



Area Planning Committee (Central and East)

Date Tuesday 8 July 2014
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 10 June 2014 (Pages 1 - 18)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/14/00921/FPA - Land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham (Pages 19 - 42)
Erection of Student Accommodation for 198 Units.
 - b) DM/14/00349/OUT - Land to the west of Elemore View and south of Front Street, South Hetton (Pages 43 - 56)
Outline Residential Development (Access to be considered).
 - c) DM/14/01024/FPA - Land adjacent to 1 Bewley Terrace, New Brancepeth (Pages 57 - 68)
6 no. Two Bedroom Flats.
 - d) DM/14/01389/OUT - Relley Farm Cottage, Front Street, Broompark, Durham, DH7 7RJ (Pages 69 - 80)
1 no. Dwelling - Outline - all matters reserved except access.

- e) CE/13/00752/OUT - Land to the East of Aldridge Court, Ushaw Moor, County Durham, DH7 7RT (Pages 81 - 92)
Residential Accommodation for Over 55's and Care Home / EMI Facilities and Access Road.
 - f) DM/14/01428/FPA - Dalton Park, Murton, SR7 9HU (Pages 93 - 106)
Erection of a retail building and associated works.
 - g) DM/14/00414/FPA - Durham University Science Park, South Road, Durham (Pages 107 - 122)
Erection of Physics Research Building.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

30 June 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 the Council Chamber, County Hall, Durham on **Tuesday 10 June 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, G Holland (substitute for D Freeman), C Kay and A Laing

1 Apologies for Absence

Apologies for absence were received from Councillors D Freeman, S Iveson, B Moir and J Robinson.

2 Substitute Members

Councillor G Holland substituted for Councillor D Freeman.

3 Minutes of the Meeting held on 13 May 2014

The minutes of the meeting held on 13 May 2014 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest, if any

There were no declarations of interest.

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

5a DM//14/00041/FPA – Former Council Offices, Seaside Lane, Easington, County Durham, SR8 3TN

The Committee considered the report of the Senior Planning Officer regarding an application for 80 dwellings with associated infrastructure, landscaping and car parking at the former Council Offices, Seaside Lane, Easington, County Durham, SR8 3TN (for copy see file of minutes). Members had visited the site the previous day and were familiar with the location and setting.

The Area Team Leader gave a detailed presentation on the application. Members were advised that since preparation of the report, officers in the Education

department had confirmed that there were sufficient places at Easington Colliery Primary School and Easington Academy to accommodate the additional pupils likely to be produced from the development.

Further to a query from Councillor Laing, the Area Team Leader explained that the housing density figures in the County Durham Plan was a standard density across all sites. When individual sites came forward they were then looked at in closer detail, as such a higher housing density could be applied. For the Planning Authority to object to a higher housing density, it would need to demonstrate that the development would prejudice the delivery of the County Durham Plan.

In response to a query from Councillor A Bell the Area Team Leader advised that the Planning Authority would usually negotiate with a developer in relation to when a S106 agreement would be delivered. There were various triggers as to when would be appropriate, however assurance was given that a S106 provision would never be left until a development was completed.

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

Resolved: That the application be **APPROVED** subject to the conditions outlined within the report.

5b DM/14/00264/FPA – Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ

The Committee considered the report of the Senior Planning Officer regarding an application for the redevelopment of Nevilles Cross Social Club to provide student accommodation at Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Area Team Leader gave a detailed presentation on the application which included photographs of the site. Members were advised that since preparation of the report a petition of 51 signatures had been received in objection to the proposals. In addition 2 further letters had been received stating their disappointment with the committee report and its content.

Councillor N Martin, local Member, addressed the Committee. He advised that while he accepted that the site did require sustainable redevelopment, the application before Members would not be sustainable in the long run.

Members were advised that the periphery of the City already had a high population of students and in the direct locality of the application site, 20% of George Street was occupied by students, with many more in the nearby St Johns Road. The current application would serve to treble the number of students in the area.

Councillor Martin suggested that the application went against Policy 32 of the emerging Local Plan which placed a 10% limit on HMO's in any one postcode area.

Although the applicant asserted that the property would be for post graduates only, Councillor Martin highlighted that there was no evidence that such accommodation was sustained anywhere else in the City. He believed that in time, the property would be let to undergraduates in order for the developer to generate an income.

Members were advised that there were currently some 400 untaken student beds across the City for the forthcoming academic year and he believed that landlords would not hold properties for the possibility of accommodating post graduate students.

Councillor Martin expressed concerns that the applicant had not supplied a management statement. The proposal was to manage the development as three separate dwellings, yet Councillor Martin felt this was unrealistic and was something which the applicant had no previous experience of managing. In referring to the applicants statement, Councillor Martin highlighted that to say CCTV and warden control may be included, was not acceptable. Should the application be approved without Members having the opportunity to view a management plan, the developer would be at liberty to change the way they proposed to manage the scheme. Councillor Martin felt that the Committee should be able to accurately judge how the scheme would work before making a decision. He further suggested that the final management plan could be so weak that the police may regularly be called to the development to maintain order.

Councillor Martin felt that the separation distance of 5.1m between the development and the adjacent Crossview House, was too close. The Committee advised that approximately 6 years earlier the upper storey of the site had been a music school which then went through a change of use without planning permission. Bedrooms had been established and as such the recommended separation distance was not being satisfied.

In relation to the habitability of the corridors, Councillor Martin advised that residents in the new development would be using the corridor at all times, day and night, which would therefore impact on the privacy of the neighbouring accommodation.

Members were advised that the applicant had not been forthcoming with a S106 proposal yet the impact of the development on the surrounding area would be immense. Councillor Martin advised that the roads surrounding the application site were in very poor condition, however the applicant had not offered to improve them.

In relation to parking, Councillor Martin queried the comparative evidence from Sheffield University which had been used to calculate the parking spaces which would be required at the site.

Members were advised that the applicant had already commenced with work to the site without any consultation with or regard for, neighbouring residents.

Councillor Martin advised that although the site was previously a social club, its members had steadily decreased over time and it had not been greatly used. He

therefore felt that it was not acceptable to compare the impact which the social club had on the local area with the impact that students would have.

In concluding, Councillor Martin called for the application to be refused on the following grounds:-

- That it contradicted saved policy H16
- That it conflicted with Policy 32 of the emerging local plan
- That changes to the existing plan conflicted with recommended separation distances
- That the absence of a management plan undermined the sustainability criteria of the NPPF
- That the applicant was making no contribution to the infrastructure of the surrounding area and that the proposed development failed to enhance the surrounding area

Mr A Doig, representing George Street and St Johns Road Residents and the Crossgate Community Partnership, addressed the Committee, speaking in objection to the application. Members were advised that he spoke on behalf of groups who represented a long established residential community within a conservation area. Mr Doig advised that the community within that area was a typical reflection of the community type referred to in paragraph 50 of the NPPF, an area which already had a mix of students.

Members were advised that as all rooms within the proposed development would hold double beds, then 66 more students would be brought to the area, altering the student/residential balance to 55/45, thus contravening part 58 of the NPPF.

Mr Doig advised that the scale of development was unacceptable and the absence of a statement of community involvement also contravened planning policy. From a residents point of view Mr Doig suggested that the planning report was not balanced, failed to provide an opportunity for residents to provide contradictory evidence and was biased.

Members were advised that the applicant had already had 3 months in which to bring forward a management plan and that accommodation for next year was already being advertised, Mr Doig therefore doubted that any management plan would be submitted.

Mr Doig believed the application failed to meet the development needs of the area and that it was contrary to Policy 32 of the emerging local plan. Furthermore he advised that the development undermined several parts of the NPPF in that it would undermine the quality of life for the local population and would do nothing to enhance the local area.

The Area Team Leader responded to the points raised as follows:-

- Management Plan - It was suggested that should Members be minded to approve the application, a condition could be added to the permission requiring that a management plan was submitted, the contents of which would

need to be discussed and agreed with officers. Between the developer and officers, decisions would therefore be made as to what would be appropriate within a management plan and the Planning Authority in turn, would liaise with Environmental Health.

- Window Distance – The corridor window which had been inserted approximately 6 years earlier, was lawful
- Policy 32 – Members were reminded that while Policy 32 was included in the emerging local plan, it should be given limited weight at the present time
- Statement of Community Involvement – Members were advised that a statement of community involvement was not a requirement and the Planning Authority was not able to insist on one from an applicant
- Development Need – Members were advised that an applicant was not required to demonstrate that there was need for a development within any given area.

The Solicitor took the opportunity to address several issues with the Committee as follows:-

- Attention was drawn to condition 8 as detailed within the report. Members were advised that this condition required the future submission of a management plan before any development was commenced. The Solicitor advised that there was nothing within that condition which couldn't be enforced or which was too imprecise and the condition was perfectly lawful.
- S106 – The Solicitor clarified the circumstances when a Planning Authority could demand S106 works/contributions from a developer and advised that in this particular case, a S106 Obligation was not considered necessary to make the development acceptable.
- Balanced Report – Further to the assertion from Mr Doig that the officers report was unbalanced in that those opposing the application had not been adequately represented within it, the Solicitor highlighted that there were clear sections within the report which set out the views of objecting parties
- Policy 32 – Members were reminded that Policy 32 was an emerging policy and as such any weight given to it at the present time must be limited. He confirmed that whilst the main thrust of Policy 32 was for changes of use from class C3, and the development site did not class as a C3 property, there was a part of Policy 32 which could be applied to new build properties such as the current proposal.

Mr G Hodgson, agent for the applicant, addressed the Committee. Mr Hodgson provided Members with an overview of the plans for the development.

The application had received positive comments from the Design and Conservation Officer, it accorded with both local and national planning policy and highways policy and no objections had been made by any of the statutory consultees.

Mr Hodgson acknowledged the objections and concerns raised by local residents, but advised the Committee that all the objections raised had been tested against planning policy.

Members were advised that the applicant had attempted to engage with the local residents group while the initial maintenance work was being undertaken to the site, however all attempts had been rejected.

Mr Hodgson assured Members that the development would be facilitated by a fully staffed management team as was the case elsewhere in the city.

Councillor G Holland stated that there were already more student properties within the city than were needed, with approximately 83 beds unoccupied in the city centre according to information from letting agents. In addition to those vacancies there were already several further student accommodation schemes that were in the process of being delivered.

Should the current application be approved, Councillor Holland suggested that the local area in the vicinity of the site would then be home to some 800 residents and other developments would add another 1000 people into the area.

Councillor Holland suggested that the University was not in control of all the student accommodation across the city and as such the city was becoming undermined by developers with an uncontrolled approach. While he acknowledged that the site should be developed, Councillor Holland would prefer to see a sensitive redevelopment and he felt the current proposal would add nothing to the local area.

Members were advised that an experienced former senior planning officer had commented on the application. That officer had noted a lack of HMO Policy and as such found that the application contravened several sections of the NPPF. In addition, that former officer had cited further issues with the application including a failure by the applicant to engage with the public, issues with the parking plans and several highways issues.

Councillor Holland advised that on the site visit the previous day he had noted the new fenestration which directly overlooked the neighbouring property and he suggested this was a contravention of Policy H9.

Councillor Holland expressed concerns about the assertion from the applicant that the accommodation would be exclusively post graduate, he felt there was no evidence to prove that would be the case. He found that overall, the application failed part 123 and part 157 tests of the NPPF, contradicted Policy 32 of the emerging local plan and contravened saved policies H9 and H16.

In response to a query from Councillor Conway, the Area Team Leader clarified that the rooms would accommodate double beds.

Councillor Conway expressed concerns regarding the absence of a management plan. He understood the applicant was already a student landlord and so should have had a management plan at his disposal to submit with the application. Furthermore Councillor Conway was concerned that when a management was submitted, it would not be available for Members to comment on.

While accepting that the site was in need of regeneration, Councillor Conway recalled that the site had once been a thriving social club, however that was now a thing of the past and there had been no noise or disruption from the property for some years.

Councillor Conway felt that the application highlighted issues with the Councils development plan through to 2030 given that the University had only provided student population projections to 2020. He felt that the Committee could not be expected to forward plan student accommodation without those projections and suggested that in order to do so there would need to be realistic and transparent discussions as to the future students in the city, otherwise the situation would occur where there would be discord between residents and students. As such Councillor Conway felt that the application should be refused.

Councillor Kay noted that on one hand the sustainability test was the main reason for the objections to the application and that the proposals was deemed not to be sustainable due to lack of demand within the city for student accommodation. However he also noted that objections were also being put forward on the grounds that if more students were accommodated then the city would become overrun. Councillor Kay acknowledged that should the proposal become a successful student let there would be a high volume of students in that one area of the city. In response to a query, the Highways Officer advised Councillor Kay that in relation to transport links to the University, the site was within a very sustainable location.

For the benefit of the Committee the Area Team Leader advised that in order to alleviate concerns regarding the corridor windows, should Members be minded to approve the application, a condition could be imposed to require obscured glazing in those windows.

In response to the comments from Councillor Conway regarding the management plan, the Area Team Leader clarified that while the applicant was a student landlord elsewhere in the city, his other schemes were on smaller scales and so management plans for those schemes would not apply to the current application.

Mr G Hodgson advised that until that day a management plan had not been requested from the applicant. Members were also advised that the applicant had a large scheme at North Road and he had already embarked on discussions with a management company.

Seconded by Councillor Bell, Councillor Holland moved that the application be refused.

In response to a query from Councillor J Clark, Mr G Hodgson clarified that times detailed within condition 6 of the report could be changed so that work on site would start later than 7:30am.

Upon a vote being taken it was:-

Resolved: That the application be **Refused** for the following reasons:-

- The absence of a management plan
- The application contravened emerging policy 32 albeit this was an emerging policy that could be afforded limited weight.
- The application did not meet the requirements of saved policies H9 & H16
- The application contravened paragraphs 14 / 17 / 56 / 58 / 123 / 158 of the NPPF

5c DM/14/00352/FPA – Grange Farm, Old Cassop

The Committee considered the report of the Senior Planning Officer regarding an application for a private dwelling house at Grange Farm, Old Cassop (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were advised that the local residents group, Save Old Cassop Conservation Area (SOCCA), had submitted a list of suggested conditions which they would wish to see imposed on the application should permission be granted. Several of the conditions would not be viable and others were already covered by the conditions detailed within the report.

Ms S Walker, local resident, addressed the Committee to speak in objection to the application. Ms Walker advised that she was representing SOCCA, who wished to see the application opposed in its entirety.

The main concerns related to road safety and were concerns which were shared by local Members Councillors M Williams and J Blakey.

Members were advised that the revised parking area for the proposed development, would cut across a pasture which in the last few months had been used for grazing horses, donkeys and sheep. Ms Walker highlighted that the developers had already eroded the pasture by extending the garden to the rear of Grange Farm onto the field, without any application for change of use. Members were advised that Grange Farm had also been significantly extended to include an additional 2 storey house or business premises, for which no planning application had been submitted. Ms Walker advised that those works had been extensive and had materially affected the visual impact on the hamlet as well as the pasture land to the rear of the farm. Approximately 4 mature trees had also been uprooted and destroyed despite Old Cassop being a conservation area.

Ms Walker referred to a query of ownership of the land on which the developers previously wished to remove trees and make it a car park area to service the proposed property. Members were advised that whilst that land was unregistered, generations of residents had been happy for it to remain so. There was no query of ownership, however the developers were attempting to take land that they clearly did not own.

In referring to paragraph 4 of the officers report, Ms Walker advised that the reference to the proposal being an “infill plot” was disputed. Ms Walker referred to a previous planning application for a property in the hamlet which had been refused by the local authority and dismissed on appeal. That proposed development had been a much smaller site, not visible from the road and not on pasture land. Ms Walker suggested that the current application had a much greater impact on the conservation area, community and upon the open aspect of the hamlet’s street scene.

Members were advised that the occupier of the property adjacent to the application site had been faced with many issues and had been forced to amend her application and plans just for a small sun room, which again was much less invasive and risk filled than the current plans.

MS Walker advised that SOCCA felt there had been a lack of regard for Highways reports regarding access to the hamlet. Members were advised that passing places were already barely adequate for the volume of traffic from residents, vehicles from 2 working farms and then all the oil and sewerage tankers servicing the hamlet. There was no mains gas to Old Cassop, as such all residents had to have fuel delivered by a tanker.

Although the officers report suggested that the addition of a single dwelling house would not result in increased pressure on the highway, Ms Walker advised that in reality, the Committee were actually considering 2 additional properties. From that, the impact on the highway was not to be underestimated.

Members were advised that it was already a logistical nightmare for the existing farmers to take deliveries from heavy vehicles and drivers unfamiliar with the hamlet often caused a total blockage as they were unable to manoeuvre on the steep winding bank. Ms Walker advised that several vehicles had to be retrieved from the drainage ditches in the past.

Ms Walker advised that during the refurbishment of Grange Farm, 3 contractor vans had blocked the road leading to the junction with Quarrington Hill and over the course of the recent weekend, the road had been treacherous due to rainfall and flooding.

Members were advised that Old Cassop formed part of the Cassop Vale walk and it led to the bridle path which meant that numerous cyclists, walkers and riders passed through the hamlet. Ms Walker suggested that increased traffic would hamper that and present a clear increased risk to all the regular non-resident road users.

Ms Walker referred to paragraphs 20 and 21 of the City of Durham Local Plan, which referred to the affect on trees and hedgerows. Members were advised that the application did not have an updated tree report and the existing plan still earmarked shrubs and trees in the land which did not belong to the developer. Furthermore, Ms Walker highlighted that there was no mention of the two trees which were currently situated on the land where the dwelling was to be built. SOCCA hoped those trees would not be destroyed.

Ms Walker referred to paragraph 22 Policy E22 which specifically dealt with conservation areas. Members were advised that it was the residents view that filling in the open land would have a detrimental and irrevocable effect on Old Cassop.

In relation to paragraph 15 of the officers report, Ms Walker refuted the comment of the applicant that the community of Old Cassop was stagnant.

Councillor M Williams, local Member, addressed the Committee. He advised that although the developer had contacted him direct several times, he could not support the application on the grounds of highway safety. Members were advised that there had been a number of road traffic accidents in and around Old Cassop and Councillor Williams, in calling for the application to be refused, quoted Policy 34 which referred to the detrimental effect of traffic.

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

- Extension to existing farm – Members were advised that there had been extension work to the existing farm building which was currently the subject of an enforcement case;
- Ownership dispute – It was confirmed that the access point to the development was unregistered land and as such the plans had been revised accordingly;
- Previous appeal decision – Members were advised that the 2006 application elsewhere in the hamlet which Ms Walker had referred to, had been refused because it was not deemed to be infill. However the current application before Committee was infill and the Design and Conservation Officer was satisfied with the proposed scheme;
- Highways – The Highways Officer acknowledged that the approach on the single track road was very narrow and required the use of informal passing places. Furthermore it was acknowledged that the A181 junction was uncomfortable to use however while there had been an accident in that area, it was not associated with turning from the junction. It was reported that there had been only 1 road traffic incident in that area during the past 5 years. The Highways Officer reiterated that on balance, the additional 8 trips per day which would be generated because of the application, did not give cause for concern.

Councillor Kay acknowledged the comments of the Highways Officer, however was uncomfortable with the road being only single track and that it was used by farm vehicles and tankers. In response to a query from the Committee, Ms Walker advised that each dwelling in Old Cassop would require 1-2 visits per annum by a sewerage tanker and 1 visits per annum by an oil tanker.

The Senior Planning Officer clarified that the original application had been for 13 dwellings however that had been withdrawn by the applicant.

Councillor Laing highlighted that during the site visit the previous day, the site visit bus had been required to change position 3 times because of traffic needing to pass by.

Seconded by Councillor Laing, Councillor Kay moved that the application be refused.

Upon a vote being taken it was:-

Resolved: That the application be **Refused** on the basis that it contradicted saved policies E7, E22, H13, T1 and T8.

5d DM/14/00516/FPA – 51 The Avenue, Durham, DH1 4EB

Councillor Kay left the room and was not present for this item of business.

The Committee considered the report of the Planning Officer regarding an application for a change of use to HMO (Sui Generis) at 51 The Avenue, Durham, DH1 4EB (for copy see file of minutes).

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

Members were advised that since the publication of the report various late objections had been received, including a letter of objection from the City of Durham Trust.

A summary of those late objections was provided as follows:-

- “Studentification” of the immediate area and because the application was contrary to emerging policy 32 and Local Plan policy H9.
- There had been no taking into account of cumulative impact of student occupation in the wider area in light of other permissions that had been granted.
- A wall had been demolished to create parking spaces.
- Additional burdens would be placed on policing and rubbish collections service.
- 9 people were too many people to live in the property, it would be very cramped in.
- There were inadequate facilities within the property and one bedroom was deemed to be too small.
- It was felt that the Council needed to adopt a policy seeking the restriction of the spread of student property within the city.
- There was an over supply of student housing within the city.
- The application should be refused to show that the council was putting the wider interests of residents above the interests of student landlords.
- Disagreement had been put forward in relation to the applicants statement.
- One objector stated that there was significant objection in the area regarding the site and they were concerned about the impact the works to the front garden had on the character of the area. There was no right to drive across the pavement to access parking spaces on the site.
- One objector wished it to be put on record that not all residents of The Avenue were anti students.

