planting in this part of the site, suggesting that this planting may have previously restricted outlook from the neighbouring property. Further, the room which this window serves also has an additional window in the rear elevation facing into the neighbouring occupier's own garden to the south. The planning system is concerned with outlook, rather than views and it is of note that the outlook enjoyed by the occupiers of 12 Redhills Lane is partially borrowed over land that is not within their ownership or control.

43. Officers have assessed the impacts of the development not only in terms of any loss of outlook but , also in terms of loss of light, overshadowing and potential over bearing impacts that any development may cause.

44. In this instance, the single storey rear extension would be set around 5mtrs away from the side window at No.12. Given that 10 Redhills Lane is set slightly down from the property at no.12, Officers do not consider that the single storey rear extension would offer such overshadowing, loss of light, outlook or overbearing impact to warrant refusal of the application. The applicant also has a fall back position whereby a single storey extension of up to 4mtrs in height and 4 metres in depth could be built under permitted development rights with no neighbour consultation required. Officers consider that such an extension would have a similar impact to the proposal. It is therefore necessary to assess what impacts the proposal would give rise to over and above those impacts which would arise if an extension of the dimensions permitted by the PD regime were to be built. When assessed in this way, it is clear that any additional impacts would be minimal.

45. Officers acknowledge that the two storey side extension would have some impact on 12 Redhills Lane, although this would appear limited to some minimal restriction of late evening sunshine given its position to the north west of the neighbouring property.

46. Officers have also assessed the likely impact of the extension on the occupier of 13 Redhills Lane which is a residential bungalow sitting to the north of the application site and across the road. Officers acknowledge that the extension could cause limited reduction in low winter sun due to the position of 10 Redhills Lane directly to the south. However, the two storey extension would be closely related in massing to the existing dwelling and would maintain the existing building line. It is likely that low winter sun could still reach the property above the garage serving 12 Redhills Lane.

47. Taking into account the relationship of the application property with adjacent dwellings, there are not considered to be grounds for refusal in relation to amenity either in terms of impact to the occupiers of 12 or 13 Redhills Lane. Officers have noted no detrimental impact upon privacy to adjoining occupiers.

Highways Issues

48. Highways Development Management has offered no objections from a highways aspect. A driveway of suitable length to park a car is proposed along with an internal garage. Officers acknowledge comments made by objectors in relation to highways matters, although highways development management do consider the development acceptable in this respect.

Other issues

49. Due to the age and condition of the property Officers requested that a bat risk assessment be submitted alongside the application. The site has been identified as being low risk for bats and the Council's senior ecology Officer has offered no objections to the application.

50. The application proposes to reduce the height of the established beech hedge to the rear to 2.4metres. This beech hedge does not benefit from formal protection and no consent from the Council would be required to carry out works to it. Nethertheless it is proposed for retention to the rear of the dwelling and Officers do not consider that a reduction in height to 2.4mtrs would be inappropriate. The beech hedge currently appears to have a height of around 3mtrs.

51. The site is within the Coal Authorities High Risk Area and in relation to householder extensions within such areas, Officers are required to attach an enhanced informative to draw any developers attention to this.

52. A replacement front wall and boundary fencing is proposed, these are considered appropriate developments that are unlikely to require planning approval in their own right due to their proposed heights..

CONCLUSION

53. Officers consider that the design scale and materials are sympathetic to the main dwelling and the character and appearance of the area and that the extensions respect the privacy of adjoining occupiers of property. Officers consider that amenity impacts of the development relating to those living in the surrounding area are acceptable. Officers consider the development acceptable in terms of highway safety and in relation to impact upon Ecology interests and an existing hedgerow.

54. Taking all relevant planning considerations into account, Officers consider the application to meet the requirements of the National Planning Policy Framework Part 7 and Policies E14, E16, H13, T1, T10, Q9 and U13 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

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

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

2. Notwithstanding any details of materials submitted with the application no development shall commence until details of all materials proposed for use have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy Q9 of the City of Durham Local Plan 2004.

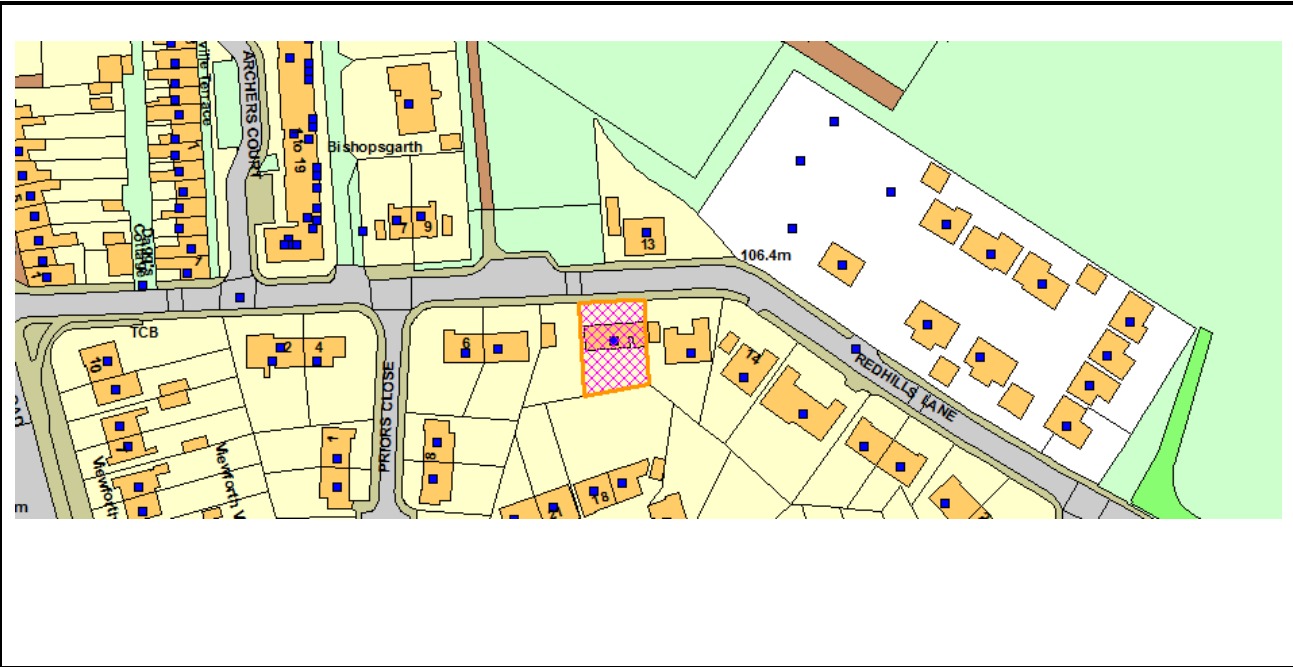
3. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing 02 proposed floor plans, Drawing 03 proposed elevations, Drawing 04 site and roof plan, Drawing 05 external works received 14th November 2014, Bat Risk Assessment, Dendra Consulting Ltd received 17th January 2014.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with the National Planning Policy Framework Part 7 and Policies E14, E16, H13, T1, T10, Q9 and U13 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
City of Durham Local Plan 2004
Response from Councillor Martin
Consultation responses



 <p style="text-align: center;">Planning Services</p>	<p>Erection of a two storey side and rear extension, rendering to side elevation, new boundary wall to frontage and erection of new boundary fence</p>
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Date 11th March 2014			

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/01551/FPA
FULL APPLICATION DESCRIPTION:	Siting of cabin accommodation for recycled clothing (retrospective)
NAME OF APPLICANT:	Terncove Limited
ADDRESS:	Land to the rear of Peterlee Post Office, Yoden Way, Peterlee, Co. Durham
ELECTORAL DIVISION:	Peterlee East
CASE OFFICER:	Laura Martin 03000261960 Laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to an area of car parking situated to the rear of Yoden Way and adjacent to the Asda Supermarket in the town of Peterlee. The application site relates to 3 of the existing car parking bays at the site.
2. The application seeks retrospective planning consent for the siting of a cabin for the recycling of clothing at the site. As previously noted the cabin occupies 3 bays and measures 6.1m by 2.7m and measuring 2.7m in height. The unit is pre-fabricated with a window and two doors with textured plastic cladding in Goosewing Grey with the company's liveries. Access to the building is achieved via a ramp to the frontage.
3. The application is referred to the planning committee at the request of Cllr Laing due to the retrospective nature of the application and on highway grounds.

PLANNING HISTORY

None relevant to the application.

PLANNING POLICY

NATIONAL POLICY:

4. 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 dependent.

5. 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'
6. The following elements are considered relevant to this proposal:-
7. 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.
8. Part 2 - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

LOCAL PLAN POLICY:

District of Easington Local plan

9. 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.
10. 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.
11. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
12. Policy 101 - Peterlee and Seaham town centres will be protected and promoted as the main retailing centres. Permission will be granted for further town centre uses and the improvement of the town centre through redevelopment and environmental and transport infrastructure improvements.
13. Policy P15 - Defines the area of the main shopping centre in Peterlee

EMERGING POLICY:

14. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. Town Council- no response at the time of issuing the report

INTERNAL CONSULTEE RESPONSES:

16. Highways Authority- Raises no objections

PUBLIC RESPONSES:

17. The application was advertised by means of a site notice at the premises. No letters of representation have been received in respect of the above development at the time of issuing the report.

APPLICANTS STATEMENT:

18. The applicant has been offered the opportunity to provide a supporting statement, but none has been provided.

PLANNING CONSIDERATIONS AND ASSESSMENT

19. 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.

20. The main considerations in regard to this application are the principle of the development, highways, design and retrospective nature of the application.

Principle of development

21. Policy P15 of the Easington Local plan defines the main shopping area for the town of Peterlee and the application site falls within this boundary. The cabin is well located in respect of the surrounding established town centre uses and is easily accessible via public transport, private car or on foot.

22. The recycling cabin is a commercial enterprise and as such is a use which would be anticipated within a town centre location. In addition, it provides an opportunity for linked trips, whereby visitors to the town centre shops can also undertake some recycling at the same time. Thus there would be an element of sustainability in accordance with the NPPF. Therefore in principle the development is considered acceptable.

Highways

23. As previously noted the application site does utilise 3 existing car parking bays for the siting of the cabin and the access ramp to the building. As part of the application the Highways Authority were consulted and advise that they raise no objection to the use of an area of the private car park for this purpose. In addition there is a large car park in association with the town centre located within a 2 minute walk and it is considered that the loss of 3 spaces would not be detrimental to the existing highway network or surrounding parking facilities.

Design

24. As previously noted the cabin is located adjacent to the existing town centre in close proximity to the service yard for the Asda supermarket. As such it is considered that

the design is keeping with adjacent buildings in terms of colour and scale and as such no issues are raised in respect of design. Due to the temporary nature of the building however a restriction limiting the retention of the unit to five years would be appropriate to any approval at the site. This is in order for the Local Planning Authority to reassess the situation and the condition of the cabin in terms of visual amenity, as it may deteriorate over time.

Retrospective nature of the application

25. In respect of the retrospective nature of the application, as legislation allows for the submission of a retrospective application this is not a consideration to which weight should be afforded in the determination of the application. The development has been assessed on its merits, and is considered to be acceptable.

Consultation period

26. At the time of issuing the report all the necessary consultation periods in respect of public representations had not expired. Time periods expire immediately before the date of the committee, and any comments received prior to the committee meeting will be reported as an update in the usual way. However, officers may not have had sight of any representations submitted late in the process until after the Committee's consideration of the proposal. On the basis of current considerations, the application would be recommended for approval. Therefore it is requested that in order to avoid delay in issuing the decision, the Planning Committee agree to delegate authority to the Head of Planning for the final determination of the application subject to there being no further representations received relating to material planning considerations other than those already considered in this report. Should any material planning concerns be received that have not already been addressed by the Committee, the application would remain undecided and would be referred back to the subsequent committee meeting for members' further consideration.

CONCLUSION

27. The cabin is well located within the defined main shopping area with both good public transport linkages and access via foot. There is ample car parking surrounding the site and the loss of 3 spaces is not considered significant to warrant refusal of the application.

28. 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 or the NPPF.

29. Subject to the suggested conditions, planning permission should be approved under delegated powers subject to the expiration of the consultation period and that no overriding material planning considerations are submitted.

RECOMMENDATION

That the application be **APPROVED under Delegated powers subject to consideration of any further consultation responses** and subject to the following conditions:

1. This consent is granted for a temporary period of 5 years from the date hereof when, unless the renewal of consent has been sought and granted previously, the building hereby approved shall be removed and the land reinstated to its former condition in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: To allow the Local Planning Authority to review the position in accordance with Policy 1 and 35 of the Easington Local Plan.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Prelim01 Rev A, Location plan, site layout plan, aerial photograph and design and access statement all received 26 November 2013.

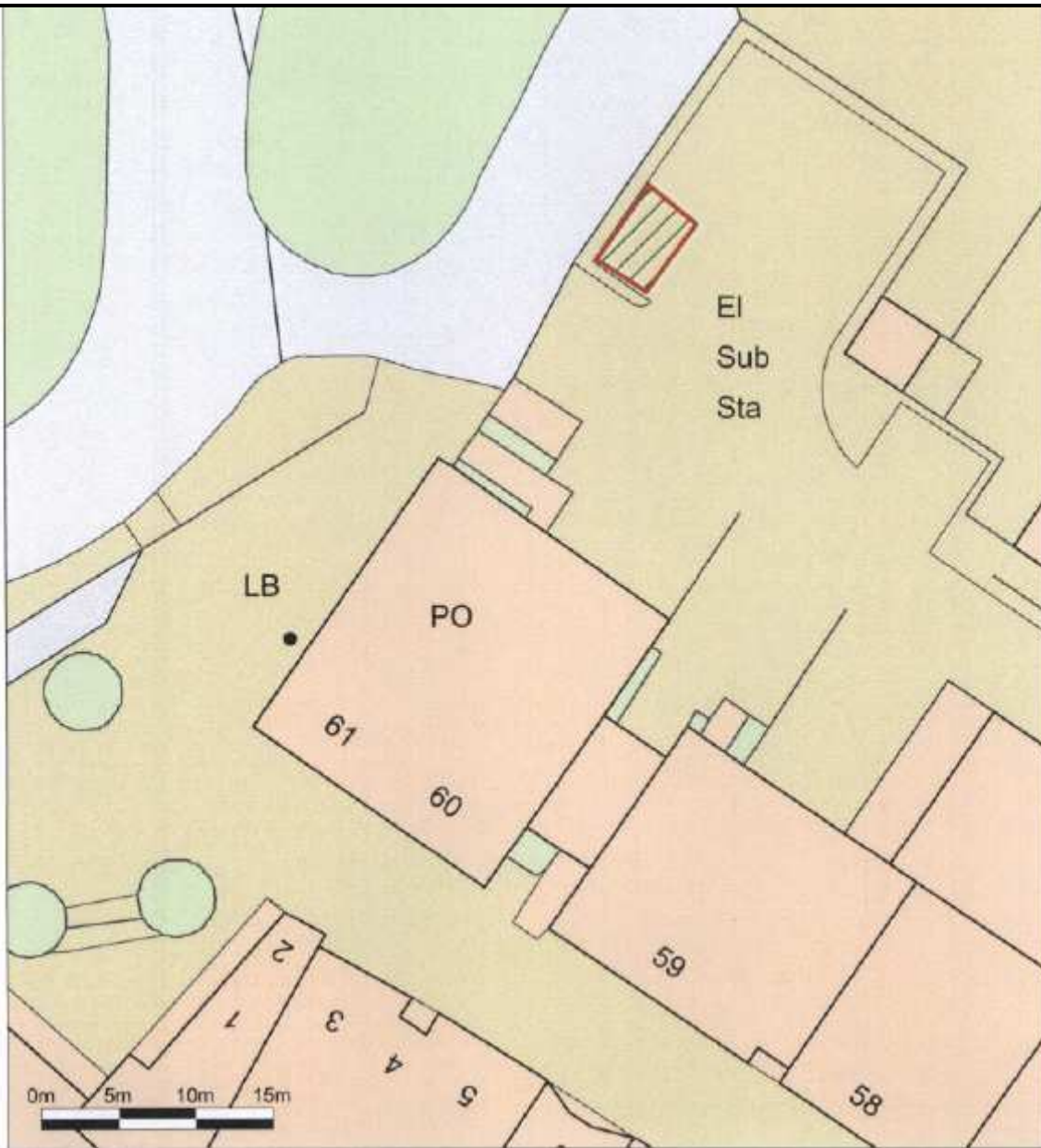
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the Easington Local Plan.

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

BACKGROUND PAPERS

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



Planning Services

SITING OF CABIN ACCOMMODATION FOR RECYCLED CLOTHES (RETROSPECTIVE) AT LAND TO THE REAR OF PETERLEE POST OFFICE, YODEN WAY PETERLEE

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Comments

Date 11 March 2014.

Scale 1:1250

Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	CE/13/01568/OUT
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 161 DWELLINGS INCLUDING DETAILS OF ACCESS (OUTLINE/RESUBMISSION)
NAME OF APPLICANT SITE ADDRESS	PARTNER CONSTRUCTION LTD LAND TO THE SOUTH OF WELLFIELD ROAD, WINGATE
ELECTORAL DIVISION CASE OFFICER	WINGATE Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL**Site:**

1. This application site directly adjoins the settlement boundary of Wingate and Station Town which lies to the north and west of the application site, the site is located within the Electoral Division of Wingate. As the site is outside of any settlement boundary identified in the District of Easington Local Plan it is technically classed as being in the countryside.
2. The site has a site area of approximately 5.5 hectares. The site is roughly rectangular in shape and is currently used as arable farmland.
3. The site is bounded by existing residential development to the west and north, a former railway line to the east and arable agricultural land to the south. It is split into two fields, with a hedgerow and public right of way running through the middle of the site. The former railway (Haswell/Hart Railway Path) line is now part of the National Cycle Network. The designated local shopping centre for Wingate and Station Town is approximately 1.7km south of the application site and there is a regular bus service which runs along Wellfield Road which bounds the site to the north.
4. The site is not subject to any site-specific allocations or designations in the saved policies of the Local Plan. The site is however, proposed to be allocated for residential development in the emerging County Durham Plan.

Proposal:

5. This application seeks outline approval for up to 161 residential dwellings with detailed approval for the means of access only.
6. At this stage, the only matters for consideration are the principle of the proposed residential development and the points of access which would be from Wellfield Road and Martindale Walk. All other matters are reserved for future consideration and include appearance, landscaping, layout and scale.
7. A number of design parameters have been set out within the Design and Access Statement and have been shown on an indicative masterplan. These predominantly relate to density of the proposed development, type and size of residential properties and privacy distances between existing and proposed residential dwellings. They also include a 'Landscape Buffer' between the proposed dwellings and the Haswell/Hart Railway Path. The illustrative site layout plan also shows a mixture of house types and sizes with a predominance of 3 and 4 bedroom properties, but also including a number of 2 bedroom properties.
8. In terms of the points of access, the principle access will be from Wellfield Road with a secondary access providing a connection to Martindale Walk. A Transport Assessment has been undertaken which provides a detailed analysis of trip generation from the proposed development, including the likely direction of travel of traffic to and from the site and the capacity of the junctions within the vicinity of the application site to accommodate the proposed development.
9. It is proposed that the application site would deliver 10% affordable housing in accordance with the emerging County Durham Local Plan and this would be delivered as 75% social rent and 25% intermediate.
10. In addition to the above proposals, an application for improved Green Infrastructure has been submitted which involves improvements to a number of routes to the south of the residential development proposals. These proposals would be subject to a Wildlife and Habitat Management Plan. The overriding purpose of the Green Infrastructure proposals is to provide an attractive recreational walking route as an alternative to visiting the nearby Site of Special Scientific Interest at Castle Eden Dene and the Special Protection Areas and Special Areas of Conservation on the coast. This proposal is subject to a separate planning application which is also being considered by Members on this agenda.
11. This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

12. This outline application comprises a resubmission of a similar proposal for the same site (Ref: PL/5/2013/0293) which was withdrawn in September 2013 following a request from Natural England for further information on the possible effects of the development on local designated sites.
13. Following discussion with ecology it was agreed that the proposed Green Infrastructure improvements to the south (subject to a separate application on this

agenda) would address the concerns of Natural England and provide a benefit to residents of the proposed development, as well as existing residents of Wingate.

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 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.
18. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
19. *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.
20. *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.
21. *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.

22. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

LOCAL PLAN POLICY:

District of Easington Local Plan

23. *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.
24. *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.
25. *Policy 14* - Development which adversely affects a designated or candidate Special Area of Conservation and is not connected with managing the scientific interest will only be approved where there is no alternative solution and there is an overriding national interest where it is necessary for reasons of human health or safety; or there are beneficial consequences of nature conservation importance.
26. *Policy 15* - Development which adversely affects a designated Site of Special Scientific Interest will only be approved where there is no alternative solution and it is in the national interest.
27. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
28. *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.
29. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
30. *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.

31. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
32. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
33. *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.
34. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.
35. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
36. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

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:

37. 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:
38. *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.
39. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on residential amenity.
40. *Policy 19 (Air Quality, Light and Noise Pollution)* – All development will be expected to prevent unacceptable levels of air, light and/or noise pollution.