Councillor N Martin, local Member, addressed the Committee. Members were advised that there was much local concern regarding the application site. Councillor Martin highlighted that one room within the property was 9m², which he believed to be below the usual standard.

Members were advised that the property had previously been a family residence for many years, he therefore disputed the reference in paragraph 31 of the report which only suggested that the property may have been a C3 class family residence prior to its sale.

In referring to paragraph 15 of the report, Councillor Martin suggested that Policy 32 was not considered strong enough to support the application.

Councillor Martin suggested that NPPF part 50 should have been considered relevant, which focused on mixes of future trends. He suggested that while the NPPF was quite specific about balanced communities, this was not addressed in the planning application. Members were advised that of the 70 houses in The Avenue, 33 were now student accommodation and he therefore felt that unless a stop was put to further student lets, then the broad and balanced community as stated in the NPPF, would be undermined.

Ms A Evans, local resident, addressed the Committee to speak in objection to the application. Despite the applicant suggesting that Ms Evans was a lone objector, she confirmed to Members that she was actually one of many.

Ms Evans highlighted that while the report referenced various relevant policies, they all had in common respect for local communities. Ms Evans would therefore have expected that an application for 9 persons to share a property in The Avenue, would have been recommended for refusal.

Members were advised that no. 51 was not the only HMO in The Avenue and as such it was part of a cumulative impact.

Ms Evans advised that the rear of the property had been so neglected that it was now impossible to gain access, as such the refuse bins were being stored at the front of the property. Furthermore the 2 garages at the rear had also been neglected and were therefore not being used for parking.

Ms Evans felt that should the application be approved, the mix of the local community would become unbalanced as the student population would be in the majority. She advised that the application contravened the NPPF parts 7 and 12 as the property was not sustainable as well as contradicting saved policies H9 and H13, as the property would be empty for several months of the year. Members were advised that emerging planning policy recommended a 10% cap on student accommodation in any one postcode area.

Councillor G Holland advised that the applicant had recently applied for retrospective planning permission at the property which was subsequently refused by the Committee. Furthermore he advised that although the Committee had required the

applicant to amend the damage he had done to the front of the property that had been disregarded.

Members were advised that the loss of legitimate parking spaces at the site would have incurred a financial loss for the Council and Councillor Holland suggested that should the application be approved, the County's planning system would be weakened. Balanced communities had to be respected, however Councillor Holland felt the application did not do that.

Councillor Holland advised that the 10% postcode cap on student beds had already been exceeded in the area, he found various poor design features with the application such as one bathroom between 7 residents and he believed the application contravened saved policies H9, H13 and Q9.

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

- Exterior Wall – Members were advised that since the Committee had required the applicant to repair the front wall back to its original form, the applicant had produced extensive case law which cast some doubt over the situation. However following a thorough investigation, it was now apparent that the Planning Authority had acted accordingly, as such it was intended that an enforcement notice would be served;
- Mixed community – The report indicated that the property was currently a 6 bed HMO and that there would be no significant additional impact by adding 3 more rooms. There was no real difference and this had been considered in the context of the entire street;
- Policy 32 – Members were advised that as Policy 32 was only emerging policy, limited weight should be given to it.

Councillor Bleasdale moved approval of the application.

Seconded by Councillor Holland, Councillor Bell moved refusal of the application.

Upon a vote being taken it was:-

Resolved: That the application be **Refused** on the basis that it contradicted saved policies H9, H12a, H13, Q9, E6, E22 and the NPPF Part 50.

Councillor Kay rejoined the meeting.

5e DM/14/01010/FPA – 57 Ocean View, Blackhall Rocks, Durham,

The Committee considered the report of the Planning Officer regarding an application for the demolition of a rear extension, erection of a rear two storey and single storey extension and a single storey front extension (resubmission) at 57 Ocean View, Blackhall Rocks, Durham (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

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

Councillor L Pounder, local Member, addressed the Committee. Councillor Pounder advised that both local Members supported the application for various reasons.

The porch extension was considered acceptable by planning officers and having visited the site, Councillor Pounder felt the proposals were not out of scale or character with the surrounding area. The proposals would have no serious adverse effect and so accorded with local plan policy 35 and did not compromise road safety or parking, thus complying with local plan policy 73. There had been no objections from any consultees or any neighbours.

Members were advised that the rear of the property was not visible from the road and so the rear extension would not have any adverse impact and the proposed extensions were smaller in footprint than a similar extension which had been approved at a nearby property.

Mr Collinson, applicant, addressed the Committee and reiterated the reasons for the application as set out within his statement detailed in the officers report.

The Principal Planning Officer advised that the case was put forward by officers to refuse the application and was detailed within the report.

Seconded by Councillor Holland, Councillor Laing moved approval of the application on the basis that the application satisfied saved policies 35 and 73 and that there had been no objections from the applicants neighbours. Councillor Holland commented that having seen on the site visit a similar but larger extension to a neighbouring property, he could not object to the application.

Councillor Clark found the design proposals to be very sensitive in that there would be very few windows, thus causing no adverse impact to neighbours.

The Principal Planning Officer suggested that should Members be minded to vote approval of the application, that standard conditions should be drafted by officers regarding commencement of works within 3 years, that development should accord with existing plans and materials to be used should be specified.

Upon a vote being taken it was:-

Resolved:- That the application be approved subject to conditions to be drafted by officers relating to materials, commencement of work and working to existing plans.

Standing Orders were suspended at this juncture to allow the meeting to continue past 3 hours.

5f DM/14/01021/FPA – 68 Whinney Hill, Durham, DH1 3BD

The Committee considered the report of the Planning Officer regarding an application for a single storey rear and side extension at 68 Whinney Hill, Durham, DH1 3BD (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

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

Mr Hayton, local resident, addressed the Committee to speak in objection to the application. In delivering a presentation to the Committee, Mr Hayton advised of various parts of the report which he believed to be incorrect, in particular that the application contravened saved policy H9. Members were presented with a map of Whinney Hill which detailed those properties which were occupied by students and those which were not. Of the 104 properties in Whinney Hill, Members were advised that 63 were student accommodation, with a population balance of 57 permanent residents compared to 330 students. Figures were also provided for Hallgarth and Green Lane in order to indicate the increasing numbers of students in those areas.

Mr Hayton advised that 10 former privately occupied properties had been converted to student accommodation, introducing 50 more students to the area. Members were shown photographs of evidencing the environmental impact which students had in the area.

Members were advised that 2 local residents had ended up leaving the area as they could no longer live in such close proximity to high numbers of students.

Mr Hayton called into question the planning system as he highlighted that in the event that the application was refused, the planning officers indicated that the development work could still go ahead.

The Principal Planning Officer clarified for Members that the issue of the property being a HMO was not for consideration, Members were only dealing with the proposed extension. In referring to paragraphs 37 and 38 of the report, Members were advised that permitted development rights applied and as such the application did not contravene policy H9.

Councillor G Holland spoke of the recurring issues with the rising student population across the City and believed the current application, if approved, would create an overload of students in Whinney Hill. Councillor Holland felt that long term stability and balance was needed in the area and if long term residents continued to be driven out of their homes, there would come a day when the city would end up being vacant for 6 months of the year.

Councillor Holland suggested that the application contravened the NPPF Part 50 as well as exceeding the 10% cap on student beds in a postcode area.

The Chairman reiterated that the HMO issue was not for Members consideration.

Councillor Kay queried why the application had been brought before the Committee for consideration if Members were unable to object to the change of use. The Principal Planning Officer clarified that the Planning Authority had to abide to the law and he referred Members to Paragraph 6 of the report which set out why the application had been brought before Committee.

In referring to the presentation which had been delivered by Mr Hayton, Councillor Conway queried the permitted development rights, in particular why the Committee were prohibited from commenting on the HMO aspects of the application despite there being a clear contravention of policies H9 and H13. The Principal Planning Officer explained permitted development which the government granted consents for. Members were advised that such rights covered certain changes of use, the most recent being C3 to C4. Members were therefore advised that unless an Article 4 direction was used, then permitted development rights applied. In response to a further query from Councillor Conway, the Solicitor clarified that Article 4 was not a matter for the Committee but that officers could be asked to take on board the concerns of the Committee.

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

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

5g DM/14/01023/FPA – Former Cinema, The Avenue, Coxhoe, Durham, DH6 4AA

The Committee considered the report of the Senior Planning Officer regarding an application for the partial demolition of a former cinema and the erection of 5 no. dwellings with associated works (resubmitted) at the Former Cinema, The Avenue, Coxhoe, Durham, DH6 4AA (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

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

Councillor M Williams, local Member, addressed the Committee. He advised that local Members had not requested that the application come before the Committee because they objected to the application, but only because they had concerns regarding road safety. Local Members had asked for the developer to look at re-routing the traffic at the junction adjacent to the application site in order to improve road safety in that area. Local Members would also like to see a few less dwellings developed at the site rather than the 5 detailed within the application.

Mr G Hodgson, agent for the applicant, addressed the Committee. Mr Hodgson provided Members with an overview of the plans for the development.

Members were advised that permission had previously been granted for the same development at that site some years earlier, however had not been progressed because of the change in the economic climate.

Mr Hodgson advised that from the developers point of view 5 dwellings was necessary to make the development economically viable. The developer was committed to seeing the development through and felt it would be a welcome addition to the area.

Members were advised that other than the Highways Authority, no other statutory consultee had objected to the application. In relation to the concerns expressed by highways, Mr Hodgson advised that the while the applicant acknowledged the issues raised, he felt that the advantages of the new development outweighed those concerns.

The Highways Officer addressed the Committee and reiterated the reasons set out in the report as to why the application was considered to be detrimental to highway safety.

Councillor Davinson moved approval of the application, noting that an additional 5 dwellings would only generate approximately 40 additional journeys per day from local dwellings.

In referring to the transport issues detailed in the report, Councillor Holland noted that there were already numerous cars using the back street behind the site which were already subject to the highway dangers which had been alluded to. As there were no reports of any highway incidents involving any of those vehicles, Councillor Holland felt that the extra vehicles from 5 more properties would not cause extra problems. He also stated that former cinema building appeared to be very dangerous in its current state and was very much in need of regeneration.

Councillor Kay seconded the motion of approval from Councillor Davinson, noting that the same application had been approved some years earlier and so the development could have already been completed had it not been for the economic downturn.

Councillor Clark echoed Councillor Holland in relation to the dilapidated condition of the former cinema building and she sought assurance from the applicants agent that the development would be completed this time should the application be approved. Mr Hodgson clarified that the applicant would be looking to commence development within 3 years, indeed work had already commenced but was stopped in order to get planning permission.

Councillor Laing queried whether the applicant could be instructed to demolish the building with immediate effect because of the dangers it posed. The Principal Planning Officer advised that the planning department would liaise with Building Control and Environmental Health which would have appropriate powers to require demolition took place.

The Principal Planning Officer suggested that should Members be minded to move approval of the application, that conditions should be drafted by officers regarding specifics such as materials, coal mining assessment, boundary enclosures, work hours, ecology, highway signage and commencement of works.

Upon a vote being taken it was:-

Resolved:- That the application be approved subject to conditions to be drafted by officers relating to materials, coal mining assessment, boundary enclosures, work hours, ecology, highway signage and commencement of works.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00921/FPA
FULL APPLICATION DESCRIPTION:	Erection of Student Accommodation for 198 Units
NAME OF APPLICANT:	DPP One Ltd
ADDRESS:	Land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of a large hard surfaced area in an area known as Magdalene Heights which is located approximately 200 metres to the east of the Gilesgate/Claypath roundabout. The site was previously used as a scrap yard but is now vacant with no buildings situated on the land. The site is located within the Durham City Conservation Area and is approximately 750 metres east of the Durham City Primary Shopping Area. The site is also located adjacent to the Green Belt and the Durham Area of High Landscape Value and is over 1km east of the Durham Castle and Cathedral World Heritage Site.
2. The application site is bound by mature trees to the north and east with The Chapel of St. Mary Magdalene Scheduled Ancient Monument (SAM) and allotments to the south. To the west of the site is the Jehovahs Witnesses building known as Kingdom Hall, with residential properties of Ashwood located beyond. To the north and north west of the site, set at a lower level than the application site, are the residential properties of Orchard Drive. To the south of the site is the A690 which is the main route to and from Durham City from the A1(M).

The Proposal

3. Planning permission is sought for the erection of a purpose built student accommodation to provide 198 units. Associated landscape and highway works are also proposed as part of the application. The proposed units of student accommodation will be provided through five blocks over a mix of two and three storeys. The total gross external floor space will be 6,515sqm. The proposed building materials are to be a mix of stone, brickwork and render to the external walls with a standing seam zinc roof. Internally, bedrooms will have en-suite facilities and kitchen/lounge areas will be provided as communal facilities.

4. A landscape strategy has been submitted with the application and this seeks to retain the majority of the existing trees surrounding the site.
5. The remains of the former Chapel of St. Mary Magdalene chapel which lies immediately to the south does not have any access to the general public. The proposed development aims to open the Chapel up to the general public through landscaping and providing ramped access to the Chapel. Supporting information with the application has also stated that it is the aim for interpretation boards outlining the history of the Chapel site to be provided.
6. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

7. Outline planning permission was approved in 2000 for the erection of 3no. bungalows. This permission has now lapsed.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *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.
12. *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.
13. *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 application 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.

14. *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.
15. *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.
16. *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.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, 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.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its 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

19. *Policy E1 (Durham City Green Belt)* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
20. *Policy E3 (World Heritage Site) Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
21. *Policy E6 (Durham City Centre Conservation Area)* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

22. *Policy E10 (Areas of Landscape Value)* is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
23. *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.
24. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
25. *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.
26. *Policy E18 (Sites of Nature Conservation Importance)* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
27. *Policy E22 (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
28. *Policy E23 (Listed Buildings)* seeks to safeguard Listed Buildings and their settings from unsympathetic development.
29. *Policy E24 (Ancient Monuments and Archaeological Remains)* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
30. *Policy H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
31. *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.
32. *Policy H16 (Residential institutions and Student Halls of Residence)* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

33. *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.
34. *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.
35. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
36. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
37. *Policy R11 (Public Rights of Way)* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with *Policy T21*.
38. *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.
39. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
40. *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.
41. *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.
42. *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
43. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local

environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.

44. *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.
45. *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.
46. *Policy U13 (Development on Unstable Land)* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
47. *Policy U14 (Energy Conservation – General)* states that the energy efficient materials and construction techniques will be encouraged.

EMERGING POLICY:

48. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
49. *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.
50. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
51. *Policy 32 (Houses in Multiple Occupation and Student Accommodation)* – In order to support mixed and balanced communities and maintain an appropriate housing mix, houses in multiple occupation and new build houses for student accommodation will not be permitted where the site is located within 50m of a postcode area where more than 10% of the total number of properties are already in use as licensed HMO's or student accommodation. Proposals should have adequate parking, refuse and other shared facilities and the design of the building should be appropriate to the character of the area.
52. *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.

53. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
54. *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.
55. *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:

56. *County Highways Authority* Has not raised any objections to the proposed development.
57. *City of Durham Trust* has raised issues with regards to the application being assessed in isolation; geology; archaeology; impact on the surrounding area; and parking provision.
58. *Durham University* has not raised any objections.
59. *English Heritage* has stated that subject to the proposed render on the building being a subdued colour, the proposed application is supported.
60. *Environment Agency* has not raised any objections.
61. *Natural England* has not raised any objections.
62. *Northumbrian Water* has not raised any objections however has recommended that a condition is imposed for details of surface water disposal from the site to be submitted.
63. *Northern Gas Networks* has not raised any objections to the scheme however has indicated that the developer should make contact to ensure gas apparatus in the area is not effected during construction stage.
64. *Police Architectural Liaison* has provided advice in terms of security on the site.
65. *Society for Protection of Ancient Buildings* has not raised any objections.

66. *The Coal Authority* has no objections to the proposed development subject to the imposition of a condition to ensure the site is developed in accordance with the mitigation detail in the coal mining risk assessment.

67. *Ancient Monuments Society* has not raised any objections.

INTERNAL CONSULTEE RESPONSES:

68. *Archaeology* has not raised any objections subject to the imposition of conditions requiring a programme of archaeological work to be submitted prior to works on site.

69. *Sustainability Officer* has indicated that there are outstanding issues relating to locational aspects and embedded sustainability however the heritage issues could overcome these concerns.

70. *Environmental Management (Contamination)* has not raised any objections subject to a condition requiring the submission of a contamination site investigation report.

71. *Environmental Management (Noise/light/smoke/dust/odour)* has not raised any objections subject to the imposition of conditions.

72. *Public Rights of Way* has welcomed the proposal to improve access to St. Mary Magdalene's Chapel.

73. *Ecologist* has not raised any objections.

74. *Design and Conservation* has not raised any objections and stated that the proposals are architecturally well considered and would have negligible impact in terms of the setting of the World Heritage Site and Conservation Area. There is an impact on the immediate setting of the already compromised Scheduled Ancient Monument however the proposals could be considered to offer opportunities with regards to improved public access, long term management and greater interpretation whilst enhancing the monuments existing setting.

75. *Landscape Team* has not raised any objections to the proposed scheme.

76. *Tree Officer* has stated that all trees that surround the site must be retained and protective fencing must be erected prior to any development.

77. *Drainage Officer* has not raised any objections however has advised that a condition is imposed for site investigation works to be undertaken prior to development commencing.

78. *Targeted Recruitment Training* has provided advice with regards to employment opportunities and training for the proposed development.

79. *Open Spaces Officer* has indicated that due consideration should be given to retaining and protecting trees surrounding the site.

PUBLIC RESPONSES:

80. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 20 letters of representation have been received from local residents. Letters have also been

received from the Dean and Chapter of Durham Cathedral; St. Nicolas' Community Forum; Durham University Bicycle User Group; and the Durham Castle and Cathedral World Heritage Site Co-ordinating Committee.

81. Objections have been raised with regards to the stability of the land and the potential impact this could have on the residents of Orchard Drive to the north. It has been noted that there has been stability issues with the residential properties to the north as a result from an underground watercourse in the area as well as drainage and flooding concerns.
82. Issues have been raised with regards to highway concerns, including parking, congestion, impacts on the ambulance station, and dangerous access points. There have also been concerns with regards to refuse from the proposed development.
83. Concerns are raised in relation to potential anti-social behaviour which can arise from students living in the area. Concerns include a potential rise in noise, litter, disruption and congestion. A resident has also noted that there should be a student management plan submitted with the proposed application.
84. Objections have been raised with regards to the impact the development would have on the WHS, the conservation area and the adjoining listed and Scheduled Monument Chapel. It has been indicated that there is no landscape mitigation screening included with the scheme and the surrounding trees are outside of the applicants ownership. There is also a concern that there is a potential for trees to be damaged as a result of the proposal. It is considered that the development would have a negative impact on the WHS and detract from the Chapel; and will also reduce the green backdrop of the historic approach ridge and the framing view of the area. The light materials proposed would also increase the visibility of the development in the surrounding area. Security, access and room lighting can also erode the dark night time setting of the WHS.
85. There are concerns that the proposal would result in the loss of privacy to neighbouring properties and that wildlife in the area would be adversely impacted upon. It has also been questioned whether there is a need for student accommodation. Some residents have indicated that the proposed development would result in the devaluation of existing properties. One letter of representation has indicated that the redline boundary submitted with the application is incorrect.
86. The Durham University Bicycle User Group has welcomed the 100 cycle parking places and requests that this is retained. It is also suggested that the surrounding highway network is widened to cater for pedestrians and cyclists.
87. The Dean and Chapter of Durham Cathedral whom own the St. Mary Magdalene Chapel site have raised no objections to the proposal. The Dean and Chapter have also agreed to implement a landscape schedule with the applicant for ongoing maintenance to the Chapel.

APPLICANTS STATEMENT:

88. The proposed development is considered to be fully compliant with all relevant National and Local Planning Policies.
89. The Proposal is for 198 units of student accommodation on a brownfield site within Durham City Settlement Boundary. The design of the buildings is modern in style but takes influence from the terraced properties which are prevalent within the City. The location of the blocks within the site creates an access through the centre of the

site increasing permeability and providing a view of the Cathedral as a focal point. The blocks will be stepped into the slope of the site to reduce potential effects of the development visually and to allow the development to integrate with the historic and wider landscape setting.

90. The remains of the former St Mary Magdalene Chapel lie immediately to the south west of the application Site. Whilst this historic site is of great interest to members of the public, there is currently no access to it. The Proposed Development seeks to open up this important Scheduled Ancient Monument to members of the public, partly through the landscaping proposals. One aim is to provide interpretation boards outlining the history of the site in the context of Durham City.
91. The proposal will also improve the offer of purpose built student accommodation in the City will therefore help maintain Durham University's international status and its attractiveness to UK and foreign students, as well as freeing up housing in residential areas for non-student market and affordable housing.
92. The proposed development will also provide approximately 64 construction jobs and a minimum of three full time jobs at the student accommodation facility once it is operational.
93. In summary, the applicant has worked closely with Durham County Council's, Planning, Conservation and Landscape Officers as well as English Heritage and local residents prior to a formal planning submission being made (and during the application process) in order to achieve a high standard of design and to fully address all other relevant issues arising from the site's sensitive position. Approval of this proposal will allow the beneficial reuse of vacant Brownfield land which is currently an eyesore along with the benefits described above to come forward.