41. *Policy 20 (Green Infrastructure)* – Development will be expected to conserve, and where required improve and extend, the County’s Green Infrastructure network.
42. *Policy 30 (Housing Land Allocations)* – In order to meet the housing requirement a number of sites have been allocated for housing. Planning applications for housing submitted on these sites that are in accordance with site specific and phasing requirements will be approved. Applications submitted in advance of its phasing will be approved where they do not prejudice delivery of other allocated sites phased in an earlier time period, where they are required to maintain a five year supply of deliverable sites and where infrastructure requirements can be satisfactorily addressed.
43. *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.
44. *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.
45. *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.
46. *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.
47. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. Wingate Parish Council objects to the development stating that there is no need for further development in Wingate given the number of recent developments. Furthermore they have concerns about the lack of school places, healthcare provision, that the development will lead to traffic congestion and that the application site is an agricultural field outside of the settlement boundary.
49. The Environment Agency have no objections to the proposals subject to conditions requiring a 5 metre wide buffer zone around the two ponds to the east of the site.
50. The Highways Agency raise no objections to the proposals.

51. Initially Natural England raised concerns regarding the impact of the proposals on the nearby Durham Coast and Castle Eden Dene Sites of Special Scientific Interest, the Durham Coast Special Area of Conservation and the Northumberland Coast Special Protection Area. However, after clarification, Natural England acknowledge that as the site is a proposed housing allocation in the County Durham Plan it has already been through the Habitat Regulations Appropriate Assessment process. Given this, and that a large area of Green Infrastructure is to be provided, they are satisfied that the additional recreational pressure as a result of the development is not likely to result in a significant effect on the designated sites and therefore raise no objections.
52. Northumbrian Water raise no objections on the basis that foul and surface water drainage is dealt with in accordance with the submitted Flood Risk Assessment.
53. The Ramblers Association

INTERNAL CONSULTEE RESPONSES:

54. The Archaeology Officer comments that a geophysical survey has been carried out which indicates that the site has low archaeological sensitivity. However, some anomalies were found and as a result a condition should be attached which requires trial trenching to be carried out prior to development commencing.
55. The Countryside Service has no objections to the proposals but requires further clarification of access points onto the Hart to Haswell Walkway along with details of issues such as signage, security and waste disposal.
56. Senior School Places Officer advises that additional classrooms will be required as a result of the additional pupils generated by the development. An appropriate financial contribution should be secured from the developer for the provision of the additional classrooms required for schools in the local area.
57. Public Rights of Way Officer has no objections but has stated that the amendments to the public right of way would need to be undertaken as part of a separate application process. Improvements to footpaths are welcomed.
58. Contaminated Land Officer has no objections given the greenfield nature of the site.
59. Pollution Control Officers have no objections subject to conditions requiring a noise report and any subsequent mitigation given the proximity of the site to the A19. In addition to this, conditions to control noise and dust emissions during construction are also suggested.
60. The Ecology Officer states that the site provides for green infrastructure along with a management plan and agrees with the response from Natural England. The mitigation in the submitted ecology report and the management plan should be conditioned.
61. The Design and Conservation Officer offers no objections as the layout and appearance of the development does not form part of this application.
62. Technical Officers have offered advice relating to adoption of open spaces.

63. The Sustainability Officer raises no objections subject to a condition requiring a scheme of renewable energy and carbon reduction being submitted and agreed.
64. The Principle Landscape Officer has no objections to the proposals subject to the occupation of the site being linked to the delivery of the adjacent Green Infrastructure.
65. Highways Officers have assessed the proposals and raise no objections subject to conditions requiring a residential travel plan and a scheme showing the relocation of the bus stop on Wellfield Road. A more detailed highways response is detailed later in this report.
66. The Councils Employability Team Leader suggests that there is an opportunity to provide employment and skills opportunities to the local community which should be secured by a Section 106 legal agreement.
67. Planning Policy officers consider that while the principle of developing the site does not accord with the District of Easington Local Plan, the proposals comply with the National Planning Policy Framework objective of locating housing in sustainable locations with good access to jobs, key services and infrastructure. The development would help meet the needs of mixed communities including provision of affordable housing. A more detailed planning policy discussion is detailed later in this report.

PUBLIC RESPONSES:

68. Coal Authority have no objections.
69. Campaign to Protect Rural England welcome the provision of Green Infrastructure in relation to the proposals but raise concerns about the size of the development in relation to the existing settlement which would result in the loss of a greenfield site that has recreational and natural benefits.
70. The NHS at Wingate Medical Centre state that there is sufficient capacity to provide primary medical services to the residents of the development.
71. This application has been advertised by way of press notices, site notices and 161 letters to individual residents. A total of 30 letters of objection have been received from nearby residents.
72. The main reasons of concern are that the scale of the development is too large, is unsustainable and would result in loss of agricultural land, that it would result in a loss of green space and wildlife, that there are vacant properties in the area and the development is not needed and that it is outside the settlement boundary.
73. In addition to this there are concerns that the increase in population would lead to an increase in traffic, put pressure on local schools, that there are a lack of existing amenities in the area, that the additional development would cause flooding, would result in loss of residential amenity and that it would result in the diversion of a Public Right of Way and loss of hedgerows. Finally there is a concern that the development should not be coming forward before the adoption of the County Durham Plan.
74. The reasons for objection to the development will be fully considered later in this report.

APPLICANTS STATEMENT:

75. The development of the application site for up to 161 residential dwellings is consistent with the proposed allocation within the emerging Durham County Local Plan and will provide a mix of house types and tenures (including 10% affordable housing) within Wingate.
76. Through a close working partnership with officers at Durham County Council, the development includes a series of significant benefits, with particular emphasis on the Green Infrastructure improvements which have been secured in negotiation with Natural England.
77. Other principle matters supporting the scheme are as follows:
- The delivery of a mix of house types and sizes which is consistent with the requirements identified within the County Durham Strategic Housing Market Assessment, with the ultimate housing mix to be informed by the parameters submitted with this outline application;
 - Development of this proposed allocation will assist in ensuring there is a continuous rolling 5 year housing land supply;
 - The proposed development includes a Framework Travel Plan which is to be worked up as part of the detailed scheme and will reduce vehicular movements associated with the proposed development;
 - The proposed development will deliver 10% affordable housing which is consistent with the requirements identified within the 2013 Strategic Housing Market Assessment;
 - The proposed development delivers a series of economic, social and environmental benefits which are consistent with the requirements of the NPPF to deliver sustainable development;⁷
 - The proposed development will deliver significant economic benefits which are of benefit to the local and wider community, including in the order of £2.87m in Council Tax and a New Homes Bonus receipt over a period of 6 years and in the order of 129 no. fulltime equivalent jobs over the construction period;
 - S106 contribution towards education requirements;
 - The proposed development will assist the local authority in achieving a 5 year housing land supply against its objectively assessed needs, consistent with the requirements of paragraph 47 of the NPPF; and
 - The development is consistent with all other relevant policies of the Development Plan as detailed within Sections 4 and 5 of this Planning Statement.
78. Overall, the development is consistent with the National Planning Policy Framework, the Council's interim position on the determination of planning applications in advance of the County wide Local Plan being adopted, and the relevant emerging policies of the Local Plan.

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

PLANNING CONSIDERATION AND ASSESSMENT

79. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.
80. 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.
81. In this instance, given that the application seeks outline approval with access being the only detailed matter, the main relevant considerations are the principle of the development and highways issues. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Governments recently published National Planning Policy Framework (NPPF) and the emerging County Durham Plan. Other material considerations include the impact on the character and appearance of the area, affordable housing, ecology, archaeology, flood risk, environmental health issues and the concerns raised by local residents.

Principle of the development

82. The key planning policy issues arising from this proposal which require due consideration in the determination of the application are the sustainability of the location, degree of accordance with existing and draft proposed policies and whether it is justifiable to permit an application on this site to come forward ahead of the County Durham Plan examination and adoption.
83. This proposal seeks outline planning permission for the development of 161 houses on land located to the south of Wellfield Road South, Wingate. The site extends to approximately 5.5ha.
84. From a Spatial policy perspective, it is considered that the key issues in relation to this application are:
 - a) The extent to which the proposed development accords with the existing development plan for the area;
 - b) The extent to which the proposed development is in accordance with the emerging County Durham Plan; and,
 - c) The extent to which the proposed development is consistent with Government planning for housing policy objectives set out in the National Planning Policy Framework (NPPF), with particular regard towards delivering a wide choice of high quality homes, which widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.
85. This scheme proposes housing development on Greenfield land that is located outside of the existing settlement boundary for Wingate. There are no specific landscape or site designations relevant to the site. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary (Policy 3). Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with the District of Easington Local Plan.

86. As a consequence of the conflict with the District of Easington Local Plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the National Planning Policy Framework (NPPF) is far less restrictive than the Local Plan which specifies (Policy 67) that only previously developed land can come forward for housing development on sites which are located within defined settlement boundaries. The NPPF seeks to boost significantly the supply of housing and expects Local Planning Authorities to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para's 47 – 55). Therefore the key matter relates to directing development to suitable and sustainable locations.
87. Wingate is recognised as a 2nd tier settlement (Larger villages and smaller towns within the County Durham Settlement Study) in recognition that the village is has good access to facilities and services available nearby, there is also an existing bus stop at the entrance to the site.
88. The site is situated on the edge of the settlement, but development would represent a logical contained expansion of the village to the east and integrate reasonably well with the existing built form and settlement pattern. Landscape impact can be reduced through structural planting and retention of existing mature planting.
89. In view of these matters it is considered that permitting housing development of an appropriate scale on this site on the edge of Wingate is consistent with the role the settlement plays in the County Durham settlement hierarchy.
90. The development of the site would also accord with the emerging County Durham Plan (CDP). This is on account it is land which is earmarked as a proposed housing allocation within the 'Pre-Submission draft' of the Plan (Ref: H74: East of Martindale Walk). In terms of how much weight should be attributed to the emerging plan, recent Secretary of State decisions (APP/W3005/A/12/2179635 & APP/F5540/A/12/2177852) have afforded "limited" or "little" weight to those which have reached that stage, in recognition that they are still likely to be refined further in order to resolve issues identified as part of the consultation. In view of this, the CDP should not be a decisive factor in the determination of this application; the key determining factor should be the NPPF.
91. In terms of the 5-year supply, the Policy Team is confident the Council is able demonstrate a 5-year supply of deliverable sites due to the number of schemes which are currently on-site and under construction, or which have received consent over the past 12-18 months. In this respect, there are no deficiencies in the supply of housing, but it is considered that no significant demonstrable harm would accrue from the grant of permission for housing on a NPPF compliant site for 161 units. As the site is earmarked for development in the CDP, its development will not undermine the deliverability of other sites in the locality.
92. The Spatial Planning Team considers that whilst the principle of developing this site for housing does not accord with the policies of the District of Easington Local Plan, it does broadly comply with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the village in modern family housing. Furthermore the provision of 10% affordable housing will deliver clear benefits to the area which aligns with sustainability objectives.