PLANNING CONSIDERATIONS AND ASSESSMENT

94. 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 principle of development; impact upon the character, appearance and setting of heritage assets and surrounding area; impact on residential amenity; highway safety; and other issues.

Principle of development

95. The application proposes the erection of a purpose built student accommodation development on previously developed land close to Durham City Centre. The proposal would therefore be in accordance with the sustainable principles of the NPPF as the proposal demonstrates an efficient use of land with good access to services and public transport.
96. The local plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3

or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.

97. Policy C3 of the local plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application. The proposal is not considered contrary to Policy H16 as the site is well located in terms of local services and within easy walking distance of bus routes, local shops and University buildings.
98. Policy 32 of the emerging County Durham Plan states that applications for student accommodation will only be permitted where there is sufficient car parking, there is acceptable arrangement for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. Policy 32 also states that new build houses and change of uses for HMO's will not be permitted if the application site is located in a postcode area where more than 10% of the total properties are already in HMO use or student accommodation. This part of the policy does however only refer to new build houses whereas this proposal is for the erection of new build student apartments. The 10% threshold does not therefore apply to purpose built student accommodation buildings. On balance it is considered that the proposed development would not be contrary to the relevant part policy 32 of the emerging County Durham Plan.
99. The NPPF emphasises the need to ensure mixed and inclusive communities mentioned at paragraph 50 and encourages that development establishes a strong sense of place and sustains an appropriate mix of uses as detailed in paragraph 58. The local area does include a mix of uses in the immediate area with residential properties to the north and west; the Jehovah Witnesses building immediately to the west and with some of the properties in the area already used as student accommodation. The local area can therefore be considered to have a mixed use character which could be expected at the edge of a City Centre.
100. Given the above it is considered that the site is sustainably located in an area which has an existing mix of uses; and is previously developed land. The proposals are therefore considered to be sustainable and would also be acceptable in principle and in accordance with policy H16 of the local plan.

Impact upon the character, appearance and setting of heritage assets and surrounding area

101. The proposed development has the potential to impact negatively in respect of the setting of the WHS, the significance and character of the Conservation Area and the setting of the Scheduled Monument.
102. The accommodation blocks has been sensitively designed to resolve issues relating to the potential impacts of the scale and massing of the development, by responding to the sloping site topography with considered articulation in terms of scale, height, massing, layout and roofscape. The design of the proposed buildings also takes into consideration views towards, into and out of the site and the integration of the monument into the overall development. The architecture and aesthetic is well considered and executed and is appropriate to a 21st Century development of this nature. In respect of the materials proposed for the buildings, whilst the use of render is considered appropriate in terms of the design approach, in terms of integration into the wider cityscape a potential impact in long distant views, a more subdued render colour would be appropriate. A condition is therefore recommended for materials as well as final render colour to be submitted and agreed prior to works commencing.

103. The setting of the WHS, in the context of its position on the peninsula, and its relationship with views around the city, is a major contributory factor to its overall significance. When considering the impact of the development on such views it is considered that due to the form of the development, responding to topography its scale, massing and orientation, with additional mitigation in terms of impact provided by existing tree screening in the vicinity of the site and along the A167 that the impact would be negligible. It is acknowledged that the site and the proposal would be visible from the Cathedral tower, it is not immediately obvious from other locations within the WHS.
104. When considering the impact of the development on the setting and significance of the conservation area, in accordance with the duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it should be considered in terms of wider views and setting and also in respect of the immediate environment. In respect of the wider views, the proposed development would be assimilated into the wider urban setting typified by 19th and 20th century residential housing in a semi-green setting with the definitive feature in the landscape and the treed backdrop of the A167. The design in respect of the immediate environment is considered to be well thought out and respond according to the local vernacular. It is considered that the proposed development would preserve the character and setting of the Durham City Conservation Area.
105. The Scheduled Ancient Monument of St. Mary Magdalene Chapel is located immediately to the south of the application site. This now ruinous and isolated Chapel has significance because of its evidential value, however aesthetic and communal values contribute only in small part to the site's significance with no public access and limited interpretation. The Chapel's overall setting has been compromised by previous past land use, including the scrap yard on the application site, the A167 highway and the adjacent footbridge. The proposals including the incorporation of the monument into the scheme, improved public access, landscaping maintenance and interpretation could all be seen as positive, whilst acknowledging that the setting in term of visual context has changed if not arguably improved. English Heritage has been consulted on the application and they have stated that in terms of the physical impact, the access proposals would cause less than substantial harm to the evidential significance of the chapel but this would be outweighed by the public benefits of increased access and better site maintenance. English Heritage further state that the significance of the asset could be enhanced through better site interpretation and easier public access, thus increasing its aesthetic and communal values. The setting of the monument could also be enhanced as the area around the chapel will be constituted as maintained amenity, grassland. English Heritage has also confirmed that Scheduled Monument Consent has been granted for the access and planting works around the Chapel.
106. It is noted that the Durham Green Belt and Area of Landscape Value also borders this site. The site was previously a scrap yard and is currently a vacant site which detracts from the surrounding area. It is not considered that the proposed development would have an adverse impact on the Green Belt or the Area of High Landscape Value.
107. Given the above comments it is considered that the proposed development would have a less than substantial impact on the setting of the World Heritage Site and would preserve the character and setting of the Durham City Conservation Area. It is noted that the development would have a minimal visual impact on the adjacent Scheduled Monument Chapel however the improved public access to the Chapel with added interpretation would provide public benefits that would outweigh the

visual impact. Overall the proposal is considered to be in accordance with policies E1, E3, E6, E10, E22, E23 and E24 of the local plan.

Impact on residential amenity

108. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through the concentration of students but also with regards to specific relationships with the closet properties.
109. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.
110. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Whilst such behaviour associated with students often gets exaggerated along with the frequency and magnitude it is important for the confidence of all to have a well-defined management plan. The applicant already operates other student accommodation buildings similar to one proposed in this application and management plans are in operation at these other facilities. A draft student management plan has been submitted with this planning application. This management plan gives a commitment which will allow for two way communication between the community and the management company as well as having sanctions in place to control any anti-social behaviour should it arise. It is fair to say that a dense residential nonstudent apartment scheme will raise from time to time some disruptive behaviour but without the control of a strong management structure relying purely on other legislation. By its very nature all existing controls will exist but in the first instance the management plan and company will be the first recourse and as such this is considered an effective method of controlling such behaviour should it occur, aided by two way communication with community representatives.
111. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances between elevations and windows serving habitable rooms. Policy Q8 considers that in order to provide adequate levels of amenity and in order to maintain privacy 21m should remain between main windows serving habitable rooms. The residential properties of Orchard Drive are the closet properties to the proposed development situated 39 metres to the north. This distance meets the required separation distance ensuring no loss of privacy to neighbouring occupiers. It is also noted that the application site is set at a much higher level to the properties on Orchard Drive, however given the heavy tree belt which is located between the residential properties and the application site, it is not considered that the proposal would have an adverse impact in terms of overbearing or overshadowing issues.
112. Concerns have been raised from local residents regarding the stability of the site and also in connection with that, the drainage of the site and the potential for flooding on residential properties to the north. An intrusive geology report was submitted with the application, and the Council's Drainage Officer, the Environment

Agency and Northumbrian Water have been consulted on this report. No objections have been raised to the proposed development, however a condition is requested for full intrusive investigation works to be undertaken of the site and the engineering foundation solutions for the site to be submitted to and agreed prior to works commencing. A condition is recommended accordingly. The applicant has also noted that the buildings will be constructed in line with Building Regulations which will ensure that building structures and site foundations are safe and secure.

113. The Environmental Management Section has been consulted on the proposals in terms of potential impact on contamination, noise, light, smoke, dust and odour. No objections have been raised to the proposed development. Conditions are requested for further information to be submitted with regards to further investigation works on the site; noise control, proposed lighting within the site; and general operations during construction stage. These conditions are recommended accordingly in order to safeguard the amenities of surrounding residents. A condition has been recommended for construction times to be restricted between the hours of 8am to 6pm Mon – Fri and 8am to 1pm on Saturdays with no works on Sundays or Bank Holidays. The applicant has requested that the Saturday restriction be extended from 8am to 4pm which will allow for greater flexibility of working hours and quicker construction programme. There has been no objections from local residents in terms of hours of construction and given the extra 3 hours which is proposed for Saturdays would actually reduce the overall construction period, this could be seen as a longer benefit for residents. In this instance it is considered acceptable to allow a longer construction time on Saturdays. A condition is recommended accordingly.
114. It must be taken into account that this development proposal is not the first of its kind within Durham City. Other examples of similar, privately run student accommodation developments exist such as at St Margarets Flats and those being developed at Green Lane together with the University's own halls within edge of centre locations such that at Parsons Field off Old Elvet. Permission was also recently granted for 223 bed student accommodation at Ainsley Street.
115. In conclusion there are no objections to the proposed development on the grounds of harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the nearest properties. The proposal is therefore considered to accord with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

Highway safety

116. The proposed development is located within the city's controlled parking zone. The site is alongside the A690 and is accessed from both the A690 east bound and Ashwood street which serves residential properties. It is an accessible location close to public transport links and within a suitable distance from the City's railway and bus stations.
117. It has been demonstrated that the site layout can accommodate access for service vehicles and fire tenders, allowing vehicles to enter and egress in a forward direction. The site is designated without student parking facilities which is in accordance with the Council's emerging parking standards for student accommodation located within the controlled parking zones. No parking permits would be made available with the controlled parking zone for student residents and, because of the development location; there is no opportunity for parking within the vicinity of the development outside the controlled zone. 5 parking spaces have been provided for visitors and staff and a further two for disabled persons. Pay and display

parking is available to visitors in the local area should they be unable to park at the development.

118. It is considered that the site is in a sustainable location well linked to services and facilities. A widened shared footway/cycle way is to be provided for direct pedestrian/cycle access from Gilesgate roundabout to the development access alongside the A690. It is envisaged this would become the main pedestrian/cyclist route to the development as it avoids the steeper carriageway gradients of Magdalene Heights and Ashwood.
119. The applicant's highway consultant has demonstrated that adequate forward visibility sight stopping distance is available between vehicles leaving Gilesgate roundabout and those turning left in the A690 east bound nearside lane. It is proposed to increase awareness of the side road entry to Ashwood from the A690 with improved road markings and signing of the access. The improvement works will require relocation and possible upgrade of street lighting and removal of trees to improve intervisibility between vehicles and pedestrians crossing the exit slip road. The Highways Officer has requested a condition requiring the submission of a detailed design of the access to Ashwood from the A690 to ensure that highway and pedestrian safety at this junction is not compromised.
120. The proposal originally intended for the site to provide 100 secure and covered cycle parking spaces. The Highways Officer has indicated that whilst a significant commitment to cycle promotion is welcomed, this level of provision may be considered over provision when considered against the projected modal split for student development. Quality as well as quantity is important factors in encouraging cycling as a sustainable mode. Subsequently, amended plans have been received reducing the number of cycle spaces to 52 which still exceeds but is more in line with the Council's minimum standards of 1 cycle space per 5 students.
121. There is a student drop off and pick up area within the site. Typically student arrival and departure at the beginning and end of term see a high demand for drop off and pick up space adjacent to student accommodation. Whilst it is accepted that there is an area within the site, the Highways Officer has requested the submission of a management plan which would control vehicle arrival and departures. Queuing to access the site would not be accepted at any stage as this may impact on safe use of the A690. The Highways Officer is comfortable that the implementation of a suitable management plan for the start and end of term times would ensure that student arrival and departures would not adversely compromise highway safety. A condition is recommended accordingly for a management plan to be submitted.
122. The Highways Officer has also requested that a condition is imposed to ensure that a travel plan is submitted for this development. A travel plan is considered essential to promote sustainable travel to the site and between the site and university facilities. A condition is recommended accordingly.
123. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10, T20 and T21 of the local plan.

Other Issues

124. An ecological assessment of the site was submitted with the application and indicated that there were no protected species found. The assessment has been analysed by the County Ecologist. The County Ecologist has confirmed that there are

no objections to the findings of the assessment and the proposed development would therefore not have an adverse impact on protected species or their habitats.

125. The County Archaeologist has not raised any concerns with regards to the proposed development however a condition is requested for a programme of archaeological work to be undertaken prior to works commencing. A condition is recommended accordingly.
126. A contribution to public art is not considered relevant with this proposal as the applicant has indicated that art is to be incorporated into the design and layout of the development. The 'opening up' of the Chapel as well as introducing public interpretation boards is also seen as a clear contribution to public benefits. A condition is recommended however for exact details of public art and interpretation boards are submitted to the local planning authority for approval.
127. It is also noted that the applicant has also agreed to make a contribution of £10,000 to the Council to enable the Employability Team to create 4 apprenticeship opportunities. Although lawful, the contribution fails to meet the CIL regulation tests or the guidance within the National Planning Policy Framework, because it is not necessary to make the current application acceptable in planning terms. Accordingly, this contribution can be afforded no weight in the determination of this planning application.
128. Concerns have been raised by local residents that the proposed development would result in the devaluation of properties in the area. Unfortunately the devaluation of neighbouring properties is not a material planning consideration in the determination of this planning application.

CONCLUSION

1. The proposed development is considered acceptable in principle as it is sustainably located in an area which has an existing mix of uses; and is previously developed land. The land is located within the defined settlement boundaries and is not allocated for a specific use. The proposals are therefore considered to be in accordance with the NPPF. The development would also be acceptable in principle and in accordance with policy H16 of the local plan.
2. The proposed development has been sensitively designed and it is considered that the proposal would not have an adverse impact on the setting of the World Heritage Site and would preserve the character and setting of the Durham City Conservation Area. It is noted that the development would have a minimal visual impact on the adjacent Scheduled Monument Chapel however the improved public access to the Chapel with added interpretation would provide public benefits that would outweigh the visual impact. Overall the proposal is considered to be in accordance with policies E1, E3, E6, E10, E22, E23 and E24 of the local plan.
3. The proposed development would not create adverse harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the nearest properties. The residential amenities of existing and future occupiers of surrounding neighbouring properties as well as occupiers of the proposed development would not be adversely compromised. The proposal is therefore considered to accord with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

4. No objections have been received from the County Highways Officer. The site is considered in a sustainable location with good pedestrian and public transport links to shops, services and public facilities. Sufficient parking and drop off/pick up areas have been secured on site and proposed improvements to the junction with the A690 will ensure that access is acceptable. Cycle parking provision over the required County Highway standards has been provided in safe and secure locations on the site. It is therefore considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10, T20 and T21 of the local plan.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
001 A	Location Plan	16/06/2014
003 A	GA Site Plan	16/06/2014
004 A	GA Highways Plan	16/06/2014
010 A	GA Ground Floor Plan	16/06/2014
011 A	GA First Floor Plan	16/06/2014
012 A	GA Second Floor Plan	16/06/2014
013 A	GA Roof Plan	16/06/2014
020 A	GA Site Sections 1	16/06/2014
021 A	GA Site Sections 2	16/06/2014
022 A	GA Site Sections 3	16/06/2014
023 A	GA Site Sections 4	16/06/2014
030 A	GA North East & North Site Elevations	16/06/2014
031 A	GA South East & West Site Elevations	16/06/2014
032 A	GA Block 1 Elevations	16/06/2014
033 A	GA Block 2 Elevations	16/06/2014
034 A	GA Block 3 Elevations	16/06/2014
035 A	GA Block 4 Elevations	16/06/2014
036 A	GA Block 5 Elevations	16/06/2014
052	Chapel Landscape Proposals	16/06/2014
060	Cycle Shelter 1	16/06/2014
061	Cycle Shelter 2	16/06/2014
901 B	Landscape General Arrangement	16/06/2014
902	Landscape Setting For Chapel	16/06/2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E1, E3, E6, E10, E22, E23 and E24 of the City of Durham Local Plan.

4. No development shall commence until details of means of enclosures have been submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E1, E3, E6, E10, E22, E23 and E24 of the City of Durham Local Plan.

5. No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 04:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

6. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

7. Prior to the commencement of the development a coal mining risk assessment of the site shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the stability of the site and to comply with policy H13 of the City of Durham Local Plan.

8. No development shall commence until a detailed design of the access, and improvement works to Ashwood from the A690 has been submitted and approved in writing by the local planning authority. These approved works shall be implemented prior to the occupation of the development.

Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan.

9. Prior to the occupation of development, a management plan detailing arrangements for student arrival and departures at term times shall be submitted to and approved in writing. The approved management plan shall remain operational during the lifetime of the proposed development.

Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan.

10. No development shall commence until a Travel Plan conforming to The National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. Prior to the bringing into use of the development a Travel Plan Coordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority'

Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan.

11. No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

12. Before the development hereby approved is occupied details of all lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the agreed details.

Reason: In the interests of residential amenity and to comply with policies EMP11 and H13 of the City of Durham Local Plan.

13. Before the development hereby approved is occupied details of ventilation and glazing combinations, and details of proposed plant machinery shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and permanently retained thereafter.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

14. 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 prior to the first occupation 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.

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post field work methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the 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 criteria detailed in the NPPF as the site is of archaeological interest.

16. Prior to the development being beneficially occupied, 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.

Reason: To comply with paragraph 141 of the NPPF which ensures information gathered in terms of archaeological interest becomes publicly accessible.

17. No development hereby approved shall take place unless in accordance with the tree protection measures, recommendations and conclusions within the tree report, Arboricultural Impact Assessment (dated received 11th April 2014) by All About Trees.

Reason: In the interests of the appearance of the area and to comply with Policies E21, E22, Q5, H16 and H13 of the City of Durham Local Plan 2004.

18. Notwithstanding the details submitted within the application no development shall commence until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy may include measures of CCTV coverage, 24 hour security or warden presence, student warden schemes or other management operations. Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies H16 and H13 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Policy Framework.

19. No building shall be beneficially occupied until the landscaping scheme as set out on the following drawings has been fully implemented:

052	Chapel Landscape Proposals	16/06/2014
901 B	Landscape General Arrangement	16/06/2014
902	Landscape Setting For Chapel	16/06/2014

Reason: In the interests of the appearance of the area and to comply with Policies E21, E22, Q5, H16 and H13 of the City of Durham Local Plan 2004.

20. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development and prior to occupation. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the appearance of the area and to comply with Policies E21, E22, Q5, H16 and 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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance
Emerging County Durham Plan





Planning Services

Erection of Student Accommodation for 198 Units at Land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham

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Date
8th July 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00349/OUT
FULL APPLICATION DESCRIPTION:	Outline Residential Development (Access to be considered)
NAME OF APPLICANT:	DBS Steel Build
ADDRESS:	Land to the west of Elemore View and south of Front Street, South Hetton
ELECTORAL DIVISION:	Shotton and South Hetton
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a parcel of agricultural land measuring approximately 1.7 hectares on land to the south of Front Street in South Hetton. The A182 borders the site to the north with the residential terraced properties of Logan Terrace situated beyond. There is a watercourse running along the east boundary of the site with the residential properties of Elemore View, Plantation Walk, Coldwell Close and Pinedale Drive beyond. To the south of the site there is a densely wooded plantation and to the west are the land and buildings which form Whitesgate Equestrian Centre, and the B1280 highway which runs from South Hetton to Haswell.

The Proposal

2. Outline planning permission is sought for residential development with all matters reserved for future consideration with the exception of access, which is to be considered under this application. Access is proposed to be taken directly from the A182 to the north of the site.
3. The application is supported by various documents and assessments including an indicative masterplan which shows how the general layout of the site can be mapped out to accommodate approximately 58 properties.
4. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

5. No planning history in relation to the application site.

6. Although not related to this site, Members may recall that outline planning permission was granted at a planning committee in 2013 for 80 houses on land to the north of Windsor Drive in South Hetton, approximately 200 metres to the north east of the site in this application.

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.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at

unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

LOCAL PLAN POLICY:

District of Easington Local Plan

16. *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.
17. *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.
18. *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.
19. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
20. *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.
21. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
22. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
23. *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.
24. *Policy 67* – Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.
25. *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.

26. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.

27. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

EMERGING POLICY:

28. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

29. *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.

30. *Policy 15 (Development on Unallocated Sites)* - states that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.

31. *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.

32. *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.

33. *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.

34. *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.

35. *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:

36. *South Hetton Parish Council* has objected to the proposed scheme indicating they have concerns with regards to highway issues and capacity of local schools.
37. *Environment Agency* has no objections subject to a condition ensuring the development is carried out in accordance with the submitted Flood Risk Assessment.
38. *Natural England* have not commented on the proposals.
39. *Northumbrian Water* has not raised any objections.
40. *The Coal Authority* has not raised any objections.
41. *Durham County Highways Authority* has indicated that subject to the proposed junction radii on the new road junction onto the A182 Front Street being increased to 10 metres the proposals would be deemed to be acceptable from a highways point of view.