93. As such, subject to technical matters being addressed there are no planning policy objections to the principle of the development subject to the applicant first entering into an appropriate Section 106 legal agreement to secure affordable housing, play provision, education contributions, a scheme to secure local labour and training and the delivery of Green Infrastructure.

Highways issues

94. The Transport Assessment predicts generation of 96 a.m. and 107 p.m. peak hour trips from 161 homes using a TRICs analysis. A Travel Plan has also been produced which if successfully implemented will reduce this level of demand which is acceptable. The consultant has assessed impacts at two junctions -Wellfield Road/ The Maltings and B1280 North Road. Traffic is predicted to distribute from the site to these junctions (50% each direction). The junction assessments conclude that the network will operate within capacity at these junctions at a 2022 design year without any significant impact on queues or delay which is acceptable. Whilst 2 way flow at the Wellfield Road and A181 junctions marginally exceeds the 30 two way movement threshold, it is considered effective travel planning may reduce the demand to an acceptable level and any increase in junction delay experienced would be within the junctions capacity.
95. The site has been assessed for its accessibility to retail, educational, employment and service sectors. It is concluded the site offers reasonable opportunity for access by alternative modes to the car. This is accepted. An accident analysis of Wellfield Road has also been undertaken the findings of which suggest a low frequency with no obvious trends. This is agreed.
96. An Interim travel plan has been produced to support the application and sit alongside the Transport Assessment. It is noted that commitment is made to appoint a Travel Plan Co-ordinator in advance of occupation of the site which is welcomed. Whilst a detailed plan and targets are not set at this stage, the commitment to appointment of a Travel Plan Co-ordinator for the first 5 years of occupation of the development is welcome. It is suggested that the development is conditioned to meet this commitment at the approval stage. In summary the Transport Assessment and interim Travel Plan are deemed to be acceptable for this development, subject to a condition requiring a full residential Travel Plan.
97. The existing road junctions at the A181/C135 Durham Road, A181/B1280 Salters Lane, A181/C135 Wellfield Road, B1280 North Road/C135 Wellfield Road, C135 Wellfield Road/Roxby Wynd, along with the section of the C135 Wellfield Road in the vicinity of the primary site access, next to the large traffic calming build out, were assessed for any personal injury Road Traffic Collisions in the last 3 years. There were 2 no. recorded personal injury RTCs at the B1280 North Road/C135 Wellfield Road mini-roundabout junction and 3 no. recorded personal injury RTCs at the A181/B1280 Salters Lane junction. On the basis that there were no recorded personal injury RTCs at any of the other locations the accident history would be deemed as being very low and hence the existing public highway network would be described as being relatively safe. The additional vehicular traffic generated by the proposed development would not be expected to generate additional RTCs on the locations assessed.
98. The Public Right Of Way Public Footpath Ref. 13 through the site, that runs north to south from between no. 2, Wellfield Road South and the property to the east named

Renroc, will need to be diverted in the final detailed design. The diversion route will need to be agreed with officers from Durham County Council's Rights Of Way Section.

99. The primary site access will be via a priority junction arrangement as shown on the Proposed Site Access Junction plan, drg. no. A072806/C001 Rev. 'A', which is acceptable, although the proposed access road width will need to be amended to 6.75 metres and the proposed footways reduced to 1.8 metres. The proposed 4.5 x 120 metres junction sight visibility splays and 10 metres junction radii are acceptable.
100. It could have been advantageous to relocate the existing large traffic calming build out located on the existing bridge deck to the east of the proposed primary access point. However officers from Durham County Council's Bridges Section have confirmed that the existing arrangement is to protect the weak verges to the bridge and as such the existing arrangement cannot be amended. Whilst the existing large build out offers some traffic calming characteristics it was not constructed as a traffic calming installation.
101. The construction of the primary site access will necessitate the relocation of the existing bus stop to a point approximately 115 metres to the east. A condition requiring details of the new bus stop/shelter will be required.
102. In addition to the primary access onto Wellfield Road a secondary access is proposed via Roxby Wynd and Martindale Walk on the adjacent existing residential estate to the west. Whilst this will clearly be unpopular with the existing residents of the adjacent residential estate the original developer of this estate clearly designed these two roads with a vision of future residential development to the east of no. 10, Martindale Walk. The existing roads within Roxby Wynd and Martindale Walk are both 5.5 metres wide, compared to the other roads on this estate such as Stewart Drive which will be expected to be 4.8 metres wide. A 5.5 metres wide residential estate access road could be expected to serve up to approximately 300 dwellings, preferably in a loop road arrangement with 2 access points, conforming to a Type 2 - Major Access Road as outlined in Durham County Council's Guide To The Layout & Construction Of Estate Roads.
103. There are currently 116 existing dwellings served via the existing Roxby Wynd, with only 48 dwellings being served via Martindale Walk. Roxby Wynd and Martindale Walk, the latter in particular, could be described as being oversized, as without the potential access road link to the land to the east the road in Martindale Walk could have been constructed at a road width of just 4.8 metres. The resultant 277 dwellings on the existing and proposed residential estates would be within the 300 or so dwellings guidance for a 5.5 metres wide major access road and therefore the Highway Authority could not object to the creation of the secondary access point onto Martindale Walk. As stated above, whilst this arrangement will clearly be unpopular with the existing residents of the adjacent residential estate, without the primary access point onto Wellfield Road the applicant could have designed the proposed development with a single access point onto Martindale Walk. As a primary access onto Wellfield Road can be created the Highway Authority would insist that this arrangement is carried through to the final detailed design, which should result in minimal new development vehicular traffic impact on the existing Roxby Wynd/Martindale Walk route.
104. Public Transport officers have contacted Go-Northeast in regards to bus services on Wellfield Road and it now seems safe enough to regard the x7 service, which might

have been at risk, as an established part of the public transport network and accordingly the applicant and any future developer will not be pursued in relation to subsidising existing or future bus services in the area.

105. Finally there have been some suggestions that additional traffic calming could be created on the existing C135 Wellfield Road to reduce vehicle speeds, funded by the applicant or potential developer of the proposed residential development. However as advised by the Area Traffic Engineer, David Battensby, additional traffic calming on this section of the C135 Wellfield Road has been investigated in the past with no designs being found suitable. In view of this it is not deemed reasonable to request the applicant or potential developer to fund traffic calming on the C135 Wellfield Road.
106. On the basis of the above, it is considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Character and appearance of the area

107. It has already been explained within the principle of the development section to this report that the development proposal has some degree of conflict with the saved policies within the District of Easington Local Plan. With the site located in the countryside as defined under Policy 3 of the Local Plan then this development would also result in a significant change to the character and appearance of the area and would result in the loss of open agricultural fields to that of a residential estate.
108. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes It also highlights the desirability that new development makes a positive contribution to local character and distinctiveness.
109. This application site is not located within or near an area which has been designated for its landscape value. Notwithstanding this, it is acknowledged that a development of this size would inevitably lead to a change in the landscape. However, it is considered that the development would represent a logical contained expansion of the village to the east and integrate reasonably well with the existing built form and settlement pattern. In addition, given that the site is edge of settlement and is bound by Wellfield Road to the north and the Hart to Haswell Walkway to the east, and that additional landscaping will be provided to the south of the site. It is not considered that any landscape impacts would be significantly adverse.
110. With the application being in outline form without details of layout, scale and appearance being reserved matters only a general consideration of the impacts of the development can be considered. Both the Council's landscape officers and the design and conservation officers have not objected to the proposals in terms of the landscape impact. It is considered that at the reserved matters stage and with the use of appropriately attached conditions an adequate landscape scheme both within the site and on adjacent land under the applicant's control can be devised which would mitigate the any impact of the development.

In addition to the above, the Public Rights of Way Officer has not objected to the diversion of the Public Right of Way and welcomes the provision of Green Infrastructure and new and improved public footpaths to the south. It is also noted

that the diversion of the Public Right of Way will need to go through a separate application process.

111. On balance having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon the landscape and character and appearance of the area.

Affordable housing

112. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general. The provision of affordable housing where a need has been identified is encouraged through the NPPF (Para's 47, 50, and 159) which also requires a range of dwelling types and sizes, including affordable housing to deliver the sustainable, inclusive and mixed communities. Emerging Policy 31 of the CDP is consistent with these objectives of the NPPF.
113. The County Durham Strategic Housing Market Assessment update (SHMA) report was completed in 2013 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.
114. The SHMA, NPPF and draft Policy 31 of the CDP therefore provide the justification for seeking affordable housing provision on this site.
115. The applicant's planning statement advises that the requisite 10% of affordable housing will be provided as part of the development. Policy 31 specifies a tenure mix of 75% affordable rented housing and 25% intermediate housing. Their Planning Statement suggests 75% social rent, but this is different from affordable rent, so the S106 will need to reflect the Policy requirements for affordable rent (75%) and intermediate (25%).
116. In addition to the above it is considered that 10% of the housing on the site should meet the needs of older persons in accordance with part 6 of the NPPF and the emerging CDP which aim to deliver a wide choice of quality homes.

Ecology

117. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
118. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

119. As the green field nature of the site could mean that a protected species may be disturbed by the proposed development, the applicant has submitted a habitat survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. Given this, there is no requirement to obtain a license from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010.
120. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF.
121. In addition to the assessment of protected species, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
122. This application site is in close proximity to the Durham Coast and Castle Eden Dene Sites of Special Scientific Interest, the Durham Coast Special Area of Conservation and the Northumberland Coast Special Protection Area all of which are designations of significant importance.
123. In order to take pressure from additional visitors away from the coastal designations of significant importance, the applicant has proposed to provide additional Green Infrastructure (GI) which is an existing open space to the south of the application site that where it is proposed to carry out enhancements designed to attract more visitors by providing an enjoyable natural environment for recreation as an alternative to the designated sites on the coast. This proposal is subject to a separate planning application on this agenda.
124. Proposals for the GI consist hedge bank creation, improved footpaths, and landscape and access enhancements. A series of new footpaths would provide circular walking routes within the site and provide links onto the Hart to Haswell Walkway to the east. Good walking routes within the site would reduce the number of people who travel to the coast and Castle Eden Dene and reduce disturbances within these important wildlife habitat areas.
125. An appropriate maintenance and management plan has been submitted to ensure future sustainability of the proposals.
126. Natural England have been consulted on the proposals and advise that they welcome the commitment to provide a large area of open space associated with the proposed residential development in order to reduce the recreational pressure on the coastal European protected sites. They advise that the proposed Green Infrastructure is likely to mitigate any effect on the European Designations and that the proposed residential development is not likely to have a significant effect on the designated nature conservation sites. Natural England also supports the commitment to provide a maintenance and management plan in order to ensure the green infrastructure measures are in place in perpetuity. They also note that a Habitat Regulations Assessment of the development has already been carried out as part of the housing site allocation process of the County Durham Plan.

127. In light of the additional information, the Council's Senior Ecology Officer has advised that the proposals are acceptable subject to the mitigation in the ecology survey and maintenance and management plan being secured by condition.
128. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.
129. In addition to the above, it is noted that there are a number of mature trees and hedgerows in and around the site. Given the proximity of the proposed development it is considered that a further condition should be imposed which requires these hedgerows and trees to be protected during construction. Subject to this condition it is considered that the proposals would be in accordance with part 11 of the NPPF.

Archaeology

130. The site at Wellfield Road has been subject to a geophysical survey, in line with the recommendations of the NPPF and archaeology officers. The information generated by this assessment is sufficient for the planning authority to make an informed judgement in respect of the application for outline planning permission for residential development.
131. The assessment has demonstrated that the site has a low sensitivity for archaeological features across the area. However, some anomalies were found of an uncertain origin and therefore trial trenching in these areas are recommended before any work commences on site.
132. It is considered that this work should be ensured via a condition. Subject to this condition it is considered that the proposals would accord with part 12 of the National Planning Policy Framework which seeks to protect sites with archaeological potential.

Flood risk

133. The NPPF states that inappropriate development in flood risk areas should be avoided by directing development away from areas at highest risk, that development should not increase the risk of flooding elsewhere and that safe access and escape routes from developments should be provided where required.
134. A flood risk assessment has been submitted with the application which finds that the site is not within flood zones 2 or 3 and that run-off from the site in a developed state could be managed in a sustainable manner. The Environment Agency have been consulted as part of the proposals and have raised no objections. Conditions have been requested by Northumbrian Water in relation to the discharge rates of foul sewage and surface water.
135. Subject to these conditions it is not considered that the development would lead to any additional flood risk than that which already exists and therefore the proposals would accord with part 10 of the National Planning Policy Framework.

Environmental health issues

136. Officers from pollution control have assessed the proposals in terms of the potential impact of dust and pollution during construction and in terms of any potential noise nuisance, particularly from the nearby A19.
137. Finally, the Council's pollution control officers have concluded that in order to ensure that levels of noise from the A19 are kept to an acceptable level, a condition will be required which requires an acoustic report to be carried out and any mitigation implemented accordingly. In addition, conditions to prevent noise and dust nuisance during development will be required along with a condition which restricts construction hours.
138. On the basis of the above and having considered the amenity impacts of the A19 on the future residential occupiers, it is considered that the proposals would be acceptable in terms of residential amenity in accordance with part 11 of the NPPF.

Concerns raised by local residents

139. As noted above, 30 letters of objection have been received as a result of the consultation process. The main reasons of concern are that the scale of the development is too large, is unsustainable and would result in loss of agricultural land, that it would result in a loss of green space and wildlife, that there are vacant properties in the area and the development is not needed and that it is outside the settlement boundary.
140. In addition to this there are concerns that the increase in population would lead to an increase in traffic, put pressure on local schools, that there are a lack of existing amenities in the area, that the additional development would cause flooding, would result in loss of residential amenity and that it would result in the diversion of a Public Right of Way and loss of hedgerows. Finally there is a concern that the development should not be coming forward before the adoption of the County Durham Plan.
141. All of the above issues been covered in the report and are not considered to have any significant adverse impacts that with or without mitigation, would warrant refusal of planning permission. In particular, issues relating to sustainability and loss of greenfield land have been assessed as part of the principle of the development and issues relating to wildlife have been assessed and it is of note that Natural England offer no objections.
142. In addition, both the Council's Highways Officers and the Highways Agency have offered no objections to the proposals in terms of traffic issues and both the Environment Agency and Northumbrian Water offer no objections subject to conditions controlling surface water and discharge of foul drainage. With regard to pressure on local services, the school places officer has been consulted as part of the application process and it has been advised that an appropriate financial contribution would be required for additional school places which has been agreed with the applicant. The NHS have confirmed that there is sufficient capacity nearby to facilitate residents of the development. With regard to the objection relating to the application coming forward ahead of adoption of the County Durham Plan, the Applicant is free to pursue an application at any time and in such circumstances, the application must be assessed on its own merits in the usual way.
143. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts,

are not considered to outweigh the benefits of the development and give rise to grounds for refusal of planning permission.

CONCLUSION

144. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this identified allocation. The proposed development seeks the provision of up to 161 no. dwellings and associated works. The application site lies outside of any settlement boundary. However, consideration must be had to all other material planning considerations including the NPPF. Officers consider that the development does constitute sustainable development, the key theme running through the NPPF and that the development does not conflict with the emerging County Durham Plan nor cause harm coming forward in advance of this plan. The principle of the development can therefore be accepted.
145. Several other key considerations apply to the site other than the principle of the development namely matters of highways, impact on the character and appearance of the area, affordable housing, ecology, archaeology, flood risk, and environmental health issues. Many of these issues are raised as concerns within the public responses to the application and have been addressed.
146. For the reasons set out in this report the scheme is considered to be in a sustainable location for residential development and would contribute toward an identified housing need in the area including significant provision of affordable housing along with provision of housing for older persons.
147. The development would provide employment opportunities for local people through securing targeted employment and training programmes as part of the legal agreement. Open space and play provision would be provided on site as well as contributions toward the creation and enhancement of recreational facilities in the area including the provision of a recreational area to the south of the application site. In addition, financial contributions would be made towards additional school classrooms in accordance with the requirements of Council education officers.
148. It is considered that the contribution the development will make toward meeting the housing and infrastructure needs of all sectors of the community and the investment and regeneration the development would bring to the area should be afforded significant weight in the determination of this application in this instance. Therefore the principle of bringing this site forward for residential development ahead of the County Durham Plan is acceptable and would not undermine future strategic objectives for the area.

RECOMMENDATION

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

- i. 10% affordable housing.
- ii. £237,380 contribution toward primary school places in the Wingate Electoral Division.
- iii. £80,500 contribution toward enhancement or provision of play facilities in the Wingate Electoral Division.

- iv. Linkage to planning application ref: CE/13/01569/FPA requiring delivery of the Green Infrastructure in advance of the occupation of the 30th dwelling.
- v. A programme of Target Recruitment and Training.

Conditions:

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

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

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

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

3. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Site Location Plan – 246-PAR 001 Rev A

Proposed Site Access Plan – A072806 – C001 Rev A

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

4. Prior to the occupation of the first dwelling a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include but not be restricted to providing details of the Travel Plan Coordinator. The development shall thereafter be implemented in accordance with the approved travel plan details.

Reason: In the interests of minimising traffic generation and encouraging sustainable travel, in accordance with the objectives of saved Policy 36 of the Easington District Local Plan and part 4 of the NPPF.

5. Prior to any development commencing details of the new westbound public transport infrastructure must be submitted to and approved in writing by the Local Planning Authority. No construction works associated with the Proposed Site Access Plan – A072806 – C001 Rev A, shall be undertaken until such time as the new westbound public transport infrastructure has been completed.

Reason: In the interests of minimising traffic generation and encouraging sustainable travel, in accordance with the objectives of saved Policy 36 of the Easington District Local Plan and part 4 of the NPPF.

6. The approved development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by iD Civils Design Ltd dated July 2013 and the mitigation measures detailed within the FRA.

The relevant mitigation measures shall be fully implemented prior to occupation of the first dwelling of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

7. 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 each phase of 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 each phase of development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

8. No development shall be commenced until details of trees, shrubs and hedges which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented 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 District of Easington Local Plan.

9. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Extended Phase 1 and Protected Species Survey prepared by E3 Ecology Ltd (March 2013).

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

10. Prior to the commencement of development an agreed programme of archaeological work in accordance with a written scheme of investigation shall be submitted and approved by the local planning authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within 6 months of the date of completion of the scheme hereby approved by this permission. The strategy shall include details of the following:

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

Reason: The site has archaeological potential that must be assessed as recommended in the NPPF para. 128

11. No development shall commence until a scheme for the provision and management of a 5 metre wide buffer zone alongside the two ponds to the east of the application site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.

The scheme shall include:

- i) plans showing the extent and layout of the buffer zone
- ii) details of any proposed planting scheme
- iii) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- iv) details of any proposed footpaths, fencing, lighting etc.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

12. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions 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 scheme.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.

13. No development shall take place until a detailed acoustic report, carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. In the event that the acoustic report finds that the following noise levels

would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority:

- i) 55dB LAeq 16hr in outdoor living areas
- ii) 40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)
- iii) 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- iv) 45 dB LAmax in bedrooms during the night-time (2300 - 0700)

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

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

14. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

15. No development shall commence until a detailed scheme showing access arrangements onto the Hart to Haswell Walkway has been provided and agreed in writing with the Local Planning Authority. The scheme shall include details of access locations, surface materials, signage, access controls, fencing and provision for waste disposal and implemented thereafter in accordance with the approved details.

Reason: In order to protect and enhance public access and to promote healthy communities in accordance with part 8 of the NPPF.

16. No development shall commence until a detailed scheme for the provision of 10% of dwellings which meet the specific needs of older people shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: In order to secure an appropriate mix of housing in accordance with Part 6 of the NPPF.

17. Notwithstanding the details submitted, this permission relates to a maximum of 161 dwellings on the site.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 of the National Planning Policy Framework and saved Policies 1 and 35 of the District of Easington 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 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
- District of Easington Local Plan 2001
- National Planning Policy Framework
- County Durham Plan Pre-Submission Draft
- Consultation Responses



Planning Services

Proposed RESIDENTIAL DEVELOPMENT OF 161 DWELLINGS (OUTLINE) AT LAND TO THE SOUTH OF WELLFIELD ROAD, WINGATE

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Comments	
Date March 2014	

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	CE/13/01569/FPA
FULL APPLICATION DESCRIPTION	PROVISION OF NEW AND IMPROVED GREEN INFRASTRUCTURE INCLUDING HEDGE AND HEDGE BANK CREATION
NAME OF APPLICANT SITE ADDRESS	PARTNER CONSTRUCTION LTD LAND TO THE SOUTH OF WELLFIELD ROAD, WINGATE
ELECTORAL DIVISION CASE OFFICER	WINGATE Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site is located to the east of the settlement of Wingate and to the south of the proposal for residential development which is subject to a separate planning application on this agenda. The site extends to 2.3 hectares and comprises agricultural land currently in use for arable farming with a recorded public right of way running through the site. The Hart to Haswell Walkway runs north to south and is east of the application site.