INTERNAL CONSULTEE RESPONSES:

42. *County Spatial Policy Team* has stated that the principle of developing the site as a residential extension to the existing settlement would not be supported by the existing or emerging development plan.
43. *County Landscape Team* are unable to support the application given the negative visual impact on the attractive landscape on approaching South Hetton and the loss of green space.
44. *County Tree Officer* has not raised any objections.
45. *County Public Rights of Way Section* has confirmed that there are no recorded public rights of way found on the development site.
46. *Drainage Officer* considers the application acceptable in principle.
47. *County Environmental Health (Noise, dust and light)* has not raised any objections but does advise that conditions are applied in relation noise, dust and light mitigation.
48. *County Environmental Health (Contaminated land)* has not raised objections however conditions are recommended to ensure site investigations are undertaken of the site prior to development commencing.
49. *County Archaeology Section* has not raised any objections to this outline application. A condition is however recommended for further investigation works to be undertaken prior to development commencing on site.
50. *County Ecology Section* has raised concerns with the proposed development.
51. *County Housing Development and Delivery Team* has not commented on the proposals.

52. *County Education Team* has confirmed that school places would be required should this scheme be approved.

53. Design and Conservation has not commented on the application.

PUBLIC RESPONSES:

54. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 32 letters of objection have been received.

55. Concerns have been raised with regards to highway issues, including traffic congestion and the increase in vehicles would compromise highway safety, including the introduction of a dangerous access onto the A182. The loss of view is raised as a concern and the adverse impact the proposal would create on residential amenity, including noise, disturbance, overlooking and loss of privacy. Concerns are raised that the proposed development would create further drainage and flooding issues which could lead to subsidence to existing properties, which has occurred in the past. It has been raised by residents that South Hetton has sufficient houses and the proposed scheme is not required. The services and amenities in South Hetton are also not sufficient to accommodate additional properties as well as the local schools being at capacity. Objections have been raised with regards to the loss of trees which would take place as a result of this development as well as the adverse impact on ecology in the area. Some residents have also recognised that this site is greenfield land and has questioned whether brownfield land in the village should be developed first. Finally concerns have been raised that the proposed development would result in the devaluation of existing properties.

APPLICANTS STATEMENT:

56. It is maintained that the level of weight to be given to adopted and emerging development plan policy is limited at best. The policies are either out-of-date, in conflict with the NPPF or subject to significant objection. The NPPF should therefore be given substantial weight and the presumption in favour of sustainable development should apply. The SPT's comments fail to provide any justified reasoning as to why the proposals do not constitute sustainable development. Our submission clearly demonstrates that there are no facets of sustainable development which would be negatively impacted by the development. The SPT's comments are unable to support the proposals on a unsubstantiated notion that the recent development at Windsor Drive which has only been minded to approve, takes South Hetton beyond its capacity to sustain further housing. This is a view taken without evidence to support it. The proposals constitute sustainable development, in accordance with the NPPF, and in accordance with the NPPF planning permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

57. 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 residential development of the site; highway and access issues; impact on surrounding area; and other issues.

Principle of residential development

58. This scheme proposes housing development on Greenfield land that is located outside of the existing settlement boundary for South Hetton. 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 in line with Policy 3 of the local plan. Policy 3 creates a presumption against development outside of settlement boundaries unless allowed by other policies in the local. There are no other policies in the local plan which provides support for this development in principle. Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with the local plan.
59. As a consequence of the conflict with the local plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the NPPF is far less restrictive than the local plan, as Policy 67 of the local plan specifies 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. Therefore the key matter relates to directing development to suitable and sustainable locations.
60. South Hetton is recognised as a 3rd tier settlement, a Local Service Centre, within the County Durham Settlement Study, in recognition that the village has reasonable access to a limited range of facilities, services, retail provision and employment opportunities. The settlement is not a focus for growth in the County Durham Plan (CDP), with Policy 4 directing the majority of growth to the main towns and secondary settlement within the County. Within South Hetton planning permission has recently been approved on land north of Windsor Drive for 80 houses. This is a site which was assessed as suitable (green) within the SHLAA.
61. The site subject to this application has been assessed as part of the development of the CDP and has an unsuitable (amber) classification within the SHLAA. Consequently it has been discounted for housing, and it is not identified in the list of Housing Land Allocations under Policy 30 in the "Submission Draft" of the CDP. The principal reasons why the site is considered to be unsuitable for housing relates to the fact that the site is on the edge of the settlement and development would constitute a large extension into the countryside resulting in some adverse landscape and visual impact.
62. To ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, the CDP contains policies to enable proposed development on unallocated sites to be assessed on their merits and individual circumstances (Policies 15 and 35). These are criteria based policies which are permissive of development provided that it is appropriate in scale, design and location to the character and function of the settlement; and it would not involve development in the countryside. To aid clarity in applying these policies, the submission version of the CDP contains a definition of the built up area. This is definition states:
63. *"The built up area is land contained within the main body of existing built development of a settlement identified in the Settlement Study. This can include open land within a settlement but this does not mean that all open space within the built up area is suitable for development. Land on the edge of a settlement can be considered to be part of the built up area where it is physically very well contained by existing built development and its development would not result in coalescence with*

neighbouring settlements or encroachment into the countryside such that it would cause significant adverse landscape or townscape impact. In the case of smaller linear settlements it could also include small gaps in a built up frontage that have no recreational, historical or amenity value. Not all areas on the edge of a settlement that could be considered well contained or to be part of the settlement in a historical or community sense would be considered part of the built up area, for example, recreation land, land comprising the curtilage of a house or business set in large grounds, farm yards, or cemeteries”.

64. In applying this description against this proposal, it is clear that the site cannot be classified as forming part of the built up area of South Hetton. This is on account that development would encroach into the countryside. The development is therefore in conflict with the policies of the emerging CDP.
65. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Having established that this proposal is in conflict with both the existing and emerging development plan, there would need to be other material considerations to justify reaching a favourable decision for this proposal. One such material consideration which is relevant to this planning application is the NPPF. In instances where it is accepted that the development plan is absent, silent or relevant policies are out of date, the NPPF stipulates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
66. As previously mentioned, South Hetton is a local service centre (3rd tier) containing limited services and employment opportunities. Consequently, residents of the settlement are likely to be reliant upon accessing employment and main shopping requirements in higher order settlements such as Peterlee and Sunderland (outside the County), and these trips are more likely to be made using the private car. For these reasons, the site is not considered to be as accessible to shops, services and facilities as other SHLAA sites, as well as the raft of housing allocation identified within the emerging CDP. The NPPF advocates a plan-led system, and the most sustainable settlements (and sites within them) are identified in the CDP. Any development which does take place in local service centres needs to be commensurate with the role and function of the settlement. It is considered that the housing development recently permitted on a better site is sufficient to meet the housing needs for South Hetton.
67. The NPPF requires LPAs to maintain a five-year supply of deliverable sites to ensure choice and competition in the market. The SHLAA report for 2013 concluded that a five-year supply could be demonstrated in County Durham, particularly as a result the number of schemes which are currently on-site and under construction, or which have received planning consent over the past 12-18 months, thus bolstering the supply of sites. In this respect, there are no deficiencies in the supply of housing which need to be addressed by the release of more housing land. However, it is not the intention to resist schemes solely on oversupply grounds, but instead recognise that it enables the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.
68. The applicant disputes the local planning authorities stance on this matter, and asserts that the Council can only demonstrate at best, a 3.5 year housing land supply. In reaching this conclusion, the applicant argues in the submitted planning statement that only sites with extant planning permissions or up to date allocations deliverable within 5 years should be included within the 5 year supply. In light of this

they argue that 1,445 units from sites with no planning status should be removed from the Council's 5-year supply.

69. The planning statement discusses two appeal decisions (Dawlish and Chapel-en-le-Firth) as evidence to validate their position that sites which are not up to date allocations or do not have planning permission (i.e. commitments) cannot form part of the 5 year supply. The Spatial Policy Team has reviewed both of these appeal decisions, and considers that firstly it should clarify that it is only the Chapel-en-le-Frith decision which discounts sites without planning permission from the 'deliverable' classification. A further appeal decision has also been identified by the Spatial Policy Team, where the Inspector held that *'footnote 11 of the NPPF advises that to be considered deliverable, sites should be available now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. This does not mean that sites without planning permission should be excluded from a calculation of supply figures.'* The Spatial Policy Team have stated that their view is that the Council's approach to calculating its 5 year housing supply is consistent with recent Inspector decisions and consistent with the NPPF, and in particular the recently published National Planning Policy Guidance (NPPG). On the matter of the 5-year supply, the Spatial Policy Team disagrees with the applicant and maintains its position that a 5-year supply can be demonstrated. As a 5 year supply can be demonstrated then the presumption in favour of sustainable development is not considered to be an outweighing factor which would allow support for this proposed development.

70. Given the above, it is considered that the principle of developing the site as a residential extension to the existing settlement would not be supported by the existing local plan or the emerging County Durham Plan. The site has not been identified as a housing allocation within the 'Submission Draft' of the CDP and the proposal therefore conflicts with both the Policy 3 of the local plan and Policies 15, 30 and 35 of the emerging County Durham Plan. It is accepted that the site is within a sustainable location however as a 5 year housing supply can be demonstrated then the presumption in favour of sustainable development is not considered to be an outweighing factor which would allow support for this proposed development. Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the Plan period.

Highway and access issues

71. This application has been made in outline with access to the site to be determined at this stage. The proposed access is to be taken from the north of the site onto main A182 highway which runs through South Hetton. The County Highways Officer has been consulted on the application and the proposed access. Although the Highways Officer has indicated that the proposed junction radii would have to be increased, it is considered that this can be adequately achieved and therefore a suitable junction can be provided. No objections are raised from the Highways Officer and it is considered that the proposed development would not compromise highway safety. The proposal is therefore considered to be in accordance with 36 and 37 of the local plan.

Impact on surrounding area

72. This development would reasonably be considered beyond the built up area of the village, as described in Policy 15 of the emerging County Plan. The built up area, as previously discussed in paragraph 63 can include land on the edge of a settlement where it is physically very well contained by existing built development and its development would not result in coalescence with neighbouring settlements or

encroaching into the countryside, such that it would cause significant adverse landscape or townscape impact. This is not the case with this site, being separated by the watercourse, within a visibly green space and having the potential to coalesce with the expanding residential development at Whitegates.

73. On arrival in South Hetton, coming from the west on the A182, the view towards this farmland is apparent, and it provides an attractive setting to the edge of this settlement. The SHLAA describes the topography of the application site as undulating with slight dip to the middle, and rises on the southern edge where there is woodland. This woodland on the southern edge of the site forms a pleasing backdrop to the view southeast on approaching South Hetton from the A182. The land is bound to the west side by a continuous mature hedgerow that runs into a smaller area of scrub woodland on slightly higher ground, located on the eastern edge. To the east of the paddock is an intermittent Hawthorn hedgerow that provides an attractive though partially open boundary to the adjoining countryside. This follows the course of a stream that becomes the Coldwell Burn. To the frontage of the A182 is a line of regularly spaced, small but mature trees within a 3.5 to 4 metre wide grass verge to the rear of the footpath. The proposed development would result in the loss of this attractive green space. It is acknowledged that the illustrative layout plan submitted does show provision for open green space on the northern boundary of the site, fronting the A182. The provision of open space frontage identifies the importance of the existing green space on approaching the settlement. However this provision does not recompense for the loss of green space. The principle of development in the open countryside must remain questionable, especially because it provides an attractive boundary to the settlement, and considerable visual amenity to the residents who live along Logan Terrace.

74. It is considered that the proposed development would not constitute as development within the built up area and would lead to an encroachment into the open countryside which would have an adverse impact on the character and appearance of the surrounding area and landscape qualities. The proposal would be in contrary to Policy 35 of the local plan, as well as Policies 35 and 39 of the emerging County Plan.

Other issues

75. Concerns have been raised from local residents in terms of the impact on wildlife and ecology. An ecology survey of the site was submitted with the application and the County Ecologist has assessed this survey. The Ecologist has indicated that the survey fails to consider potential for badgers to use the site for foraging. There are two woodlands adjacent the site and setts may be present and this grass field could be an important foraging area therefore the Ecologist considers that further information should be supplied in respect of badgers. It is noted that badgers are a protected species under the Protection of Badgers Act 1992. On that basis, it is considered that insufficient information has been submitted with the application in terms of the potential impact on protected species. Given the lack of information, this can also form part of a reason to refuse this planning application.

76. The Council's Drainage Officer, the Environment Agency and Northumbrian Water have both been consulted on the proposed application. No objections have been raised providing the development is constructed in accordance with the details of the submitted Flood Risk Assessment. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.

77. Some objections have been raised with regards to potential impact on residential amenities of existing properties. The illustrative site layout plan does demonstrate

that houses can be positioned to provide adequate separation distance to ensure privacy levels would not be adversely compromised. The Environmental Health Officer has also not objected to the scheme in terms of noise, smoke, odour etc. It is not considered that the proposed development would adversely compromise the existing amenities of neighbouring residents. Loss of view and devaluation have been raised as objections from local residents, unfortunately these issues are not material planning considerations and cannot be used as reasons to refuse a planning application.

78. Local residents have raised concerns that the schools within South Hetton are currently at full capacity and the introduction of new houses in the area would increase pressure on the school capacity. The County Education Section has indicated that the local school in South Hetton is at full capacity. The Council document 'Pupil Place Planning In Durham School 2011' provides forecast figures which also indicates that the primary school in South Hetton is at full capacity. A financial contribution towards further educational facilities in the area would satisfy deficiencies and therefore this issue cannot be a reason for refusal.

CONCLUSION

79. The principle of developing the site as a residential extension to the existing settlement would not be supported by the existing local plan or the emerging County Durham Plan. The site has not been identified as a housing allocation within the 'Submission Draft' of the CDP and the proposal therefore conflicts with both the Policy 3 of the local plan and Policies 15, 30 and 35 of the emerging County Durham Plan. Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the Plan period.

80. The proposed development would not constitute as development within the built up area and would lead to an encroachment into the open countryside which would have an adverse impact on the character and appearance of the surrounding area and landscape qualities. The proposal would be in contrary to Policy 35 of the local plan, as well as Policies 35 and 39 of the emerging County Plan.

81. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. The proposal therefore accords with policies 36 and 37 of the Easington District Local Plan.

82. Insufficient information has been provided with regards to badgers in the area and a full assessment on the impact of the proposed development on protected species cannot be undertaken. It is therefore considered that a favourable decision on the application cannot be made until further information in relation to badgers is submitted.

RECOMMENDATION

That Members are minded to **REFUSE** the application for the following reasons:

1. The application site is outside defined settlement boundaries and is not considered to be an acceptable extension to the built development of South Hetton and would be contrary to Policy 3 of the Easington Local Plan and Policies 15, 30 and 35 of the Emerging County Durham Plan.

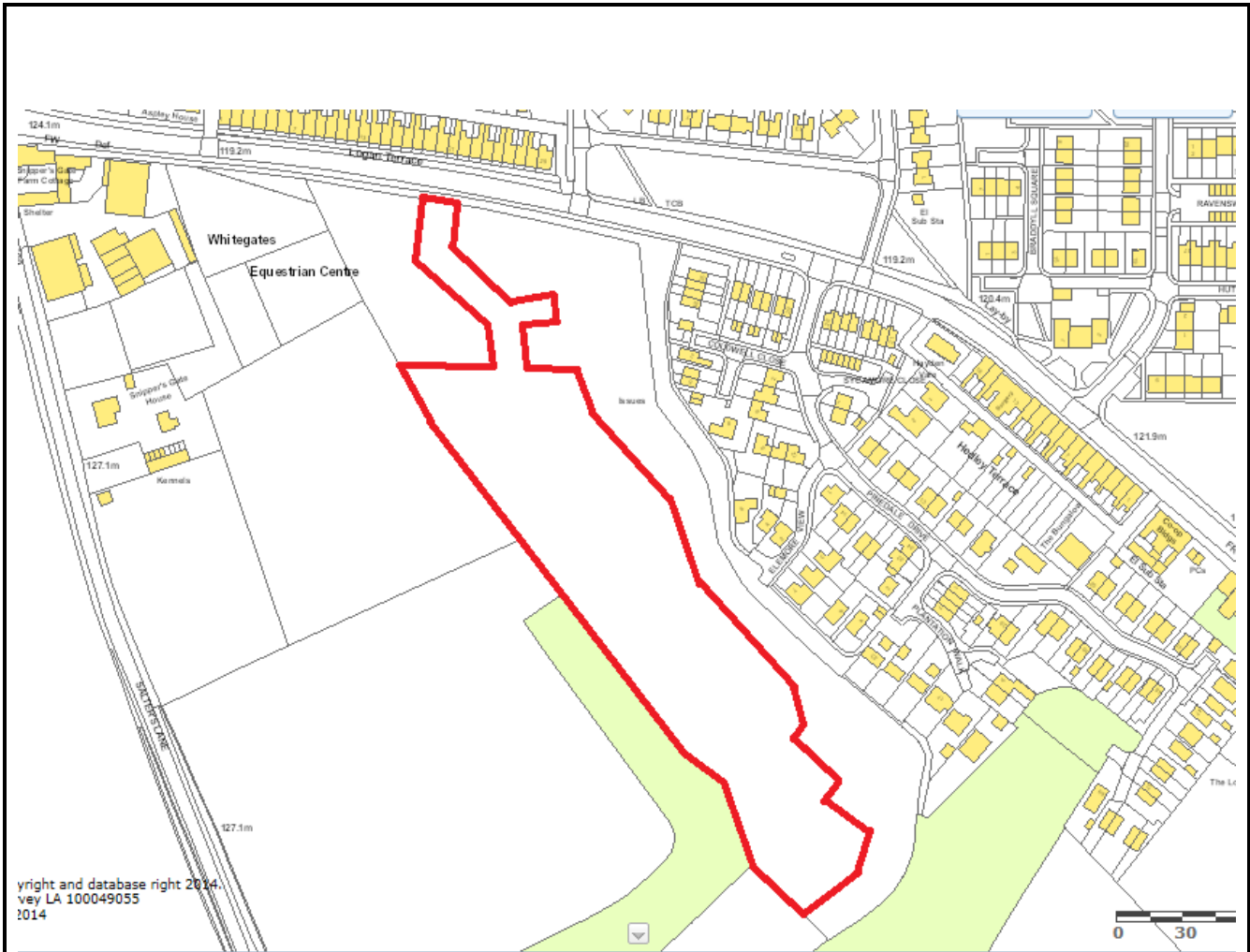
2. The proposed development would not constitute development within the built up area and would lead to an encroachment into the open countryside which would have an adverse impact on the character and appearance of the surrounding area and landscape qualities. The proposal would be in contrary to Policy 35 of the Easington Local Plan, as well as Policies 35 and 39 of the emerging County Durham Plan.
3. Insufficient information has been submitted with regards the potential for badgers using the proposed site. The local planning authority cannot therefore be satisfied that there will be no interference with badgers which are protected species, contrary to details within the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner and presented the application to the Planning Committee in line with the agreed timescales of the Planning Performance Agreement.

BACKGROUND PAPERS

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



Planning Services

**Outline Residential Development
at Land West of Elemore View and
South of Front Street, South
Hetton, Durham Ref:
DM/14/00349/OUT**

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Date 8th July 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01024/FPA
FULL APPLICATION DESCRIPTION:	6no. Two Bedroom Flats
NAME OF APPLICANT:	Mr Mark Abley
ADDRESS:	Land adjacent to 1 Bewley Terrace, New Brancepeth
ELECTORAL DIVISION:	Deerness
	Chris Baxter
	Senior Planning Officer
CASE OFFICER:	03000 263944
	chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of a parcel of vacant land adjacent to No. 1 Bewley Terrace in New Brancepeth. The site is now vacant however a public house used to be situated on the land. The terrace properties of Bewley Terrace are located directly to the north of the site, with the residential terrace properties of Hawthorne, Co-operative and Prospect Terrace to the east. The residential bungalow of Wood View is situated to the south with the New Brancepeth Club to the south east. Immediately to the west of the site is a derelict building. The adopted highway bounds the site to the south and east. There is an access lane bounding the site to the north which provides vehicular access to the rear of Bewley Terrace.

The Proposal

2. Planning permission is sought for the erection of 6no. two bedroom flats. The flats would be arranged in blocks of three units giving the appearance of a row of three terraced properties. Three flats would be ground floor with three flats being first floor. The proposed height of the buildings would be 8 metres to the ridge and in total would have a footprint of 16.2 metres by 9 metres. A small garden area is proposed to the east with 8no. parking spaces located to the west. Access to the parking area would be from the adopted highway to the south. A bin storage area is located to the south of the site.
3. The application is referred to the Committee at the request of the Local Member, Councillor David Hall on the basis that there are issues relating to highways and boundaries.

PLANNING HISTORY

4. Planning permission was approved in 2007 for the erection of 2no. semi-detached dwellings on this site but this was never implemented and accordingly, the permission has now lapsed.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 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.
11. *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..
12. *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.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA’s should require applicants to describe the significance of

the heritage asset affected to allow an understanding of the impact of a proposal on its 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

14. *Policy H3 (New Housing Development within the Villages)* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
15. *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.
16. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
17. *Policy 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.
18. *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.
19. *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.

EMERGING POLICY:

20. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

21. *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.
22. *Policy 15 (Development on Unallocated Sites)* – States that development on unallocated sites will be permitted where development is appropriate in scale, design and location; does not result in the loss of a settlement's last community building or facility; 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 criteria defined in Policy 35.
23. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
24. *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.
25. *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.
26. *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:

27. *County Highways Authority* has raised no objections to the application. It has been indicated that works in relation to the access, telegraph pole and the surrounding footways will have to be undertaken as a requirement of Section 184(3) of the Highways Act 1980.
28. *Environment Agency* has not raised any objections.
29. *The Coal Authority* has objected to the scheme as a coal mining risk assessment has not been submitted with the application.
30. *Northumbrian Water* have not raised any objections but have suggested that a condition is attached for details of surface and foul disposal to be submitted.

INTERNAL CONSULTEE RESPONSES:

31. *Archaeology* has not raised any objections.

32. *Environmental Management* has not raised any objections subject to the imposition of conditions relating to lighting, noise and site operations.

PUBLIC RESPONSES:

33. Neighbouring residents were notified individually of the proposed development. One resident has raised concerns regarding the development. Concerns are raised in regard to the access lane directly to the north, indicating that the development may reduce the access restricting access to the rear of Bewley Terrace. The resident has also queried whether the existing garage building to the west is to be used as the boundary for the site. Finally, concerns are raised with regards to the type of tenants who would occupy the flats.

APPLICANTS STATEMENT:

34. Following my discussions with both the County and Parish Councillors for New Brancepeth I would like to make the following observations:

35. The land adjacent to Bewley Terrace has been derelict for many years and development of the site would be welcomed by the majority of residents. In addition there is a lack of similar accommodation within the immediate area. I appreciate that there may be some concerns with regards to future residents however; I am of the opinion that the proposed properties will be attractive as low cost, starter homes for first time buyers.

36. Regarding the objections raised by one local resident, I offered (through the County Councillor) to speak with the complainant in an attempt to allay any concerns that he might have. To date I have had no contact. Having discussed the issue of access with the Planning Department they felt that the access into Bewley Terrace is more than adequate and the Highways Department have not raised any concerns in relation to it.

PLANNING CONSIDERATIONS AND ASSESSMENT

37. 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 principle of development; impact upon surrounding area; highway considerations; residential amenity; and other issues.

Principle of development

38. The application site is located within the settlement boundaries of New Brancepeth and therefore the proposal is in direct accordance with policy H3 of the local plan. The site is also previously developed and has been vacant for some time therefore the regeneration of the land with development is considered to be a significant improvement not only to the site itself but also to the immediate surrounding area. The settlement of New Brancepeth is classed as a medium sized settlement within the Council's Settlement Study which indicates that these villages tend to have fairly minimal facilities with some public transport services. It is considered that the development of this site for residential purposes would help in supporting the limited services currently within the village. Given the regeneration benefits which the proposal brings and that the development would help support local services, it is

considered that the proposed development would be in accordance with the sustainability principles of the NPPF.

Impact upon surrounding area;

39. The proposed site has been vacant for some time since the demolition of the former public house. The site is derelict and does not offer any visual amenity to the village of New Brancepeth. The proposed development would introduce 6no. flats onto the site. The building has been sensitively designed so it would appear as a row of three terraced properties which would blend in with the surrounding terraced properties. The original plans submitted showed the front doors of the properties facing into the site overlooking the proposed parking area. The applicant has confirmed that this was an error and it was always the intention for the main doors to face east looking onto the main road. Amended plans have been received showing the front of the properties and the main doors facing onto the main street. This will ensure that the development has a strong frontage which is more attractive within the street scene.
40. Brickwork and concrete tiles are proposed for the materials to the walls and roof. There is a varied mix of different materials in the area therefore brick and roof tiles are considered to be appropriate materials. A condition is recommended for exact details of the brickwork and roof tiles to be submitted and agreed prior to development commencing.
41. The proposed parking is to be located to the rear of the properties which is considered acceptable as it would be mostly screened from the main street scene by the proposed buildings. The bin storage area is proposed to be located to the southern end of the properties and there is the potential for the bins to be highly visible. It is suggested that suitable fencing or some walling be erected around the bin store to ensure visual impact is not compromised. A condition for details of means of enclosure to be submitted is recommended accordingly. The issue of boundary treatment has been raised by a local resident and it is noted that the condition for means of enclosure details would ensure that sufficient details for boundary treatment is submitted and agreed prior to works commencing on site. The submitted drawings do show that a brick retaining wall is to be relocated along the north boundary which would be considered acceptable given the difference in levels. The existing garage wall of the adjacent site to the west is currently the boundary treatment. This garage is outside of the application site therefore there is no control over whether this garage wall remains or is removed.
42. Overall it is considered that the proposed development is a welcomed scheme which would regenerate a site which has been vacant and a visual eye sore for some time. The proposed scheme is a sensitive design which would blend in with the built form in the immediate area. The proposal would have a positive impact on the street scene and would not compromise visual amenity in the surrounding area. The proposed development would be in accordance with policy H13 of the local plan.

Highway considerations

43. Eight car parking spaces are proposed to accommodate the 6no. two bedroom flats with access to these spaces from the highway to the south. The County Highways Officer has not raised any objections to the proposed parking provision. The access point is considered acceptable however it is advised that the access is widened to allow cars to pass each other. The widening of the access can be achieved through the requirements of Section 184(3) of the Highways Act 1980. The Highways Officer has also noted that an existing telegraph pole would have to be relocated to accommodate the access and also improvements to the footway to the north east.

These are issues which the developer would need to arrange with the Council's Highway Section and the Electricity Company.

44. A local resident has raised concerns that the access lane immediately to the north could be reduced restricting access to the rear of Bewley Terrace. This access lane is not an adopted highway. The submitted plans show that the access lane to the north would be 3.5 metres wide at its narrowest point, which would be adequate width to allow vehicular access. It is not considered that the proposed development would restrict vehicular access along the section of track immediately to the north.
45. The proposed scheme would provide adequate parking provision and suitable access to ensure that the development does not compromise highway safety. The proposal is considered to be in accordance with policies T1 and T10 of the local plan.

Residential amenity

46. The main outlook from the proposed properties is to the east and west. There are no windows proposed in the north and south elevations. The separation distance between the proposed properties and the existing buildings to the east is well over the required 21 metres. There are no windows in the gable elevation of the neighbouring property to the north and there are no windows in the gable elevation of the bungalow to the south. It is therefore considered that adequate separation distances are achieved ensuring there would be no loss of privacy to existing or future occupiers. Given the siting of the proposed buildings in relation to surrounding properties, it is not considered that any adverse overbearing or overshadowing effects would be created.
47. The proposed development would not have an adverse impact on the residential amenity of existing and future occupiers of neighbouring properties or the proposed flat accommodation. The proposal would be in accordance with policy Q8 of the local plan.

Other Issues

48. The Coal Authority has objected to the scheme as a coal mining risk assessment has not been submitted with the application. It is noted that the site is previously developed and a public house was once situated on the land. To ensure the stability of the land, a condition is recommended for a coal mining risk assessment to be submitted prior to works commencing on site.
49. No objections have been raised from Environment Agency or Northumbrian Water although a condition has been requested for details of the disposal of surface and foul water to be submitted and agreed prior to works commencing on site. A condition is recommended accordingly.
50. The Council's Environmental Health Officer has not raised any objections to the proposed development however some conditions have been requested. Conditions are requested in relation to noise and pollution control during construction stage; any burning on the site; and external lighting. It is recognised that this proposal is a small development therefore it is considered unreasonable to attach the conditions requested by the Environmental Health Officer. A further condition has been requested with regards to construction hours for working on site during the development phase. Given the site is in a predominantly residential area, and in order to protect residential amenity, it is considered prudent for a condition to be attached ensuring construction works are undertaken within reasonable hours of the day. A condition is attached accordingly.

51. Concerns have been raised by a local resident with regards to the type of tenants which would eventually reside in the flats. There has been no information provided as to whether the flats would be sold or leased, however this issue is not a material planning consideration which can be used in determining the application.

CONCLUSION

52. The application site is currently a derelict parcel of land which would benefit from some development. The site is previously developed and sits within the settlement boundaries of New Brancepeth. The village has limited services and introducing further residential accommodation into the village would help support these services. It is therefore considered that the proposal can be considered sustainable development and would be in accordance with policy H3 of the local plan and guidance contained within the NPPF.

53. The proposed design of the buildings would blend in well with the surrounding terraced properties and not look out of place. The proposal would provide much needed development on this derelict site which would significantly contribute to the character and appearance of the street scene and surrounding area. The proposal would therefore be in accordance with policy H13 of the local plan.

54. Sufficient parking provision has been provided within the site and the proposed access onto the highway to the south is considered acceptable by Highway Officers. The proposed development would not compromise highway safety and the proposal would be in accordance with policies T1 and T10 of the local plan.

55. There are no concerns with regards to loss of privacy or any adverse overbearing or overshadowing impacts being created. The proposed development would therefore not have an adverse impact on the residential amenity of existing and future occupiers of neighbouring properties or the proposed flat accommodation. The proposal would be in accordance with policy Q8 of the local plan.

56. Conditions are recommended in terms of further details relating to coal mining issues and drainage therefore it is considered that the proposed development would not have any detrimental impacts in terms of these particular issues.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
01 A	Site location plan	22/04/2014
	Plans and Elevations	13/06/2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

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

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

4. No development shall commence until details of means of enclosures shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

5. No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

6. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

7. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

8. Prior to the commencement of the development a coal mining risk assessment of the site shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the stability of the site and to comply with policy H13 of the City of Durham 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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

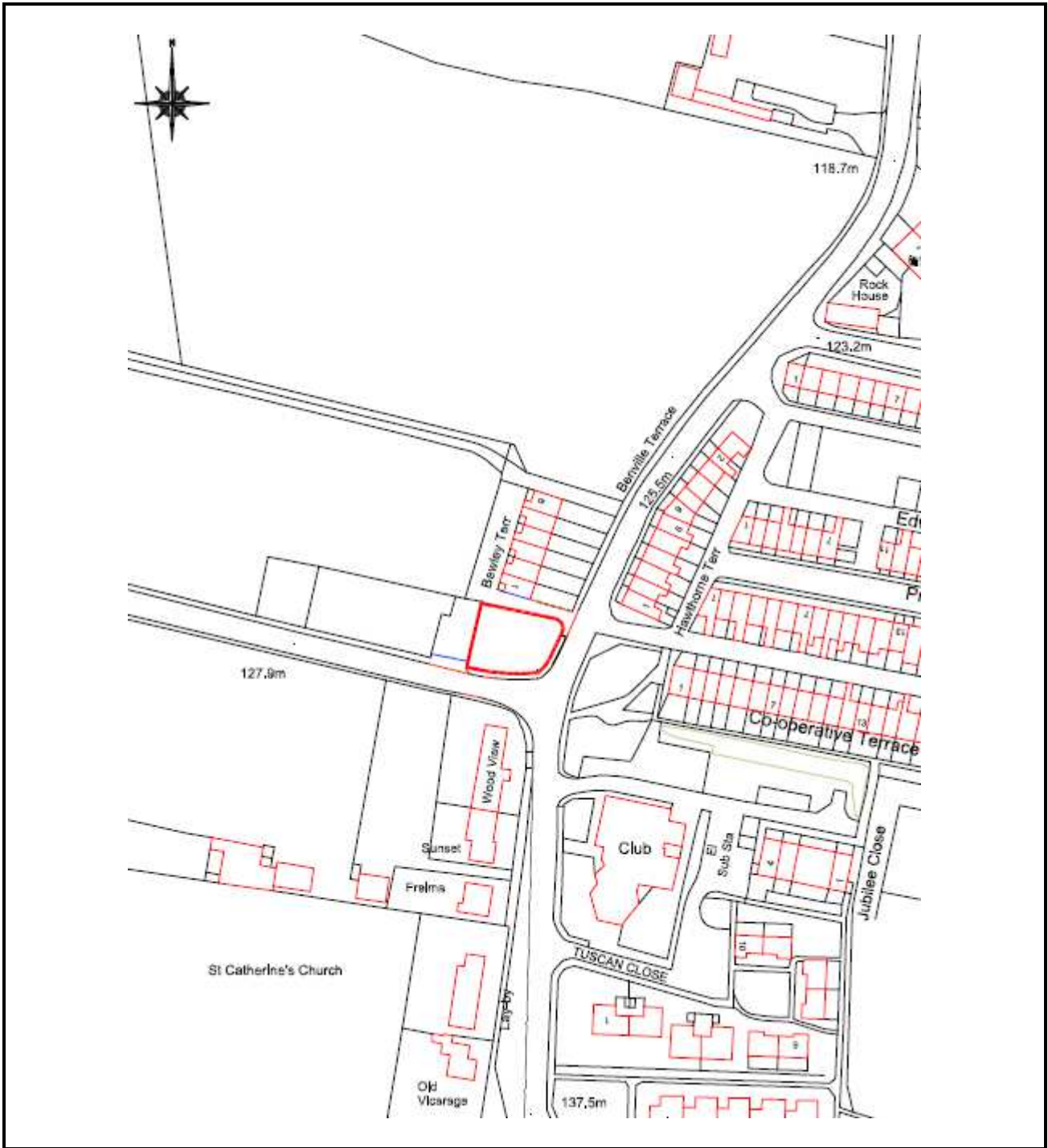
Internal consultee responses


Public responses

Responses from statutory and other consultees

National Planning Policy Guidance

Emerging County Durham Plan



 <p>Durham County Council</p> <p>Planning Services</p>	<p>6no. Two Bedroom Flats at Land adjacent to 1 Bewley Terrace, New Brancepeth</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 8th July 2014</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/14/01389/OUT
FULL APPLICATION DESCRIPTION:	1 no. Dwelling - Outline - all matters reserved except access
NAME OF APPLICANT:	Mr Michael Boyle Relley Farm Cottage Front Street
ADDRESS:	Broompark Durham DH7 7RJ
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

SITE

1. The application site is a parcel of land which sits to the north east of Relley Farm Cottage and to the north of the B6302 Broom Lane. The site currently forms a grazing field which is surrounded by trees. Broompark Picnic Area lies further to the south west. To the north lies open countryside while Relley Farm and Relley Steading sit to the east. Beyond this sits the east coast railway line. The site is situated within the Durham City Green Belt and outside of any settlement boundary.

PROPOSAL

2. Outline planning approval is sought for the erection of 1no. 4+bedroom dwelling. The application is also seeking to agree in principle the use of an access point from the B6302. Although indicative plans showing the type of building that could be built have been submitted, matters such as appearance, landscaping, layout and scale are reserved at this stage and would need to be agreed at a later date should any approval be given.

3. The application has been referred to planning committee by Cllr Jean Chaplow on the basis of the special circumstances which surround this planning application.

PLANNING HISTORY

4. There is no recent relevant planning history at the site.

PLANNING POLICY

NATIONAL POLICY

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

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements are considered relevant to this proposal;

7. NPPF Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

8. NPPF Part 4 – Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

9. 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.

10. 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.

11. NPPF Part 9 - Protecting Green Belt Land. This part of the NPPF sets out the Government's approach to the type of development that would be suitable on Green Belt land and outlines measures for its protection.

12. NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

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

instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

14. Policy E1 (Durham City Green Belt) This Policy seeks to restrict development within the Green Belt to Agricultural or Forestry development, essential facilities for outdoor sport and recreation, limited infilling or redevelopment of existing major developed sites, replacement of an existing dwelling, re use or conversion of an existing building or limited extensions and alterations to existing dwellings.

15. Policy E7 (Development outside Settlement Boundaries) This Policy outlines when development outside a settlement boundary would be deemed acceptable.

16. 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.

17. 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. As far as possible, Unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

18. Policy E24 (Archaeological Remains) Sets out that the council will ensure that prior to the development commencing an appropriate programme of archaeological investigation, recording and publication has been made.

19. Policy H4 (Villages with No settlement boundary, Ribbon Development and Sporadic Groups of Houses) This Policy states that the extension or redevelopment of villages with no settlement boundary, of ribbons of development or of sporadic groups of houses will not be permitted.

20. Policy H5 (New Housing in the Countryside) Sets out that new build housing development will only be permitted where it is essential that a person needs to live near their place of work.

21. Policy H10 (Backland and Tandem Development) states that the development of such sites typically at the rear of existing houses in the form of back gardens will not be allowed unless a safe and satisfactory access can be provided, the amenities of new and existing occupiers are not adversely affected and the proposals are in scale and character.

22. Policy T1 (Traffic Generation - 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.

23. 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.

24. 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.

25. 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.

26. 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 PLANNING POLICY

27. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

28. Policies 10, 14 and 15 are particularly relevant, relating to development on unallocated sites. They state;

29. **Policy 10 – Western Relief Road** In order to improve traffic flows through and around Durham City, land, as shown on the proposals map, is allocated for the construction of the Northern Relief Road in Durham City to connect the Red House roundabout at its Western end with the A690 as its eastern end near Junction 62 of the A1M. Within the corridor of interest for the Northern Relief Road, as shown on the proposals map, development will only be permitted if it does not prejudice the implementation of the road scheme. The Northern Relief Road and associated highway improvements will be funded by the Community Infrastructure Levy.

30. **Policy 14 Green Belt** within the Green Belt, as shown on the Proposals Map, the construction of new buildings will be regarded as inappropriate and will not be permitted. Exceptions to this, where they accord with other policies in the Plan and minimise impact on openness through appropriate landscaping, design, scale, siting and appropriate use of materials, are:

- a. Buildings necessary for the purposes of agriculture or forestry;
- b. Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. Limited and proportionate extensions or alterations to a building;
- d. Replacement of an existing building for the same use and of a size that is not materially larger than the one it replaces;

- e. Limited infilling or redevelopment of existing major developed sites, as shown on the Proposals Map, providing the proposal has no greater impact on openness, does not lead to a major increase in the developed proportion of the site and does not exceed the height of existing buildings; and
- f. Limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt.

Other forms of development which may not be inappropriate in the Green Belt, providing they preserve the openness and do not conflict with its purpose include:

- g. Mineral extraction;
- h. Waste development;
- i. Engineering operations;
- j. Transport Infrastructure;
- k. The re-use or conversion of an existing building which is permanent and of substantial construction; and
- l. Development brought through a Community Right to Build Order.

Large scale renewable energy projects will only be permitted where very special circumstances are demonstrated. Micro Renewable technologies will be considered in line with Policy 21 (Renewable and Low Carbon Energy). In all cases applicants will be expected to demonstrate that there are no discernible impacts on the Green Belt.

31. Policy 15 – Development on un-allocated sites 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>.

CONSULTATION AND PUBLICITY RESPONSES

32. Cllr Jean Chaplow has noted the special circumstances which surround this planning application.

33. Highways Development Management has offered no objection to the application.

34. Northumbrian Water: No objection.

35. Environment Agency: No objection.

INTERNAL CONSULTEE RESPONSES:

36. Planning Policy: object to application as the principle of the development is considered unacceptable within the Green Belt.

37. Archaeology: No objection, condition requested.

38. Environmental Health: No objection.

39. Ecology: No objection.

40. Drainage: No objection.

41. Landscape: No objection.

42. Landscape (Trees): No objection.

PUBLIC RESPONSES:

43. The application has been advertised through neighbour notification, a press notice and a site notice. One letter of objection has been received on behalf of an adjoining occupier. The letter of objection states that the application is contrary to Policy E1 of the City of Durham Local Plan and states that there are no special circumstances which would justify approval of this development. The letter suggests that the development would impact upon the openness and visual amenity of the Green Belt and would increase the developed proportion of the site. It is stated that the application is contrary to Policy H4 and it is put forward that any detrimental consequences of the proposed western relief road are a separate matter with Planning Policy not in the position to provide mitigation.

APPLICANTS STATEMENT:

44. As a result of the Councils plans for a Western Relief Road, adjacent to their property, Mr and Mrs Boyle who have lived at Relly Cottage since 1998, submit this outline planning application for one dwelling with the support of their County Councillor Jean Chaplow and their Local Parish Council. It is Mr and Mrs Boyle's contention that as one of the few owner occupiers directly and personally affected by the Durham Local Plan their application warrants the status of '*very special circumstances*', especially noting that 2500 houses are planned at the northern end of the Relief Road and a total loss to the Durham Green Belt of 4%.

45. Under NPPF guidelines, developments in the Green Belt are only possible when either '*very special circumstances*' are deemed to exist or within the framework of an adopted Local Plan. This makes the timing of Mr and Mrs Boyle's application particularly crucial. This application is made as the 2004 Local Plan ends but before the 2015 Plan is adopted, so at this juncture, Officers have a narrow window within which to adjudicate on proposals.

46. The NPPF has deliberately left '*very special circumstances*' open to interpretation, allowing Planning Officers to use their discretion on a case by case basis when making such sensitive and subjective judgements. ** See below '*DCC Principle of Development*' NPPF 88 : '*very special circumstances*' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

47. In our case the detrimental consequences created by the Western Relief Road, the huge '*harm*' to the '*the openness of the Green Belt*' which the Western Relief Road will inflict on the Green Belt and the unfairness of the suggestion that these consequences cannot be mitigated by Mr and Mrs Boyle's development.

48. NPPF 90: *‘Certain forms of development are also not inappropriate in Green Belt’*.i.e. *transport infrastructure*. This NPPF guideline has been used by the Durham Local Plan to allow for the Western Relief Road not requiring the deletion of Green Belt. Similarly Mr and Mrs Boyle seek approval under NPPF guidelines for a single dwelling which also does not require deletion of Green Belt.