Proposal:

2. Full planning permission is sought for an area of Green Infrastructure (GI) which includes the formation of hedge banks and new hedgerows, upgrading of existing footpaths and provision of new footpaths at the site to provide improved public access and a recreational facility.
3. This application is intrinsically linked to the planned residential development to the south of Wellfield Road and is intended to provide recreational open space that will serve both the proposed residential development and the wider area.

PLANNING HISTORY

4. None relevant to this application site, however the application is linked with the residential development of 161 dwellings on land to the south of Wellfield Road (CE/13/01569/FPA).

PLANNING POLICY

NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

7. 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.
8. NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
9. NPPF Part 11 – Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of 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

10. 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.
11. 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.

12. Policy 16 - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
13. Policy 19 - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
14. 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.
15. Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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:

16. 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:
17. *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.
18. *Policy 20 (Green Infrastructure)* – Development will be expected to conserve, and where required improve and extend, the County's Green Infrastructure network.
19. *Policy 30 (Housing Land Allocations)* – In order to meet the housing requirement a number of sites have been allocated for housing. Planning applications for housing submitted on these sites that are in accordance with site specific and phasing requirements will be approved. Applications submitted in advance of its phasing will be approved where they do not prejudice delivery of other allocated sites phased in an earlier time period, where they are required to maintain a five year supply of deliverable sites and where infrastructure requirements can be satisfactorily addressed.
20. *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.

21. *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.
22. *Policy 42 (Internationally Designated Sites)* – Developments which have the potential to have an adverse effect on an internationally designated site/sites will need to be screened in the first instance to determine the likely effects and will be subject to an Appropriate Assessment where necessary.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. Natural England have no objections to these proposals and have responded more fully to the proposals for residential development linked to this planning application.
24. The Environment Agency raise no objections to the proposals.
25. Northumbrian Water have no objections to the proposals.
26. The Ramblers Association have raised no objections to the proposals and agree with the comments from the Councils Public Right of Way Officer.

INTERNAL CONSULTEE RESPONSES:

27. Design and Conservation Officers raise no objections to the proposals.
28. The Public Rights of Way Officer welcomes the enhancement and provision of new footpaths but requests conditions relating to detail, maintenance and management.
29. The Landscape Section have no objections and recommend conditions relating to surface materials.
30. The Ecology Officer states that the proposed Green Infrastructure is welcomed and no objections are raised.

PUBLIC RESPONSES:

31. Letters of notification were sent to neighbouring properties within the area and the application was advertised by means of Press and Site Notice. 5 letters of representation have been received stating concerns for loss of hedgerows, loss of wildlife, that a Public Right of Way will be affected and that the proposal would not relieve pressure on the nearby habitat designations and is not sufficient to avoid an Appropriate Assessment under the Habitats Regulations.

APPLICANTS STATEMENT:

32. This application relates to the outline application for the development of up to 161 residential dwellings on the adjoining site.
33. It is a standalone application which will deliver significant improvements to the Green Infrastructure within the area to the benefit of both local residents and local wildlife habitats. It has been designed in close consultation with ecology officers at the Council and is consistent with the Habitat Regulations Assessment of the emerging Local Plan and the expectations of Natural England for residential developments in this area of the County.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122385>

PLANNING CONSIDERATION AND ASSESSMENT

34. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and links to the proposed residential development, landscape impact ecology and responses from the public.

Principle of Development and links to the proposed residential development

35. The application does not propose a change of use of the land but facilitates improvement and enhancement of access opportunities intended to help meet the recreational needs of the new development and provide an enhanced and managed facility for the wider area.
36. The proposed residential development site which is linked to these proposals is in close proximity to Durham Coast and Castle Eden Dene Sites of Special Scientific Interest, the Durham Coast Special Area of Conservation and the Northumberland Coast Special Protection Area, all of which are designations of significant importance.
37. In order to take pressure from additional visitors away from the coastal designations of significant importance, the applicant proposes to provide additional Green Infrastructure (GI) which is an existing open space. It is proposed to carry out enhancements to this open space designed to attract more visitors by providing an enjoyable natural environment for recreation as an alternative to the designated sites on the coast and at Castle Eden Dene. This is the basis of the current application.
38. Proposals for the GI consist of hedge bank creation, improved footpaths, and landscape and access enhancements. A series of new footpaths would provide circular walking routes within the site and provide links onto the Hart to Haswell Walkway to the east. Good walking routes within the site would reduce the number of people who travel to the coast and Castle Eden Dene and reduce disturbances within these important wildlife habitat areas.
39. An appropriate maintenance and management plan has been submitted to ensure future sustainability of the proposals.

40. The principle of informal recreational uses is in accordance with the aims of Saved Policies 6 and 66 of the Easington District Local Plan 2001 and in conformity with paragraphs 73-75 of the NPPF.

Landscape Impact

41. The remodelling works proposed within the site are minimal and will not generally have any impact on the wider landscape character in terms of its openness. Indeed, the addition of new hedgerows would serve to improve the character and appearance of this area of countryside. Therefore the proposals are considered to be in accordance with policies 1 and 35 of the District of Easington Local Plan.

Ecology

42. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
43. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained. However, as there are no European Protected Species identified on this site, there is unlikely to be any interference with an EPS and no requirement for the LPA to consider and apply the derogation tests set out in the Regulations
44. Part 11 of the NPPF most notably at paragraphs 118 and 119 seeks to conserve nature conservation assets and prevent harm to protected species through development. The design enhances the green infrastructure to the south of the proposed residential site by creating hedge banks and new hedgerows and providing additional and improved footpaths for existing and future residents, giving an alternative to visiting the sensitive designated sites on the coast and at Castle Eden Dene.
45. Natural England have been consulted on the proposals and advise that they welcome the commitment to provide a large area of open space associated with the proposed residential development in order to reduce the recreational pressure on the coastal European protected sites and Castle Eden Dene. They advise that the proposed Green Infrastructure is likely to mitigate any effect on the European Designations and that the proposed residential development is not likely to have a significant effect on the designated nature conservation sites. Natural England also supports the commitment to provide a maintenance and management plan in order

to ensure the green infrastructure measures are in place in perpetuity. They also note that an Appropriate Assessment under the Habitat Regulations has already been carried out as part of the housing site allocation process of the County Durham Plan.

46. Having regards to the above officers raise no objection with regards to the impact of the development upon protected species. As a result no objections are raised having regards to Part 11 of the NPPF and Policy 6 of the Easington Local Plan.

Public responses

47. Concerns have been raised regarding the loss of hedgerows, wildlife and a public right of way. Both internal and external consultees raise no objections to the proposals and indeed welcome the creation of new footpaths, hedge banks and hedgerows and an improved wildlife and recreational facility. One objector states that the proposals would not relieve pressure on the nearby habitat designations and that the proposal will not be sufficient to avoid an Appropriate Assessment under the Habitats Regulations. Both Natural England and Ecology Officers have confirmed that the proposals are acceptable and not that an Appropriate Assessment under the Habitats Regulations has already been carried out as part of the site allocation process in the County Durham Plan. Overall it is considered that the issues raised are not considered sufficient to warrant refusal of the application.

CONCLUSION

48. The application represents a socially, economically and environmentally sustainable development proposal which is in accordance with both National and saved Local Planning Policy. The proposals would serve as an important green recreation space for existing and future residents and would create an enhanced habitat for wildlife. It is therefore not considered that the proposals would have a detrimental impact upon the amenities of the surrounding area or the wider setting more generally that would justify refusal of this application.

RECOMMENDATION

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

Delivery of the Green Infrastructure in advance of the occupation of the 30th dwelling of the residential development on land to the south of Wellfield Road, Wingate (ref. no. CE/13/01568/OUT).

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 – Green Infrastructure Boundary Plans 246-PAR 400, Hedge Bank Creation SD/W/33, Green Infrastructure Planting Details R/1521/1A.

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.

3. 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 each phase of 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 each phase of development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

4. No development shall commence until a detailed scheme showing proposed footpath construction details has been provided and agreed in writing with the Local Planning Authority. The scheme shall include details of surface materials, signage, access controls, fencing and provision for waste disposal. The agreed scheme shall be implemented thereafter in accordance with the approved details.

Reason: In order to protect and enhance public access and to promote healthy communities in accordance with part 8 of the NPPF.

5. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Wildlife and Habitat Management and Maintenance Programme prepared by E3 Ecology Ltd (November 2013).

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

6. No development shall be commenced until a scheme that sets out arrangements for ongoing maintenance of the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and thereafter maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies 1, 35 and 66 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 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
- District of Easington Local Plan
- National Planning Policy Framework
- County Durham Plan Pre-Submission Draft
- Consultation Responses



Planning Services

**PROVISION OF NEW AND IMPROVED
GREEN INFRASTRUCTURE INCLUDING
HEDGE AND HEDGE BANK CREATION
CE/13/01569/FPA**

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	CE/13/01651/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development of maximum of 49 units with all detailed matters reserved except access (revised and resubmitted)
NAME OF APPLICANT:	Mr D Hutchinson
ADDRESS:	Land To The North Of Willowtree Avenue Gilesgate Moor
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

This application is a resubmission of a previous application at the same site. The previous application was referenced 4/13/00422/OUT 'Outline application for residential development of maximum of 54 units with all detailed matters reserved except access' and was refused by the Planning Committee in October 2013. The body of the previous committee report has been used in this instance as the situation at the site essentially remains the same, other than a reduction in the maximum number of units proposed from 54 to 49. Any significant changes or additions to the previous report are highlighted in bold.

The Site

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

2. Access would be taken from the western side of Willowtree Avenue where the road links with Broomside Lane.

The Proposal

3. This application seeks outline planning permission for a residential development. Approval of details is not currently being sought, but the indicative layout and

information supplied with the application suggests 49 no. dwellings could be accommodated at the site.

4. The only detailed matter requested for consideration under this application relates to the access. Matters of the appearance, layout, landscaping and scale of the development are reserved.

5. This application is being referred to the planning committee as it constitutes a major development.

PLANNING HISTORY

6. Planning permission was refused for residential development at the site in 1973. Outline planning approval for residential properties was refused in 1980. Outline Planning permission was refused for residential development at the site in 1985. An appeal against this decision was dismissed following a local enquiry in 1986. Planning permission was refused for residential development at the site in 2003. An appeal against the refusal was dismissed. Planning approval for 1 residential dwelling was refused at the site in 2004. An application was granted approval in 2009 for the change of use of land for the keeping of horses. A planning application for the erection of stable block was approved in 2010. **An outline planning application for a maximum of 54 no. dwellings was refused by the planning committee in October 2013, and an appeal is currently progressing.**

PLANNING POLICY

NATIONAL POLICY

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

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

9. The following elements are considered relevant to this proposal;

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

11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in

the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

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

17. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

18. *Policy E5a – Open Spaces within settlement boundaries* states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlements character or to the small scale character of an area will not be permitted.

19. *Policy E10 Areas of Landscape Value* Outlines that the Council will protect the landscape value of the area.

20. *Policy E14 Protection of Existing Trees and Hedgerows* This Policy states that the Council will require development proposals to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

21. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

22. *Policy H2 - New Housing Development within Durham City* sets out criteria outlining the limited circumstances, in which new housing within Durham City will be permitted, this being primarily appropriate on previously developed land and through conversions.

23. *Policy H12 - Affordable Housing: Ensuring a range of house types*. This Policy states that on larger sites proposed for housing the council will negotiate a fair and reasonable level of affordable housing provision.

24. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

25. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

26. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

27. *Policy T21 Walking* – This Policy states that the Council will seek to safeguard the needs of walkers.

28. *Policy R2 - Provision of Open Space – New Residential Development* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

29. *Policy R11 – Public Rights of Way and other paths* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative route could be provided.

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

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

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

33. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

34. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.

35. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

36. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

EMERGING POLICY:

38. 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.

39. Policy 30 which relates to housing allocations is relevant. The application site is included as part of the housing allocation within this policy.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm> in relation to the City of Durham Local Plan and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/> in relation to the County Durham Plan.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

40. Highways Development Management has no objections to the application.

41. Northumbrian Water has stated that they will require a detailed scheme showing disposal of surface and foul water at the site. They have raised awareness that a public sewer crosses the site.

42. The Coal Authority have offered no objection to the application subject to the inclusion of a condition requiring gas monitoring for shallow coal mine gases.

43. The Environment Agency has offered no objection to the application.

44. The NHS has made no comment in relation to the application, along with the Ramblers Association.

45. Belmont Parish Council has objected to the application on the basis that planning permission has previously been refused on this Green Field site. The Parish has expressed concerns of their residents that no more housing is wanted. Concerns are put forward over the increase in traffic the development would bring to already busy junctions. Concerns are put forward as to children's play provision at the site, while the parish suggests safety fencing around the site to prevent children from straying onto busy roads surrounding the site. Concerns are put forward relating to drainage, old mine workings and mine gas. Concerns are expressed over the preservation of hedging and trees at the site.

INTERNAL CONSULTEE RESPONSES:

46. The Councils Landscape section has been consulted on the application and have raised no objection to the principle of developing the site for residential properties. They do have concerns that the provision of 54 dwellings could represent over development and will require details of buffer and screening planting.

47. Environmental Health has raised no objections though recommendations with regards to working hours, dust and noise suppression are made.

48. The Councils Archaeology section have noted that there could be archaeological interest in the site and have suggested conditions requiring investigation.

49. Planning Policy consider that the principle of the proposal is acceptable. They consider that while the proposal conflicts with the City of Durham Local Plan, the National Planning Policy Framework is more relevant in assessing this proposal and the site represents a sustainable location for housing.

50. The Councils senior tree officer has raised no objections to the development and seeks assurance that an arboricultural impact assessment and tree constraints plan will be submitted with any future reserved matters application.

51. The Councils drainage engineer has requested that a detailed surface and foul drainage design should be submitted in relation to the site.

52. Ecology Officers have raised no objections to the proposal, subject to the compliance with and the delivery of ecological enhancements at the site.

53. The Councils Contaminated land Officer has offered no objection to the application and suggested that in the first instance a phase 1 desk top study should be submitted in relation to the site.

54. The Councils Schools organisation manager has raised no objection to the application.

55. Neighbourhood services have offered comments about detailed matters at the site.

56. The sustainable travel section have offered no objections in relation to the development of this site, although have outlined their desire to see a safe crossing across the A690 to enable greater access for residents to the Wear valley.
57. Design and Conservation have reservations over the indicative layout and density of the development but have offered no objections.
58. The Housing development and delivery team have offered their support for the proposed 20% affordable housing provision.
59. The sustainability section has raised no objections to the proposal and have suggested a condition relating to renewable energy at the site.
60. Public rights of way have noted that there are unregistered paths across the development site and have stated that an application under section 257 should be made to extinguish unregistered paths.
- 61. The Economic Development section has made recommendations in relation to Targeted recruitment and training. However these requirements were not raised with Officers in relation to the original application and have been introduced late in the determination period of the current application. Consequently Officers do not see it as appropriate to introduce Targeted recruitment and training requirements at this stage. The Council's travel plans section have made no response to the application.**
- PUBLIC RESPONSES:**
- 62. Letters of objection from 10 addresses have been received in relation to this resubmitted application. The grounds of objection have remained on the whole the same as previously, as summarised below, with further concern put forward relating to the revised road arrangement near the site and concern over the potential provision of additional 2 storey units on the site.**
63. Councillor Moir has objected to the development on the basis of the access to the development which could be detrimental to Highway Safety. Councillor Moir considers that additional traffic movement from the development will cause disruption to traffic flow from the High Grange Estate at peak times.
- 64. Letters of objection from 14 addresses were received in relation to the original application and these are summarised below.**
65. Concern is put forward that additional dwellings would cause increased amounts of traffic with congestion likely in the local area especially at peak traffic times of day. It has been suggested that visibility at various junctions in the area is poor and that increased amounts of traffic could infringe highway safety in the local area. Concern is put forward that not enough consideration has been given to sustainable transport options.
66. Concern is put forward that the application would be contrary to Policies H2 and E5a of the City of Durham Local Plan. It is suggested that the application should be refused as it would be contrary to these Policies.
67. Objectors have noted that planning approval has previously been refused at the site for residential development.

68. The green field nature of the site is also noted. Concerns are expressed that development of the site would diminish the green approach towards Durham City. Objectors have suggested that the site should be designated as a village green.
69. Concerns are put forward in relation to wildlife at the site. Objectors are concerned over the potential loss of species from the site that are not mentioned in the submitted ecological report. It is stated that the proposed housing density would not allow for space for wildlife species to remain on site.
70. Concern is expressed over the potential loss of the hawthorn hedgerow, with concern expressed that ecological mitigation offered is being at a bare minimum level.
71. There is concern over loss of views that could result from the development of the site, both from within the site and from existing properties that are situated within the area.
72. Many objectors have expressed concerns over drainage at the site and have stated that the site has drainage problems particularly in very wet weather and during snow melt. Objectors have reported issues with flash flooding in and around the area.
73. Many objectors feel that the level of development would be disproportionate to the site. Concern is expressed over the potential for three storey development. Objectors have suggested that only a small number of houses would be suitable.
74. Concerns are expressed over the availability of school places for prospective future residents of the development.
75. Residents of the Paddock, situated to the east of the proposed development site have expressed concerns that the development would mean an increase in overlooking and a loss of privacy.
76. Concerns are expressed that good agricultural land would be lost were the site allowed to be developed.
77. The loss and change in nature of public rights of way at the site are a cause for concern.
78. Concern is expressed at the lack of community involvement in relation to the application.
79. Concern is expressed in relation to statements made within the application which objectors consider to be misleading.
80. Concern is expressed over former coal mining activities that have taken place on the site and it has been suggested that there is a degree of subsidence in the local area.
81. It is suggested that there is no need for more housing in the area as there are already a number of properties for sale in the local area.

APPLICANTS STATEMENT:

82. Planning Policy - *National Planning Policy Framework (NPPF)* is a material consideration to be taken into account when determining planning applications and contains up to date Government guidance on planning issues. Guidance in the Plan must be given weight in decision making. The proposal accords with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

The development will assist the Council in achieving a 5 year supply of housing and will help meet the needs of different groups in the community such as families with children and people wishing to live within Durham City. The provision of 20% affordable housing will deliver clear benefits to the local area and align with sustainability objectives.

83. City of Durham Local Plan (2004)(CDLP) - The site is located within the defined settlement limit for Durham City but is not allocated for any use. The previous application was refused on the grounds that the scheme was contrary to CDLP Policy H2 and Policy H5A.

Saved Policy H2 in the CDLP says :-

“New housing development comprising windfall development of previously developed land and conversions will be permitted within the settlement boundary of Durham City” (subject to certain provisions).

The site is a Greenfield site and therefore not covered by this policy.

H2 is inconsistent with current NPPF policy which does not exclude Greenfield sites or specify previously developed land.

Policy H5A refers to open spaces which possess important functional, visual or environmental attributes which contribute to the settlement’s character. This is a privately owned piece of farmland with no public access. The site’s main contribution to the character and appearance is from its peripheral hedges and trees which are to be retained.

The proposal accords with Local Plan Policies H14, E14, E15 and Q8. *County Durham Plan “Pre-Submission Draft” Local Plan (October 2013) (CDP)* When this plan is adopted it will replace the saved Local Plan Policies. The proposal accords with Policies 1,2,3,4,5,16,18,20,30 31,34,40,41 and 48 of the Draft Plan.

84. Applicant’s response to objections to the previous application - The revised application addresses the objections made in representations and at the last Committee meeting to the previous application by replacing the illustrative layout with a new layout which hopefully overcomes local people’s concerns.

This is still an outline application as the applicants are private individuals and not housebuilders. Should this application be approved, the details of the site layout, landscaping and housing type and mix would be the subject of a future detailed planning application which would be considered by this Committee.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://fred:8080/IDOXSoftware/IG_search?app_id=1002&menu=1&FormParameter1=CE1301578FPA&FormParameter2=100110741166&code=QVGKPHUGJX

PLANNING CONSIDERATIONS AND ASSESSMENT

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

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

The Principle of the Development

86. The site is located within the Durham City settlement boundary on land which has not previously been developed. The site appears to have previously been used by members of the public for informal recreation but this public use seems to have decreased given the current state of the site which is heavily rutted and overgrown.

87. Policy H2 of the City of Durham Local Plan 2004 states new housing development comprising windfall development of previously developed land and conversions will be permitted within the settlement boundary of Durham City.

88. The proposal relates to a greenfield site which has not previously been developed. The proposal therefore does not fall to be considered under Policy H2 of the City of Durham Local Plan 2004 which relates to previously developed land. The National Planning Policy Framework seeks to boost significantly the supply of housing to create sustainable, inclusive and mixed communities at Paragraphs 47 to 55. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. Development in this location will contribute to this objective, and therefore these factors represent the material considerations to justify developing on land which has not been previously developed. Indeed the sequential approach to development which existed previously in the RSS and was mirrored in the City of Durham Local Plan has not been carried forward into the NPPF and the key criteria is one of sustainability. The introduction of the NPPF also provides a shift change in policy to recommend favourably on the site following a history of planning refusals in this location. The dwellings proposed would contribute towards housing supply.