49. Local Plan E1 par 3: “Limited infilling” & H4 par 1 “ Comprise no more than a single dwelling infilling a small gap between existing buildings” 2 “Does not involve the development of an open space that is important to the street scene and” 3 “is appropriate in scale, form and materials to the character of its surroundings” NPPF 49: *‘Housing applications should be considered in the context of the presumption in favour of sustainable development’* and *‘economic growth’*

50. As the Relly settlement has been in existence since medieval times it is clearly sustainable, only evolving into its present 3 dwelling lay-out around 20 years ago. Thus the additional dwelling would bring continued ‘economic growth’ to the local economy and boost the DH7 executive housing stock.

51. The Pre-planning advice accepted both the likely disturbance to Relly Cottage by the close proximity of the Western Relief Road and the site location of the proposed new dwelling. Mr and Mrs Boyle would make design amendments to meet any and all Council requirements and their offer to make any appropriate contribution under Section 106 stands.

52. Following three years of consultations with Council Officers a fair and reasonable outcome to the unique circumstances which exist at Relly Cottage is sought and Mr and Mrs Boyle request that Durham County Council grant approval for their outline planning application.

53. * * CE/12/01628/FPA *“The term ‘very special circumstances’ is not defined in planning legislation or guidance, and there is no set criteria, for example, which a scheme must meet to be considered as one where very special circumstances would exist. The term ‘very special circumstances’ is therefore a label which attaches to the situation where there are matters which, on balance, are considered to outweigh the identified Green Belt harm.”*

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://plan-1:8080/IDOXSoftware/IG_search?sort=5&dir=asc&FormParameter1=DM%2F14%2F01389%2FOUT&app_id=1002

PLANNING CONSIDERATIONS AND ASSESSMENT

54. 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 residential development at the site, highways issues and other issues.

The Principle of the development of the site

55. The site sits within the City of Durham Green Belt. As such the site is subject to the provisions of Policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework. Both local and National planning policies operate along the same lines.

56. The NPPF states that Green Belts serve five purposes - to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict land other urban land.

57. The National Planning Policy Framework advises that planning authorities should regard the construction of new buildings within Green Belts as inappropriate. Exceptions to this include buildings for agriculture and forestry, outdoor sport, outdoor recreation and cemeteries, extension or alteration of a building or replacement of a building (both subject to limitations) limited infilling in villages and limited affordable housing where in accordance with local plan policy and limited infilling or the partial or complete re development of previously developed sites.

58. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

59. The document also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

60. The development of one residential dwelling does not fit within the listed exceptions and is therefore to be regarded as inappropriate development that would be harmful to the Green Belt.

61. As part of the emerging county Durham Plan, a western bypass to Durham has been identified within Policy 10. Officers understand that if this proposal were to come to fruition, the road would run on a north/ south axis intersecting with the B6302 immediately to the north of Broompark Picnic Area and to the west of Relley Cottage.

62. Officers note that this policy clearly identifies the future thinking of the authority. However, given the current stage of the Local Plan and the fact that this policy is subject to significant comment and concern, Officers are able to afford only limited weight to this Policy at the current time.

63. Further, Environmental Health Officers have questioned whether a new dwelling in the location proposed would suffer less impact from the proposed western bypass. They note the site that has been chosen is in an elevated position, which would clearly leave any new dwelling also susceptible to impacts from the proposed road.

64. Given that the plans for the western bypass outlined in Policy 15 can only be afforded limited weight in the decision making process, Officers do not consider that very special circumstances have been demonstrated. The development is therefore considered inappropriate and harmful to the Green Belt.

65. The development would be contrary to the aims of the Green Belt on at least three counts.

66. The development would detract from the aims of the Green Belt to assist in safeguarding the countryside from encroachment; to preserve the setting and special

character of historic towns (In this instance Durham City) and to assist in urban regeneration by encouraging the recycling of derelict land other urban land. The openness of the Green Belt would be harmed.

67. Officers have given this matter substantial weight in considering the principle of the development, as required by the NPPF. Officers consider that the principle of the development would be contrary to part 9 of the NPPF and Policy E1 of the City of Durham Local Plan.

68. Alterations to the GreenBelt can only be proposed through the local plans process where they are subject to the relevant public scrutiny and inquiry as part of a longer term strategy.

69. Further, Policy E7 relates to development outside of settlement boundaries and is interlinked with Policy H5 in relation to housing. Policy H5 indicates that new housing outside of settlement boundaries will only be appropriate whereby the dwelling is associated with a proven and compelling agricultural or forestry need that cannot be satisfied by existing accommodation. The application is in open Countryside and outside of any settlement boundary, therefore the application is also considered unacceptable in relation to Policies E7 and H5.

70. Officers consider the application contrary to Policy H4 in that the development does not comprise of the infilling of a small gap between existing buildings.

Highways Issues

71. An access point for the dwelling has been put forward for consideration by the applicant. The access point would effectively share the current vehicular access point to Relley Cottage before branching north to feed into the application site.

72. Highways Development management have carefully assessed the suitability of the proposed access and have concluded that this would be acceptable. Officers therefore consider the development appropriate in terms of Highways Safety. Additional information has been submitted by the applicant to alleviate Tree Officers concerns about the impact of the access on trees at the site. Tree Officers consider that an access could be located in this location which would have an acceptable impact on trees through appropriate construction methods.

Other issues

73. Given the undeveloped nature of the site a Phase 1 habitat survey has been undertaken. The site has been identified as having limited ecological value and the Senior Ecology Officer has advised that he offers no objection. Overall, the granting of Planning Permission would not constitute a breach of The Conservation of Habitats and Species Regulations 2010 as there is unlikely to be any interference with a European Protected Species.

74. Landscape officers have stated that a dwelling could be accommodated in this location which would not have an unacceptable adverse impact upon the landscape quality or appearance of the area of landscape value. They note that the dwelling is well screened from the surrounding area and countryside and provided boundary screening would be retained no objections would be offered. It is likely that a dwelling of appropriate scale and character with acceptable amenity impacts to nearby dwellings could be built. However, while there would not be harm to the area of landscape value and a dwelling could likely be accommodated here of appropriate scale, character and amenity impacts, Officers consider there would be harm to

the openness of the Green Belt and the issues need to be considered separately. The Harm to the Green Belt is an overriding matter to which significant weight must be given.

75. A non mains drainage system is proposed. Initial details of this have been submitted and the Environment Agency has raised no objections to this arrangement. The council's Drainage and Coastal Protection team would require drainage details in the event of any approval. Archaeological interest has been identified within the area and archaeology officers have recommended an appropriate condition.

76. The site is within the Coal Authorities 'High Risk' area. A coal mining risk assessment is needed to ensure that the site is, or can be made safe and stable for development although this has not yet been submitted. 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 can be conditioned and developers are required to submit a coal mining risk assessment via condition upon which the Coal Authority would be consulted and the developer would be required to carry out any necessary remedial measures as part of any planning approval.

CONCLUSION

77. Officers consider the application contrary to Part 9 of the National Planning Policy Framework, and Policies E1, E7, H4 and H5 of the City of Durham Local Plan 2004 as the proposal would represent inappropriate development that would be harmful to the Green Belt.

RECOMMENDATION

That the application be **REFUSED** for the following reasons;

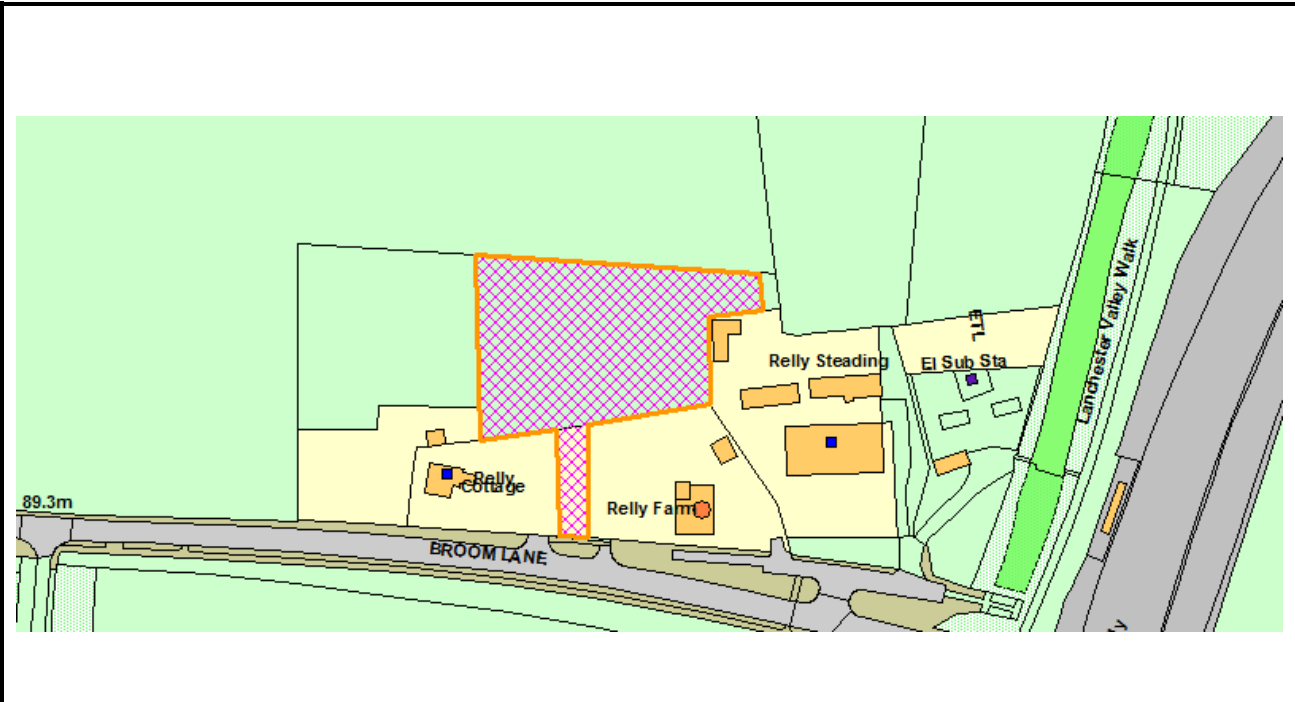
1. The development would represent inappropriate development within the Green Belt with no very special circumstances to justify the proposal contrary to Part 9 of the National Planning Policy Framework and Policy E1 of the City of Durham Local Plan 2004.
2. The scheme would represent unacceptable housing development outside the City of Durham settlement boundary contrary to Policies E7, H4 and H5 of the City of Durham Local Plan 2004.


STATEMENT OF PROACTIVE ENGAGEMENT

78. 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 application has been reported to committee within the 8 week target provided to the applicant on submission.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
City of Durham Local Plan 2004
County Durham emerging local plan
Response from Councillor Chaplow
Consultee responses



 <p>Planning Services</p>	<p>1 no. Dwelling - Outline - all matters reserved except access</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 08th July 2014</p>

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/00752/OUT
FULL APPLICATION DESCRIPTION:	Residential Accommodation for Over 55's and care Home / EMI Facilities and Access Road
NAME OF APPLICANT:	Brett Bros Developments
ADDRESS:	Land to the East of Aldridge Court, Ushaw Moor, County Durham, DH7 7RT
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Allan Fenwick Allan.Fenwick@durham.gov.uk 03000 261 957

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a field used for the grazing of horses within the open countryside and designated Green Belt outside the settlement of Ushaw Moor and to the east of Aldridge Court.

The Proposals

2. Outline planning permission with all matters reserved is sought for the construction of 96 flats comprising 66 one-bedroom and 30 two-bedroom apartments in a range of two, two and a half and three storey buildings with associated Elderly Mentally Infirm (EMI) facility and access road.
3. The application is brought before members as the scheme represents a major development.

PLANNING HISTORY

4. N/A

PLANNING POLICY

NATIONAL POLICY:

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

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

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
7. The following elements are considered relevant to this proposal:-
8. 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
9. Part 3 - Supporting a prosperous rural economy. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development
10. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives
11. Part 6 - Delivering a wide choice of high quality homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development
12. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning
13. Part 8 - 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
14. Part 9 - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence
15. Part 10 - Climate Change. Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development
16. Part 11 - Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by

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

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:
City of Durham Local Plan

17. Policy E1 - Durham City Green Belt. Sets out that within the defined Green Belt the construction of new buildings is considered inappropriate unless it is for agricultural or forestry activities, essential sport and recreation facilities, replacement of an existing dwelling and the re-use conversion of an existing building
18. Policy E7 - Development Outside Settlement Boundaries. Advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable
19. Policy E14 - Protection of 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
20. Policy E16 - Protection and promotion of Nature Conservation. 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
21. Policy H3 - New Housing Development within the Villages. Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units
22. Policy H5 - New Housing in the Countryside. Sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry
23. Policy H14 - Residential Areas – Improvements to Housing Stock and Environment. Seeks to improve the environment of existing residential areas and their housing stock

24. Policy H16 - Residential Institutions. Provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance
25. Policy Q1 – General Principles – Designing for People. Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities. Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties
26. Policy Q2 - General Principles – Designing for Accessibility. Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
27. Policy Q8 - Layout and Design – Residential Development. Sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised
28. Policy T1 - Traffic Generation – 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
29. 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

**EMERGING POLICY:
County Durham Plan**

30. The emerging County Durham Plan was Submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
31. Policy 1 - Sustainable Development 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. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in County Durham.
32. Policy 14 - Green Belt. Within the Green Belt, as shown on the Proposals Map, the construction of new buildings will be regarded as inappropriate and will not be permitted. Exceptions to this are set out in the policy.

33. Policy 15 - Development on Unallocated Sites sets out criteria for development on sites that are not allocated in the County Durham Plan or in a Neighbourhood Plan.
34. Policy 16 - Sustainable Design in the Built Environment. Development sets out the general requirements for sustainable development.
35. Policy 17 - Exception Sites. Housing and employment related development that is contrary to Policy 35 (Development in the Countryside) but accords with other relevant policies in the Plan will be permitted if it meets a specified exception.
36. Policy 31 - Addressing Housing Need requires all qualifying new housing proposals to provide a percentage of Affordable Housing (lii) which is accessible, affordable and meets the needs of those residents unable to access the open housing market.
37. Policy 35 - Development in the Countryside. Planning permission for development in the countryside deals with exceptions cases.
38. Policy 39 - Landscape character. 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.
39. Policy 40 - Trees, Woodlands and Hedges requires that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss.
40. Policy 49 – Delivering Sustainable Transport considers the transport implications of development

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

41. City of Durham Trust – Consider the proposal to be a worth-while project and well thought-through, unfortunately the application site is located within Green Belt and suggest the proposal is an inadmissible exceptional circumstance in NPPF. Therefore, the Applicant's first task should be to seek an amendment to the Green Belt boundary in the current consultation period of the County Plan
42. The Coal Authority – No objection subject to condition
43. Parish Council – raise no objection in principle. However, have expressed concerns that the proposed development is within green belt land and is outside the settlement boundary
44. Environment Agency – No objection

INTERNAL CONSULTEE RESPONSES:

45. Access and Rights of Way – Express concern over the close proximity of the south east corner of the building to the Bridleway 63 and would much prefer a buffer or area of landscaping between the Bridleway and the building
46. Environment, Health and Consumer Protection – No objection subject to conditions
47. Highways Development Management – as the application is all matters reserved, the Highways Development Manager accepts that this matter could be addressed at reserved matters stage and would reiterate that indicated parking provision at outline stage is not acceptable
48. Landscape – Unable to support the proposal as it will negatively impact upon the open countryside and the designated greenbelt
49. Neighbourhood Services – Suggest additional planting to the south and east of the building so as to soften the appearance of the building from afar
50. Sustainability Officer – Does not accept that the application is sustainable development as defined by the NPPF

PUBLIC RESPONSES:

51. The application was advertised by means of a site notice and by letter to 22 neighbouring properties within the area. 4 letters of objection have been received raising concerns relating to:-
 - Additional traffic
 - Highways Safety
 - Development in the countryside and green belt

APPLICANTS STATEMENT:

52. The Applicant was invited to submit a statement in support of this application. To date, nothing has been received

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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.
54. The main considerations in regard to this application are the principle of the development, visual amenity and impact upon the designated Green Belt, impact upon the countryside and highways.

Principle of Development

55. The application site is located within the open countryside and within the designated Green Belt, as defined within the City of Durham Local Plan Proposals Map. Saved Policy E1 of the Local Plan seeks to limit development within the designated Green Belt to protect its purpose, openness and visual amenity. In addition, saved Policy H5 of the City of Durham Local Plan sets out that new housing within open countryside will only be permitted where it would serve a functional need. The

proposed development would therefore conflict with the relevant saved Policies of the City of Durham Local Plan.

56. Policy E1 of the City of Durham Local Plan states that, within the Green Belt, new building is inappropriate and will only be permitted for specific listed uses. National Planning Policy Framework also states that new buildings are inappropriate in the designated Green Belt. Exceptions are agriculture, forestry, sport, recreation and other use which preserve the openness of the designated Green Belt and do not conflict with other purposes of including land within it, limited extension or alteration, replacement, infilling in villages or on previously developed land, where this would not have a greater impact upon openness or purposes of designated Green Belt than the original development. These exceptions are repeated in emerging Policy 14 of the County Durham Plan.
57. When determining applications, all material considerations need to be taken into account, in this instance the key considerations include National Planning Policy Framework and the emerging County Durham Plan, including its evidence base. In consideration, it is noted that National Planning Policy Framework sets out that the government attaches significant importance to designated Green Belts, setting out that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of designated Green Belts are their openness and permanence. Indeed, Paragraphs 87 and 88 of National Planning Policy Framework seeks to protect designated Green Belts from inappropriate and harmful development unless there are very special circumstances.
57. Ensuring sustainable development is a key consideration of the National Planning Policy Framework, indeed it is essential that social, economic and environmental issues are supported in equal measure. The Applicant accepts that there are issues with the site being in the designated Green Belt, however the Applicant considers any harm is outweighed by the need for such housing in the area and in the absence of other suitable sites within the settlement boundary, there are very special circumstances that would justify the proposal. The reduced environmental impact resulting from the proposed sustainability measures adds weight to the benefits of this proposal. Accordingly, the Applicant considers that although all matters are reserved in this outline planning application, the principle of the development of the site for the type of housing proposed is acceptable having regard to national, regional and local policies and guidance. On balance, it is considered the proposal represents inappropriate development in the designated Green Belt.
58. Whilst it is acknowledged the application site is generally centrally located between the settlements of Ushaw Moor and Bearpark, it is still relatively isolated within a residential area, significantly away from the nearest shops and facilities, it is also uncertain how much the residents or visitors would add to the local economy. Socially, the development would have a positive impact in terms of supplying much needed housing for older residents. However, the location at the very rear of a housing estate makes integration with the community much more difficult. This issue is also emphasised by the distance to the main road and access to the main bus stops, a vital link for older people, which is over 400m away. Environmentally, the application site is on Grade III agricultural land and has the aforementioned landscape issues.
59. Whilst the consideration of Solar PV and Biomass is very much encouraged and supported, it should not be used as leverage against other aspects of sustainability. The impact of the development upon landscape, including the designated Green Belt is a significant issue and one which cannot be overridden through the offsetting of other issues. Indeed, very special circumstances to justify inappropriate development

will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The proposal is deemed contrary to saved Local Plan, emerging County Plan and national guidance. In general terms, the Local Planning Authority is seeking to adopt a positive stance towards development proposals where possible, seeking to encourage development for the benefit of the local community. However, in this instance the Local Planning Authority consider the conflict with established designated Green Belt policy to be significant and do not see an exceptional argument to override this stance.

60. Overall, the provision of residential accommodation and delivering economic growth are key aspects of government policy in National Planning Policy Framework, contributing to the delivery of sustainable development. However, National Planning Policy Framework directs the promotion of growth and development should not be at the expense of other elements of sustainable development. In this particular instance, the environmental role to protect and enhance the natural environment including the protection of the designated Green Belt and open countryside. On balance, it is considered the proposal would not amount to the very special circumstances required to justify inappropriate development within the designated Green Belt or would overcome the harm to the openness of the designated Green Belt and open countryside. Therefore, In conclusion, the Local Planning Authority does not accept that the application is sustainable development as defined by all of the elements of National Planning Policy Framework.