89. In terms of the emerging County Durham Plan the development site forms part of an area of land that has been identified as an infill housing site, well related to Durham City's shops, employment opportunities, services and facilities. The site was supported at the recent cabinet meeting on the County Durham pre plan submission draft on 18th September 2013. **It is awaiting further approval by the Council in April 2014.** Taking these points into consideration, the development of this site would accord with the emerging County Durham Plan. However, Officers do not yet feel that this emerging policy is at an advanced stage where it can be attributed any significant weight in appraising this application, but feel it appropriate to make members aware of this designation.

90. Policy E5a of the City of Durham Local Plan states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes which contribute to the settlements character or to the small scale character of an area will not be permitted.

91. Officers acknowledge that the land in question does form a notable area of open space which does offer a contribution to the small scale character of the area. Officers acknowledge that its loss for development would alter the character of the area at a local level. However, to a large extent, development of the site could be read as a relatively logical extension of the existing developed area which could be considered to round off the settled area which is hemmed in by Broomside Lane and the A690 and its slip roads.

92. It is appropriate to consider the degree to which the site to which the application relates currently exhibits important functional, visual or environmental attributes.

93. The site as it stands seems to perform a limited recreational function and bears little evidence of use. Officers understand that public rights of way have accrued across the site, however the indicative layout allows for through flow at the site to maintain public rights of way through the site. It must also be stated that the land is private and does not form an overt function as public open space. Other public open space is available in the immediate area, while the Wear Valley and wider countryside which is situated close by is available to the north west beyond the A690.

94. The site does provide visual relief and a buffer to established residential development at Gilesgate Moor when approaching from the direction of Broomside Lane, however in a wider sense, the visual importance of the site would appear relatively limited. The site is to a degree screened on approach to the City from the A690 which sits in a lowered position. In wider views from the north west and north east, the development would be read against the existing built up area of the City and structural landscaping could limit its impact on the Area of High Landscape Value to the west. The Councils landscape section have considered the application and have noted that there would be limited landscape impact from developing the site due to a good degree of boundary screening that currently exists at the site. Indeed this boundary screening currently present is likely to have developed significantly since previous planning refusals at the site.

95. The site would appear to have limited environmental attributes. The site has been identified as being generally poor in terms of habitat structure and wildlife value. Ecology Officers have offered no objection to the proposals subject to adherence to proposed mitigation measures.

96. The site identified within the emerging local plan is slightly larger than the site proposed for this development. The area that is not included within this application is arguably of greater visual importance, being located on the edge of the site next to the A690 with moderate tree cover.

Highways Issues

97. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

98. The site would be accessed from the link road that joins Broomside Lane and Willowtree Avenue. This access would be placed to the north of the access which serves The Paddocks, a low density development of three residential properties. A footpath would be included to the south to provide pedestrian access to Willowtree Avenue, while a pavement to the north would allow pedestrians to cross the road and access areas to the north and east of the site.

99. Highways Development Management Officers have given detailed consideration to the proposed scheme and have offered no objections to the proposals.

100. A significant level of concern has been raised by adjoining occupiers relating to Highways issues at the site and it is suggested that the application would be contrary to Policies T1 of the City of Durham Local Plan. Officers acknowledge that such a housing development would inevitably increase activity in the area to a greater level than currently exists. Residents within the immediate area would notice additional comings and goings. Officers however do not anticipate that the development would introduce a level of traffic into the area that would be harmful to highways safety. A safe and satisfactory access could be provided to the site. Officers do not consider that in Highways terms, the residual

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

Impacts upon Character and appearance of the Area and residential amenity

101. Policies H13 and Q8 seek to ensure that new developments preserve the amenities of residents. Policy Q8 provides detailed guidance on separation distances between properties to ensure adequate amenity.

102. With the application being in outline with all detailed matters reserved except for access the precise final layout of the development, proximity of properties and siting of windows is at this stage unknown.

103. Officers do acknowledge the concern of residents of properties in the immediate surrounding area. Properties on Willowtree Avenue could suffer a reduced outlook to the rear and could suffer a sense of overlooking from properties that would be situated on the development site. 1 The Paddock would also potentially suffer a slight loss in privacy, particularly to the rear garden area, although Officers did note significant boundary planting between this property and the development site which would mitigate the impact of this somewhat.

104. However, the indicative layout suggests that separation distances recommended within Policy Q8 can be achieved both within the proposed estate and with regards to existing nearby property. Acceptable separation distances are shown on the indicative plan between properties proposed on the development, while acceptable separation distances would appear to be able to be achieved to properties on Willowtree Avenue and at The Paddocks. The reserved matters stage would allow for full details of the siting, size and orientation of dwellings to be finalised and officers consider that adequate privacy and amenity for all existing and proposed occupiers can be maintained in accordance with the guidance contained within Policy Q8. Officers note concerns from the Landscape and Design section relating to housing design and density at the site and these issues will need to be given careful consideration at the reserved matters stage. The housing density proposed is relatively standard for modern housing development within an urban area.

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

106. Officers again acknowledge that increased activity may be noted by residents around the site. However, Officers do not consider that there would be a significant adverse effect on the character or appearance of the area or the residents within it sufficient to justify refusal of planning permission.

107. Overall, officers do not raise objection to the development on the grounds of harm to residential amenity. In terms of prospective residents of the site, the development would be close to the A690 and mitigation to reduce noise impacts of the nearby road would be expected as part of any reserved matters application. A condition is suggested to ensure that sufficient details are provided.

Ecology

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

109. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

110. The application has been accompanied by a protected species risk assessment which was undertaken in June 2013. The survey noted the existence of seven types of habitat, and states that in general terms, the site is poor in terms of habitat structure and wildlife value. A risk to nesting birds was identified at the site, with appropriately timed works recommended to reduce risks to bird species. No evidence of other mammals was found at the site. Ecological enhancements have been proposed to the site which would involve the creation of a grassed area under an ecological management routine in order to increase its species richness. This is proposed to the area in and around power cables which occupy the northern part of the site. It is also recommended that a small pond/scrape be created to increase species richness at the site.

111. The Councils Ecology section have raised no objections to the proposal, the mitigation measures within the submitted habitat surveys should be conditioned on any approval, however.

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

Planning Obligations

113. The application has been accompanied by the Heads of terms of a S106 agreement to make a financial contribution of £54,000 towards open space and recreational facilities and £29,055 as a public art contribution, based on the number of properties indicated in the application. An affordable housing provision of 20% is proposed within the agreement.

114. The public art and recreational space contributions are considered to adhere to the requirements of Policies Q15 and R2 of the Local Plan and the affordable housing provision is also considered appropriate.

Other Issues

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

116. Coal mining activity has been noted at the site in the past, and a coal mining risk assessment has been submitted alongside the application. The Coal Authority has considered this information and has noted that the site is within the Coal Mining High Risk

Area. The Coal Authority consider that the submitted information is sufficient for the purposes of the planning system and meet the requirements of the National Planning Policy Framework in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority have offered no objection to the application subject to the imposition of a planning condition requiring gas monitoring for shallow mine gases.

117. Policy Q15 states due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area. Policy R2 relates to recreational and amenity space in new major residential developments. A contribution towards public art is detailed within the application to provide visual interest within the area. Given the reasonably compact nature of the application site, the provision of onsite play facilities would not appear feasible. To satisfy Policy R2 a contribution towards off site play provision has been sought which could be spent on the improvement or provision of play facilities within the local area.

118. The application proposes an affordable housing provision of 20%. Although details of the delivery of this and the form that this will take will be reserved for future consideration, the Councils Housing Development and Delivery Team has offered its support for the affordable housing provision outlined.

119. In relation to trees and hedges at the site, a reserved matters application would need to be accompanied by full tree surveys and landscape proposals.

120. Public Footpath 5 abuts the north and west of the site boundary and would be retained. Un registered paths also cross the site and these would need to be dealt with under a section 257 notice. Footpath links are shown on the indicative layout to maintain pedestrian links through the site.

121. In relation to issues of school places for potential residents at the site, the Councils School organisation manager has offered no objections to the application and it is considered that there are sufficient school places in the area to accommodate the additional pupils likely to be generated by the development.

CONCLUSION

122. The application site is classed as a green field site and as a result the development would not fall to be considered under Policy H2 of the City of Durham Local Plan. However, with the emergence of the National Planning Policy Framework and the emergence of the new County Durham Plan, development proposals are required to be assessed in the light of a changing and evolving planning system.

123. A key consideration is whether the development can be considered sustainable. With the proximity to Durham City, access to a range of facilities and services, availability of public transport links and the road network officers consider that the development is sustainable and represents a logical addition to this corner of the settlement.

124. Much public objection relates to highways implications. Officers have sought to discuss these matters within the report, and the conclusion of the Councils highways officer is that the development is acceptable from a highways viewpoint.

125. It is acknowledged that a previous planning committee refused planning permission for the earlier proposals at this site, and that the current application is broadly similar in content. Officers' consideration of the relevant planning issues remains the same, however, and it is not considered that the previous decision of the

committee to overturn the officer recommendation should influence the recommendation on the current proposals.

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

RECOMMENDATION

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

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

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

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

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

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

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

Site Layout (excluding detailed housing arrangement) and location plan received 17th December 2013.

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

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

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

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

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

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

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

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

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

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

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

9. Prior to submission of the reserved matters the developer must undertake an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The strategy shall include details of the following: i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area,

ii) an assessment of the impact of the proposed development on any archaeological remains identified.

iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;

iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and

(iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

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

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

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

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

11. No development shall take place until a site investigation and desk top study has been carried out in accordance with Part IIA of the Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority. As a minimum requirement, the desk top study should include the following information in relation to the study site:

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

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

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

12. If any historical land use which may cause contamination of the site is found from the desk top study site investigation, no development shall take place until an intrusive site investigation (Phase 2) has been carried out. The site investigation methodology shall be agreed in writing with the local planning authority prior to commencement of the site investigation. The results of the site investigation shall be submitted as a report and approved in writing by the local planning authority. The site investigation report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority. After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

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

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

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

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

Response from Belmont Parish Council

Public responses

Response of the Highway Authority

Response from Northumbrian Water

Response from The Coal Authority

Response from Environment Agency

County Durham Local Plan (Preferred Options)



Planning Services

Outline application for residential development of maximum of 49 units with all detailed matters reserved except access (revised and resubmitted)

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Date 11th March 2014

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