Landscape and Visual Impact on the Greenbelt

61. Saved policies E1 and E7 of the City of Durham Local Plan seek to preserve the openness and visual amenity of the Green Belt. This is replicated in the National Planning Policy Framework which sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
62. The proposal is located in the sensitive urban fringe landscape. The application site is visible from the west boundary beside Aldridge Court and along the public footpath to the east boundary as well as the wider countryside beyond as viewed on the same footpath. The proposed development will be visible from the adjacent countryside especially from the northeast.
63. Although this is an Outline Application, the proposals are accompanied by a sketch layout and three images suggesting landscape treatment. These indicate an internal courtyard with areas of grass and trees. Constraints recently identified include the need for more buffer space beside the eastern boundary for the footpath. These may reduce the effectiveness of illustrative landscape treatment submitted. In addition and from a policy perspective, there would be a need for structural landscape treatment on the north and east boundaries adjacent the open countryside, which is not provided, and this would conflict with the extent of development proposed.
64. It is acknowledged the proposal may improve the much neglected appearance of this urban fringe site and development could enhance the overall amenity of the area. However, this does not outweigh the significant issue of development within the existing countryside and designated Green Belt location. In addition, the proposal would appear from the indicative plans to represent an over development of the application site and would not allow effective landscape treatment to really enhance this neglected but sensitive urban fringe landscape.
65. In conclusion, it is considered the proposal would significantly and negatively impact upon the open countryside and designated Green Belt. Whilst it is acknowledged the paddock is neglected and the boundary is in a dilapidated state, the proposals will

not enhance the landscape amenity of the urban fringe landscape. In particular, given the extent of proposed development and lack of sufficient land set aside to the perimeter that may provide appropriate long-term structural landscape treatment. The proposals are therefore in conflict with saved Policies E1 and E7 of the City of Durham Local Plan and emerging Policies 14, 35 and 39 of the County Durham Plan.

66. The Area Planning Policy Team have conducted an assessment of the degree to which saved Local Plan Policies are compatible with the National Planning Policy Framework.

Impact on the Countryside

68. Saved Policy H3 of the City of Durham Local Plan restricts new housing development in the countryside to within settlement boundaries. However, this was judged to be too restrictive in the compatibility assessment. National Planning Policy Framework states that Local Planning Authorities should avoid new isolated houses in the countryside except in special circumstances. It also states that Local Planning Authorities should respect the character and beauty of the countryside and states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. However, it does not rule out new dwellings adjacent to existing settlements.
69. Emerging Policy 15 of the County Durham Plan states that development will be permitted on unallocated sites provided it is appropriate in scale, design and location to the character and function of the settlement. Emerging Policy 35 states that development will be permitted in the countryside under certain circumstances where the development proposals are considered necessary for the continued viable operation of land based businesses, where the proposal demonstrates that it will directly support the enhancement of local services, community facilities and infrastructure, where the development would enhance County Durham's environmental or tourism assets, or where the proposal is for the change of use of a heritage asset or other redundant or disused building or structure. Supporting text states that land which is outside existing built up areas will be counted as countryside.
70. Saved Policy H16 of the City of Durham Local Plan states that new hostels or other residential institutions are permissible within settlement boundaries if they are well related to shops, community and social facilities and the location and form provide sufficient amenity and open space, they do not detract from the character, appearance of the setting or amenity.
71. Paragraph 50 of National Planning Policy Framework states that Local Planning Authorities should plan for a mix of housing based upon current and future demographic trends, market trends and the needs of different groups, identify the size, type, tenure and range of housing required.
72. Paragraph 35 of National Planning Policy Framework states that developments should be located and designed wherever practical to give priority to pedestrian and cycle movements. Emerging Policy E1 of the County Durham Plan states that development should be located with the aim of reducing the need to travel. It is noted that sustainability officers have judged the proposal to be unsustainable due to its relative isolation at the rear of a housing estate, at some distance from local facilities and services.
73. Paragraphs 17 and 156 of National Planning Policy Framework states that planning should respect the character and beauty of countryside and Local Planning Authorities should plan for conservation and enhancement of the natural and historic

environment, including landscape. Emerging Policy 39 of the County Durham Plan 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. It is noted that Landscape Officers have objected to the scheme on the basis that it will impact negatively upon the open countryside and the designated Green Belt given the extent of proposed development and lack of sufficient land set aside to the perimeter that could provide appropriate long term structural landscape treatment.

74. Paragraph 56 of National Planning Policy Framework states good design is indivisible from good planning and sets out the criteria against which design should be assessed. Similar sets of criteria are found at saved Policies H14, Q1, Q2 and Q8 of the City of Durham Local Plan as well as Emerging Policy 17 of the County Durham Plan. It is therefore considered that the application site does contribute to the purposes of including land within the designated Green Belt and the erection of residential accommodation with associated facilities and access road would represent an expansion of the built up area and an encroachment of development into the countryside. Therefore, the proposal is considered inappropriate development in the designated Green Belt contrary to saved Policies E1 and E7 of the City of Durham Local Plan and Part 9 of National Planning Policy Framework impacting upon the visual amenity and openness of the designated Green Belt and the open countryside.

Highways

75. It is noted that the Highways Manager has since withdrawn their objection to the scheme and accepts that this matter could be addressed at reserved matters stage and would reiterate that indicated parking provision at outline stage is not acceptable.

CONCLUSION

76. Were the application site not in the designated Green Belt, a revised form of the proposal could be permissible. This would require additional parking spaces and modifications and improvements to improve landscape proposals. It could be argued that while the location is not highly sustainable, it is still adjacent to existing residential development and could be made appropriate in scale, design and location to the character and function of the settlement as Emerging Policy 15 requires and would support the enhancement of local services, community facilities and infrastructure as Emerging Policy 16 requires.
77. At the Reserved Matters stage, it would be necessary to ensure that the development was well designed as all relevant documents require.
78. However, the designated Green Belt location rules out built development on this particular site given the proposal does not fit in to any of the exception categories established in National Planning Policy Framework. Inappropriate development within the designated Green Belt is by definition harmful to the designated Green Belt. The village of Ushaw Moor has a specific settlement boundary beyond which at this point is designated Green Belt and the development would constitute an extension of the village into the designated Green Belt. In addition to the inappropriate nature of the development, the proposal would constitute a significant build within the designated Green Belt most crucially requiring protection. The application site is located within a relatively narrow break between Ushaw Moor and Bearpark. The main purpose for the designated Green Belt in this particular area is

to prevent coalescence between these settlements. The development would impinge significantly on this break.

79. As previously stated, very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The proposal is deemed contrary to saved Local Plan, emerging County Plan and national guidance. In general terms, the Local Planning Authority is seeking to adopt a positive stance towards development proposals where possible, seeking to encourage development for the benefit of the local community. However, in this instance the Local Planning Authority consider the conflict with established designated Green Belt policy to be significant and do not see an exceptional argument to override this stance.
80. Whilst limited weight can be given at this stage to the policies in the emerging plan, those relevant to this application generally reflect current policies and the NPPF considerations.
81. Taking all relevant matters into account, the proposals are considered to be unacceptable.

RECOMMENDATION

That the application be REFUSED for the following reasons;

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

STATEMENT OF PROACTIVE ENGAGEMENT

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 although disagreeing on the principle of development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- City of Durham Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



Planning Services

Proposed residential accommodation for over 55's and care home/EMI facilities and access road - Land to the East of Aldridge Court, Ushaw Moor, County Durham, DH7 7RT

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Comments

Date. 02 June 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/14/01428/FPA
FULL APPLICATION DESCRIPTION: ERECTION OF A RETAIL BUILDING AND ASSOCIATED WORKS
NAME OF APPLICANT: PEVERIL SECURITIES & DALTON PARK LTD
ADDRESS: DALTON PARK MURTON SR7 9HU
ELECTORAL DIVISION:
CASE OFFICER: Barry Gavillet
03000261958
dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

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

Proposal:

4. Full planning consent has already been granted for 1589sqm of non-food retail space within an area of the site benefitting from planning permission for a foodstore as part of the outline planning permission. The previous proposal required no change to the physical form of the outline approval for phase 2 but merely the substitution of use from food to non-food retail in the southern portion of the building. The proposals were entirely within the approved scale of retail development and resulted in no net increase in floorspace. The current application simply seeks to reposition the location of the non-food retail unit within the site with no change to the overall areas.
5. The applicant considers this proposal integral to the second phase of development at Dalton Park (with the remainder of Phase 2 being brought forward via an ongoing Reserved Matters Application).
6. The proposed development will use the infrastructure proposed as part of the Phase II outline permission, namely the parking, servicing, highways access and utilities which will come forward through forthcoming Reserved Matters applications pursuant to the aforementioned outline planning permission.
7. This application is being reported to committee as it represents a major development.

PLANNING HISTORY

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

for some ten years; however the leisure developments of the approval were never commenced.

12. Since then, the applicant has successfully argued that a further food store was needed to anchor some of the leisure developments which were previously proposed. Hence an outline planning permission for a food store, hotel, cinema, food and drink units and a petrol filling station has recently been approved.
13. As the principle of retail within this location has already been established through the granting of the outline permission, a more recent application to incorporate non-food uses has been approved

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 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
17. Part 2 – Ensuring the vitality of town centres. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
18. Part 4 – Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
19. Part 7 – Requiring good design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. Part 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the

impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

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

LOCAL PLAN POLICY:

District of Easington Local Plan

21. Policy 1 – General principles of development. Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
22. Policy 35 – Design and layout of development. The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
23. Policy 36 – Design for access and the means of travel. The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. Policy 37 – Design for parking. The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. Policy 101 – Protection and promotion of town centres. Peterlee and Seaham town centres will be protected and promoted as the main retailing centres. Permission will be granted for further town centre uses and the improvement of the town centre through redevelopment and environmental and transport infrastructure improvements.
26. Policy 104 – Major out-of-centre retail development. Major new retail development should be located within the defined town centres of Peterlee and Seaham followed by edges of those centres, locations at local centres within those towns, sites elsewhere within those built up areas and finally local centres of larger villages. Detailed justification will be required for development outside the town centres of Peterlee and Seaham.

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

EMERGING POLICY:

27. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been

Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

28. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
29. *Policy 16 (Sustainable design in the built environment)* - This policy addresses the built environment and aims to ensure that all new development (e.g. extensions, alterations, changes of use of existing buildings) in County Durham achieves high standards of sustainable design. Applications for major new development must be accompanied by a full Sustainability Statement demonstrating how proposals will make a positive contribution to the character and sustainability of County Durham. A relevant supporting Sustainability Statement may be required for other development which raises particular planning or sustainability issues. In doing so applications should reference the principles of BREEAM to measure the inherent sustainability of a project.
30. *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 amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
31. *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:

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

INTERNAL CONSULTEE RESPONSES:

32. The Council's Highways Officer has no objections to the proposals given it would have no impact on the approved access and car parking arrangements associated with the Dalton Park Phase 2 mixed use development.
29. Planning Policy Officers have concluded that the principle of the development has already been agreed by the Council through the granting of the outline planning permission. This application is considered an amendment to that scheme and no additional harm would be caused.
30. The contaminated land officer has no adverse comments to make in respect of the current proposal.

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

32. The non-food retail building amounting to 1,582 sqm is proposed on an area of the site benefitting from planning permission for a foodstore (extending to 8,361 sqm GIA 91,000 sqft), as part of the mixed use outline planning permission.
33. A non-food retail building was previously approved at Dalton Park (LPA Ref: 13/01073 as amended). This application proposes to amend the approved store by switching the non-food retail building and foodstore. However, as the new location for the non-food unit is outside the red line boundary of the extant non-food unit consent, a new full planning application is required.
34. The consequential amendments to the foodstore elevations (which sit outside of this application) will be delivered by reserved matters application (LPA ref: DM/14/01550/RM) pursuant to the outline consent at Dalton Park (LPA Ref: 13/01061 as amended).
35. These proposals are integral to the second phase of development at Dalton Park (with the remainder of phase 2 being brought forward via reserved matters consent (LPA Ref: PL/5/2013/0230) and the pending reserved matters application (LPA Ref: DM/14/1550/RM). The nature of this proposal (i.e. a non-food building) requires full planning permission on a technical basis only.
36. The proposals are entirely within the approved scale of retail development and will result in no uplift in floor space. The proposed development will use the infrastructure proposed as part of the phase 2 outline planning permission, mainly for parking, servicing, highways access and utilities which will come forward through the reserved matters approval. A condition 'tying' the two schemes is anticipated.
37. The site is well located and highly accessible. It is within easy walking and cycling distance of a wide residential population and is accessible by a range of modes of transport including public transport.
38. The proposed scheme satisfies the main town centre use tests of the NPPF. The sequential test has been satisfied in the previous applications, and the proposal will not have a significant adverse impact on any existing committed or planned investment or on the vitality or viability of the town centres within the catchment area.
39. This is a case where the benefits are clear, i.e. new jobs, physical upgrade and will increase investment in the area, and claw back trade leaking outside the area. There are no significant adverse consequences of development to suggest that the proposals do not attract the NPPF's policy presumption in favour of sustainable development.

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

<http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122741>

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
41. In this instance the main relevant considerations are the principle of the development, the scale and design of the development and highways issues. Of particular relevance is the accordance with the saved policies from the District of Easington Local Plan and the Governments recently published National Planning Policy Framework (NPPF).

Principle of the development

42. The outline planning application was subject to the saved local plan policies in the District of Easington Local Plan. These policies identified that major retail proposals would be directed to the main town centres of Peterlee and Seaham. In this instance, the overriding regeneration benefits that the proposed retail and leisure scheme would bring were felt to provide an exceptional circumstance as to not locate the proposed retail and leisure facilities within Seaham and/or Peterlee centres. The original proposal was also subject to national policy, the impact and sequential tests in the then PPS4. In the approval of the original application these tests were satisfied.
43. For clarity, the application was approved on the basis it would bring about significant regeneration, and complete the redevelopment programme for Dalton Park, it was considered that the development was much needed, that the proposal would protect and increase the vitality of the area and that Dalton Park was a "standalone" scheme, from the other 3 applications for foodstores that were reported that day, as it met the needs of East Durham.
44. The principle of retail development upon this site has been established by the approved outline application and therefore no objection on these grounds is possible. It is necessary to consider the change in the type of retailing, the increase in the levels of non-food floorspace and potential implications this would have and subsequently whether further retail tests are required to be satisfied through the application.
45. Similarly, it would normally be appropriate to consider whether construction on this site would have an impact upon features of environmental value. However, since the permission has been granted in principle no objection is permissible on these grounds. In any case, these matters were considered during the planning process relating to the outline planning approval.
46. Paragraph 23 of the NPPF states that Local Planning Authorities (LPAs) should recognise town centres and pursue policies to support their vitality and viability. Paragraph 24 states that LPAs should apply a sequential test to applications for main town centre uses; only if more suitable sites (town centre, then edge-of-centre) are not available should out-of-centre sites be considered. Draft Policy 26 of the Durham Local Plan Preferred Options establishes a retail hierarchy, and states that retail and other town centre uses within the hierarchy of centres should be consistent in scale with the size and function of the centre. It states that Dalton Park and Tindale (Bishop Auckland) will not be designated within the retail hierarchy; they are

recognised as out-of-centre locations and further development will be subject to a sequential test.

47. In this instance the principle of retail development has been accepted within this location. The application is a minor alteration to previously approved retail floorspace. Pre-application discussions agreed that there had been no material change in circumstance since the previous approval and a sequential assessment was therefore not required.
48. Paragraph 26 of the NPPF states that LPAs should require an impact assessment for large developments; if there is no locally set threshold, the default threshold is 2,500 sq m. Since this development is below this threshold this does not apply. An impact test is therefore not required.
49. The application proposes an amendment to the original approved scheme, this is relatively minor in so far as the application will increase the level of non-food retail agreed by 590m². This would fall under the national threshold for an impact test and with no adopted local threshold the application does not require an impact test. A sequential test has not been carried out, the scheme forms part of a wider approved proposal and is a minor modification to an approved scheme. Pre-application discussions agreed that there had been no material change in circumstance since the previous approval and an assessment was therefore not required.
50. In light of the above the principle of the development has already been established and accepted by the Council.

Scale and design

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

Highways

54. Highways Officers have been consulted as part of the application process and have raised no objections to the scheme. Moreover, they conclude that a non food retail

use would generate less traffic than a food retail use and given that the level of car parking provision would remain the same, this is welcomed.

55. The Highways Agency have also not raised concerns regarding the proposals with regard to the impact on the A19. This is subject to conditions attached to the outline approval being adhered to by this proposal. As such, it is recommended that the conditions attached to the outline consent are also attached to this application should it be approved.

CONCLUSION

56. There has been no material change in circumstances since the grant of full permission in July 2013.
57. The revised proposal would still comprises the erection of a non-food retail building with a maximum gross external area of 1,590 sqm on an area of the site benefiting from planning permission for a food store as part of the mixed use Dalton Park Phase II outline planning permission (LPA Ref: PL/5/2009/0548) albeit in a slightly different location. It would still deliver employment and regeneration benefits to the area.
58. Paragraph 14 of the NPPF states that there should be a presumption of sustainable development and this should prevail unless the benefits of the proposal are significantly outweighed by any adverse impacts. The principle of development has already been established through the previous approval and change in location has not raised any other material considerations. . The application is therefore recommended for approval.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Phase 2 - Non food unit, Site Location Plan, AL(D)101 Rev 2. Phase 2 - Full Planning, Elevations: Non food area, AL(D)103 Rev 3. Phase 2 - Full planning, Floor Plan: Non-food area, AL(D)102 Rev 2, Phase 2 – Full Planning, Roof Plan: Non food building, AL(D)104 Rev 2. Plans listed in document titled Dalton Park S278, Project No. 60297500 dated 15.01.14 from AECOM.

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

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

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

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

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

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

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

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

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

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

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

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

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;

- Full signing and lighting details;
- Confirmation of full compliance with current DMRB Standards (or approved relaxations / departures from standards);
- An independent Stage 2 Road Safety Audit (Stage 2 to take account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with current DMRB Standards and Advice Notes;

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

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

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

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

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

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

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

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

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

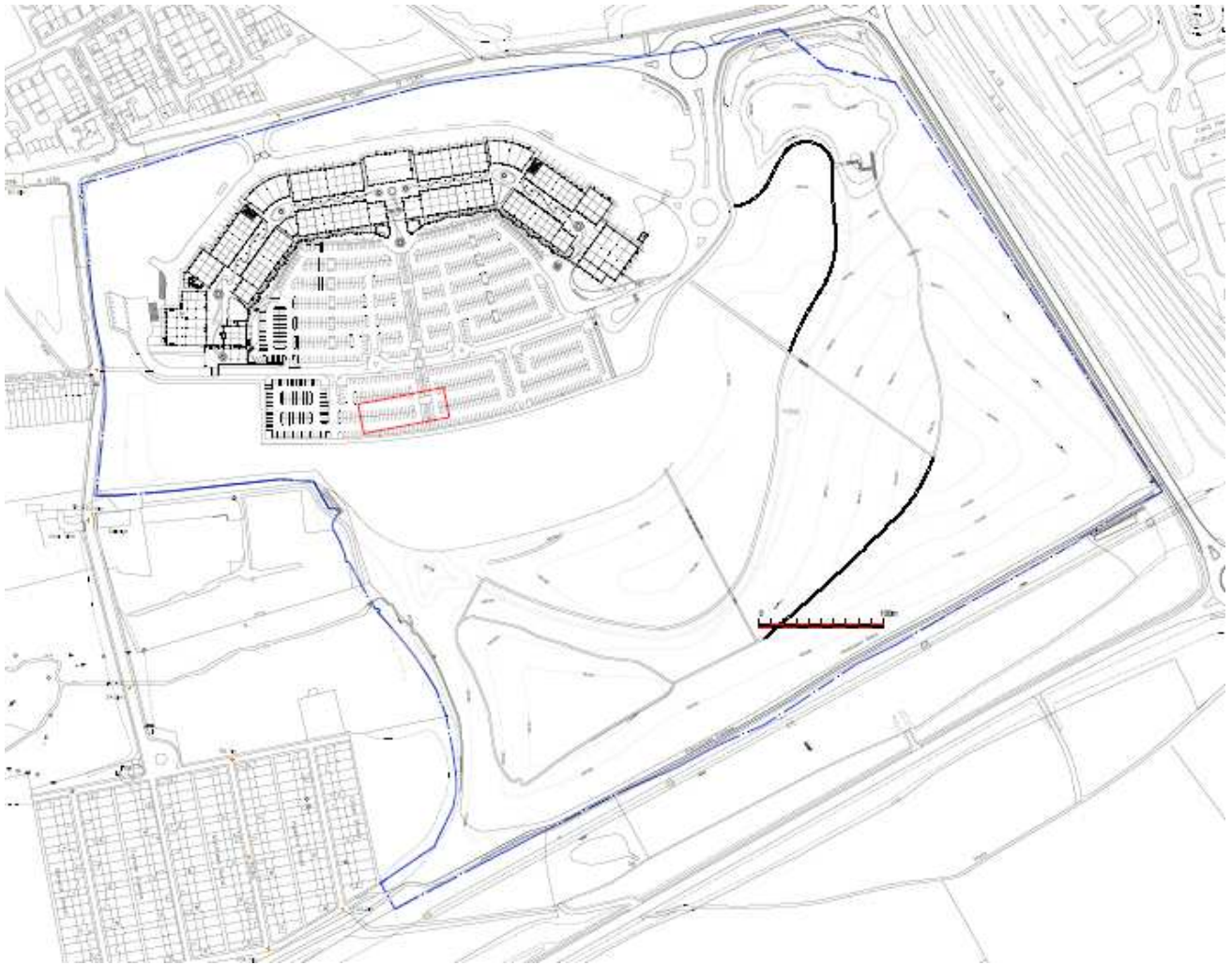
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Development at Dalton Park, Murton, Durham, SR7 9HU DM/14/01428/FPA – Erection of a retail building and associated works

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Comments

Date 8 July 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00414/FPA
FULL APPLICATION DESCRIPTION:	Erection of Physics Research Building
NAME OF APPLICANT:	Durham University
ADDRESS:	Durham University Science Park, South Road, Durham
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Laura Martin 03000261960 Laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. Durham University main campus is located to the north of the main city centre on South Road. The proposed site for the development is to the western side of the existing physics building and occupies some 1850 square metres of developable area, surrounded by trees to the south, and bounded by the A177 (South Road) to the west, and by the road into the existing Ogden Centre.
2. The current land use is predominately existing car parking with some soft landscaped areas. The site is visually sensitive having views to and from the Cathedral which is a World Heritage Site. The site is not within the green belt although it bounds the site to the south.

Proposal

3. Full planning permission is sought for the erection of a physics research building with associated access and landscaping.
4. The proposed physics research building which includes offices, a lecture theatre, formal and informal meeting areas and ancillary uses has a floor area of 2,478 square metres. Externally there would be disabled parking spaces for no. 6 vehicles and a further 30 sheltered and secured bicycle stands.
5. The proposal is for a 3 storey building which is consistent with the surrounding science site buildings.
6. The proposed building has been designed in a way that the body of the building articulates each of the three levels as each floor is offset by being slightly rotated. These subtle shifts create balconies and shading overhangs. The different floor plates respond to the surrounding context in section, ebbing and flowing where the space and contours allow. Externally the building would be a mixture of large glazed sections and timber cladding to create a unique and interesting design.

7. The building has 30 covered and secure bicycle parking spaces, with associated showers, changing and locker spaces. The building is sited at the intersection of a number of pathways from all angles. Upon arrival at the research centre, there is a principal entrance at the North east of the building. It is expected that this will be further emphasised with entrance signage however this does not form part of the current application.
8. The entrance leads directly to a reception area point which will be accessible by all with a further two reception points at the upper floors. The nature of the internal accommodation is designed to allow a great deal of flexibility and choice by the applicant in terms of end use of the building. There is a combination of smaller office spaces with larger spaces being able to be created for larger formal sessions.
9. The application is being reported to planning committee as it is classed as a major development.

PLANNING HISTORY

10. The University Science Site has evolved in a rather unstructured manner over a number of years, although more recently a number of high quality buildings have been erected on the site, including the award winning Sir Kenneth Calman Lecture Theatre and the Palatine Building.

PLANNING POLICY

NATIONAL POLICY:

11. 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.
12. 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’
13. The following elements are considered relevant to this proposal:
 14. *Part 1 (Building a strong, competitive economy)* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
 15. *Part 2 (Ensuring the vitality of town centres)* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
 16. *Part 4 (Promoting Sustainable Transport)* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in

different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

17. *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.
18. *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.
19. *Part 11 (Conserving and Enhancing the Natural Environment)* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
20. *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 those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

City of Durham Local Plan 2006

21. *Policy C3 (University of Durham)* - states that the Council will support development proposals by the University of Durham that will strengthen its academic and research presence within the City. In bringing forward such development proposals the University must ensure that it is well related to existing University activities, and that it will not adversely affect the amenity of neighbouring occupiers of land or property.
22. *Policy E3 (World Heritage Site Protection)* - seeks to protect the Durham Cathedral and Castle World Heritage Site and its setting by restricting development to safeguard local and long distance views to and from the Peninsula upon which these buildings stand.
23. *Policy E6 (Durham (City Centre) Conservation Area)* - states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by Section 72 of the Planning (Listed

Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

24. *Policy E22 (Conservation Areas)* - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
25. *Policy Q1 (General Principles Designing for People)* - provides guiding principles in respect of new development design and layout.
26. *Policy Q2 (General Principles Designing for Accessibility)* - addresses sustainability in terms of new development being accessible via a variety of means of transport, with adequate provision for parking and disabled access.
27. *Policy Q5 (Landscaping General Provision)* - seeks to secure a high standard of landscaping to minimise any impact upon the surroundings of development sites.
28. *Policy T1 (Traffic Generation 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.
29. *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.
30. *Policy T20 (Cycling Provision of Cycle Parking)* - seeks to encourage appropriately located and secure provision for cyclists.

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

EMERGING POLICY:

31. The emerging County Durham Plan was Submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
32. *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.
33. *Policy 16 (Sustainable design in the built environment)* - This policy addresses the built environment and aims to ensure that all new development (e.g. extensions, alterations, changes of use of existing buildings) in County Durham achieves high

standards of sustainable design. Applications for major new development must be accompanied by a full Sustainability Statement demonstrating how proposals will make a positive contribution to the character and sustainability of County Durham. A relevant supporting Sustainability Statement may be required for other development which raises particular planning or sustainability issues. In doing so applications should reference the principles of BREEAM to measure the inherent sustainability of a project.

34. *Policy 18 (Local Amenity)* - Planning has an important role to play in making sure that new development does not have, and is not at risk from, adverse environmental effects. Ensuring a good standard of amenity for all existing and future occupants of land and buildings is a core planning principle of the NPPF. New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion which could adversely affect amenity. This policy outlines the considerations to be taken into account in determining planning applications to ensure that amenity is protected from a wide range of potential environmental impacts.
35. *Policy 39 (Landscape Character)* - The Durham landscape is one of enormous contrast and diversity. From its western boundary high in the summit ridges of the North Pennines, to the limestone cliffs of the North Sea coast, remote moorlands and pastoral dales give way to fertile settled farmlands. This diversity is a product of both natural and human influences. The varied rocks, landforms and soils of the County and differences in climate between the exposed uplands and sheltered lowlands have influenced both the natural flora of the landscape and the way it has been populated, managed and exploited by its people over the centuries.
36. *Policy 44 (Historic Environment)* - Development will be required to preserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.
37. *Policy 45 (Durham Cathedral and Castle World Heritage Site)* – The Outstanding Universal Value of the World Heritage Site will be protected by requiring development proposals to demonstrate that consideration has been given to their impacts.
38. *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:

39. English Heritage raise no objections to the proposals.
40. The Environment Agency has advised that the application is of low environmental risk.
41. Northumbria Water have no comments.

INTERNAL CONSULTEE RESPONSES:

42. Environmental Health Officers advise that a Phase 2 and 3 contaminated land report should be conditioned alongside hours of construction at the site.
43. Design and Conservation Officers support the application stating that the proposals will result in an exciting and unconventional, building adding to the eclectic mix of the architecture of Durham and the North East as a whole. A condition has been requested which would control the use of materials.
44. Landscape Officers raise no objections to the principle of the development but would ideally like to see the building relocated further into the site.
45. Highways Officers raise no objections to the proposals.
46. Tree Officers raise no objections.
47. Sustainability Officer raise no objections and advise that the development should be carried out in accordance with the submitted strategy.
48. Archeology Officers raise no objections

PUBLIC RESPONSES:

49. The application was advertised by means of a press and site notice and further letters of notification to residents within the area.
50. Cllr D Stoker advises that he supports the proposals.
51. City of Durham Trust have no comments.
52. Four letters of representation have been received from two residents within the area raising concerns in respect of traffic generation, loss of cycle parking and potential impact upon the planned bus lane within the area.

APPLICANTS STATEMENT:

53. Durham University is applying for planning permission for the:

'Erection of a 2,478 sqm centre for fundamental physics building (use class D1) and ancillary uses including provision of disabled car parking spaces, cycle parking, hard and soft landscaping'

The proposed development comprises:

- 2,478 sq.m physics research building including offices, lecture theatre and formal and informal meeting areas and ancillary uses
- Disabled parking spaces no. 3
- Access road
- Sheltered and secured bicycle stands no.30
- Landscaping

54. The proposed development is being provided to improve the existing facilities of the Physics department and to ensure that Durham's two flagship Institutes, the Institute

for Particle Physics Phenomenology (IPPP) and the Institute for Computational Cosmology (ICC) remain at the forefront of their respective fields internationally and support the University's strategic plan to enhance the standing of the University generally.

55. There is currently a severe space constraint in the Durham University Physics Department which is home to the ICC and the IPPP. It is essential that the Institutes have adequate facilities to undertake their work and attract talent from the international research community. There is an established global circuit of the most exceptional institutions; whilst Durham has the scholarly status; it currently lacks adequate research facilities.
56. The proposed facility will provide a flexible range of research accommodation to allow the University not only to maintain its position as a forerunner, but also to develop new research opportunities and be able to secure further EU grants, ERC fellowships and a wider range of international network projects.
57. The proposals have been designed following pre-application consultations with the local community, Durham County Council and the North East Design Review Panel.
58. Two public exhibitions were held at The Calman Learning Centre, on the Durham University Campus (adjacent to the planning application site) to give local residents, businesses, University staff/ students and the wider community an opportunity to comment on the proposals. At each event members of the project team were available to explain the proposals to those members of the public who were interested.
59. The events were advertised on the Durham University website, Northern Echo and Architects' Journal. Letters were also sent to local councillors and households within 1km of the site informing them of the consultation events two weeks prior to the events.
60. The project team kept a note of the number of people viewing the exhibition material. Over the two days this was recorded as being approximately 50 people.
61. The application has been assessed against relevant local and national planning policies and guidance.
62. The application accords with policies set out in the NPPF to increase economic opportunities for the local population. It also supports sustainable travel by encouraging users of the building to commute via sustainable means. The building is of high quality design and does not harm the conservation or any other historic or nature asset.
63. In terms of local planning policies:
 - The design concept that is responsive to its context and creates a sense of place and identity for the site, which is currently a University staff car park. Place making is at the heart of the approach to the site and has been an underlying objective to the design concept.
 - It is considered that the visual impact of the proposal, set within the University Science Campus would have not have not have an adverse impact on the scale and character of the area.
 - The scheme has been designed to deliver BREEAM Excellent and will exceed the County Council's requirements for renewable energy generation or energy efficiency to reduce CO2 emissions.
 - The development has been set back from the South Road and pockets of open space have been included throughout the scheme.

- The landscape strategy for the site places an emphasis on the creation of a high quality landscape which reflects the setting of the site, incorporating both hard and soft landscaping including tree planting, shrub planting and seating.
 - Community consultation has been undertaken including a public exhibition, questionnaires, and meetings with Council Officers. The proposals have been justified and modified in response to issues raised.
 - The proposals can be satisfactorily accommodated within the local highways network providing safe and sustainable transport options for future users with there being no detrimental impact on the internal access roads, South Road or existing transport network.
 - The site is not constrained by noise, contamination or flood risk issues.
 - No heritage or environmental designations are located on the site with the development replacing a car park.
64. The application proposals are in accordance with the NPPF, adopted Development Plan, and in accordance with the emerging policies in the Council's Core Strategy.
65. There are no significant technical constraints which would prevent the implementation of the scheme.
66. Therefore, it is considered that the application and should be granted permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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.
68. The main considerations in regard to this application are the principle of the development, design, scale and layout, highways, residential amenity and landscape.

Principle of development

69. The importance of this new major educational development for Durham University, for the City, for County Durham and for the North East region as a whole has been acknowledged and appropriate weight must be attached to its importance.
70. The proposed building is well located within the existing complex and has good linkages in terms of public transport and the wider University complex.
71. Policy C3 of the City of Durham Local Plan states that the Council will support development proposals by the University of Durham that will strengthen its academic and research presence within the City. In bringing forward such development proposals the University must ensure that it is well related to existing University activities, and that it will not adversely affect the amenity of neighbouring occupiers of land or property. In this case it is considered that the designer and applicant have carefully considered the needs of the university and balanced then with the impact upon the wider landscape. As previously noted the new building would be will integrated within the existing Science site and would have excellent linkages with the surrounding area. The development has been design to have minimal impact upon its landscape setting and to ensure that its impact is limited.

72. The University Science site is well established, physically clearly contained and accessible via a variety of means, including public transport. Therefore the choice of the application site is both logical and appropriate, particularly as it will dovetail into the pedestrianisation and “greening”, through soft and hard landscaping, of the remainder of the Science site.
73. As such it is considered that the principle of the development is acceptable and would assist with the wider aims of the Authority and the County as a whole.

Design, scale and layout

74. The proposed building is substantial in size, highly contemporary and bold in design. A number of other architectural submissions were dismissed by the University as part of a competition process; therefore it is reasonable to assume that the submitted scheme was carefully chosen.
75. The proposed development has been highly reviewed prior to the submission of the application by the regional design review panel and the building, which is a unique development, has been designed by an internationally famous architects practice.
76. The design reflects and relates to the end user requirements in an exciting and innovative way, a 21st century approach comparable with the internal activity. The juxtaposition and rotation of the building and articulation of the vertical and horizontal planes allows the building to sit back relatively comfortably within the context of the existing built form and landscape creating opportunities for improvement to the overall campus sector as a whole.
77. The building although not within the conservation area sits close enough to be considered to have an impact on the setting. This has been mitigated to a certain degree by the simple nature of the eclectic nature of the buildings within this section of University campus, recent interventions in terms of the Palatine Centre, the retention of trees to the roadside, and the backdrop.
78. In terms of the developments impact upon the World Heritage Site (WHS) The impact can be assessed in terms of views to, through and from the site with the WHS. The long distant views in terms of the WHS as illustrated in the accompanying documentation would appear to have limited effect on the setting of the WHS, Concern over the roof scape, glazing and materiality have been considered, with the impact of the glazed element to the front appearing have lesser impact. The opportunity to create views from the building has been taken which can only enhance the end environment for users of the building.
79. The development thus is in accordance with Policies C3, E3, E6 and E22 of the local plan in respect of the overall design ethos of the development and in respect of the setting of the World Heritage site along with the Conservation Area setting.

Highways

80. Highways Development Management Officers have worked closely with the applicant to bring forward development that can be supported with sustainable travel options. The proposed site is within a 63 space car park area, which will be lost as part of the development furthermore the development sits within the City Controlled Parking Zone.

81. The Transport Statement submitted states there will be an additional 350 members of staff (full and part time) and visitors occupying the building together with an existing establishment of 350 staff. The university have stated that the building is intended to accommodate 180 staff. It has been confirmed that some staff would transfer from other university establishments. Therefore full staffing numbers must be assumed to be in the region of 530 to 700 full and part time staff.
82. The University have a restrictive policy for student parking on campus and it is accepted students would attend by more sustainable transport modes (walking/ cycling/ public transport) and are prohibited from parking at the site. The site is in a good location within the city to support sustainable modes of travel.
83. Durham University have an established travel plan which is currently under review by a full time Travel Plan Coordinator, and as a major employer, they are committed to promote sustainable travel throughout their estate. As part of their travel plan they have sought to influence this by reducing space available to students and reducing single occupancy car use. Their Travel Plan is currently under review with the intention of publishing a new travel plan in summer 2014. Applying the University Travel Plan current mode of transport to the staff numbers predicted would result in a demand for 192 spaces for parking. There are currently 757 existing car park spaces of which 63 will be removed. The 8.6% reduction of space meets the University target of a reduction of 9% of space across its estate to meet travel planning targets. It is considered that restricting parking availability at the destination of a journey is likely to encourage use of more sustainable travel modes. It is accepted that limited availability to conveniently park together with the good sustainable transport links will encourage use of alternative modes.
84. As a worst case scenario, should there be full demand for car parking space from staff if full attendance is made by 350 staff, it could be expected that 192 vehicles would need to be accommodated. Whilst some could be accommodated in the 694 car park, an off-site demand could potentially arise. The applicant has not identified the current demand for the existing parking but the Highways Department has advised that typically car parks operate to within 80% capacity. Should it presently operate at 80%, space for a further 140 vehicles could be available. This would result in the region of 52 vehicles seeking off-site parking. It has been confirmed by the University that on site car parks close to the science site operate well below capacity and could be utilised for overflow car parking. As the site stands within a Controlled parking zone demand could arise for pay and display on street parking dispersed around the development.
85. Given the sustainable location of the development, the University commitment to travel planning and the potential for car parking at the University site, it is not considered that the loss of the 63 car parking spaces in this location would be sufficient to warrant refusal of the application.
86. The applicant has demonstrated that the site is in a sustainable location on the edge of the city centre. Pedestrian routes and internal pedestrian movements are acceptable, and the provision of cycle parking/ storage is welcomed.
87. In relation to the concerns expressed by a local resident in relation to the planned bus lane adjacent to the development site, due to the buildings location upon University lane, the development would not hinder any further developments in this respect.

88. It is therefore considered that the proposed development is in accordance with Policies T1, T10 and T20 of the local plan and Part 4 of the NPPF providing sufficient on-site car parking whilst encouraging more sustainable means of transport.

Residential amenity

89. As previously noted the development site is located within the existing science site campus and is some distance away from the nearest residential properties. To the north and east of the application site are the existing large University buildings and to the south the area known as Little High Wood. To the west of the application site is open space in association with the university.

90. It is therefore considered that whilst the proposed development is of a large scale it must be taken in the overall context of the University complex and given the distance to the nearest residential properties it is considered that there would be minimal if any impact upon the current levels of amenity at the site or adjoining it.

Landscape

91. The proposal includes the enhancement of the landscaping on the site which currently comprises a car park and wooded buffer lining South Road.

92. A paved and grassed court yard will be provided at the southern side of the building. The grassed bank to the west of the building will be enhanced, with the existing trees supplemented with additional trees and lower shrubs. Some trees will also be removed. This will create a green buffer between the building and South Road and will help to soften the appearance of the development.

93. The eastern side of the building provides linkages to the University campus, Physics department and student residential halls. The courts in front of Ogden and Rochester Buildings will be improved for pedestrians, with gathering spaces created.

94. Whilst it is acknowledged that the Landscape Section have requested that the development is pushed further back into the site, it is considered that this would not be necessary in this case. It is considered that the proposed landscaping coupled with the innovative design of the building would whilst noticeable, would be appropriate in its setting. The landscaping would help to soften the appearance of the development whilst the building being clad in western red cedar wood and being highly glazed would add interest.

95. Therefore it is considered that due to the above in addition to a condition relating to Tree protection measures that there would be an acceptable impact upon the current landscape setting thus in compliance with Policies Q1 and Q5 of the City of Durham Local Plan and in respect of Parts 7 and 11 of the NPPF.

CONCLUSION

96. This proposal is hugely significant for the future of Durham University. In addition, its implications for both the City and the region have already been fully acknowledged. The University brings much more to Durham than merely employment, and the City would be much poorer in terms of vitality, economic activity and prestige were it not there.

97. That it has chosen an innovative and bold architectural expression of its future direction is to be commended, for architecture must be allowed to advance, even in an historic city. Were the architecture is question visually harmful, the overall benefits of its objectives might be outweighed, but that is not the case, and in reaching this conclusion the best independent advice available has been taken.

98. Concerns about the development's impact upon its surroundings have been carefully considered, and it is concluded that the impact upon its landscape setting and traffic are far outweighed by the positive contribution this proposal will bring visually, educationally and economically.

99. It is therefore considered that the proposed development is in accordance with both national and local planning policy and is recommended for approval.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Planning Statement, Design and Access Statement, Sustainability and energy Statement, Transport Statement, Arboricultural Impact Assessment and Bat Risk Assessment, Heritage Statement, Consultation Statement, Baseline Ecological Appraisal, Foul sewage and utilities assessment, Phase 1 Geoenvironmental Desk Study report, Drawing No. LA-WS-L-90-00, A-080 Rev 2, A-066 Rev 3, A-052 Rev 1, A-051 Rev 2, A-050 Rev 3, A-102 Rev 2, A-101 Rev 2, LA-WS-L-90-05, A-100 Rev 2, LA-WS-L-90-04, A-301 Rev 2, A-302 Rev 2, A-303 Rev 2, A-043 Rev 2, LA-WS-L-90-02, LA-WS-L-90-03, LA-WS-L-90-01, A-103 Rev 2, A-066 Rev 3, A-070 Rev 2, A-071 Rev 2, A-711 Rev 2, A-075 Rev 1, A-300 Rev 2, A-040 Rev 2, A-041 Rev 2, A-042 Rev 2, A-712 Rev 1, A-713 Rev 1, A-714 Rev 1, A-087 Rev 1, A-086 Rev 1, A-085 Rev 2, A-088 Rev 1, A-083 Rev 2, A-082 Rev 2 and A-081 Rev 2.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies C3, E3, E6, E22, Q1, Q2, T1, T10 and T20 of the City of Durham Local plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies E3, E6, E22 and Q1 of the City of Durham Local Plan.

4. Prior to commencement of the development a scheme setting out the type, design, lux levels and measures to control glare and overspill light from lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be operated in accordance with the approved scheme and maintained in accordance with manufacturer's instructions.

Reason: To minimise light pollution in the interests of amenity and sustainability and in accordance with Policy Q1 and Q9 of the City of Durham Local Plan.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan by Arup dated 24 February 2014, as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No removal of limbs of trees or other tree work shall be carried out. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policy Q1 and Q9 of the City of Durham Local Plan.

6. Prior to the commencement of the development details of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy Q1 and Q9 of the City of Durham Local Plan.

7. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:-

Pre-Commencement

- (a) Phase 2 Site Investigation and Risk Assessment are required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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 NPPF Part 11.

8. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of 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 appearance of the area and to comply with part 7 of the National Planning Policy Framework and saved policy Q5 of the City of Durham Local Plan.

9. No development works (including demolition) shall be undertaken outside the hours of 7.30am and 7.30 pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

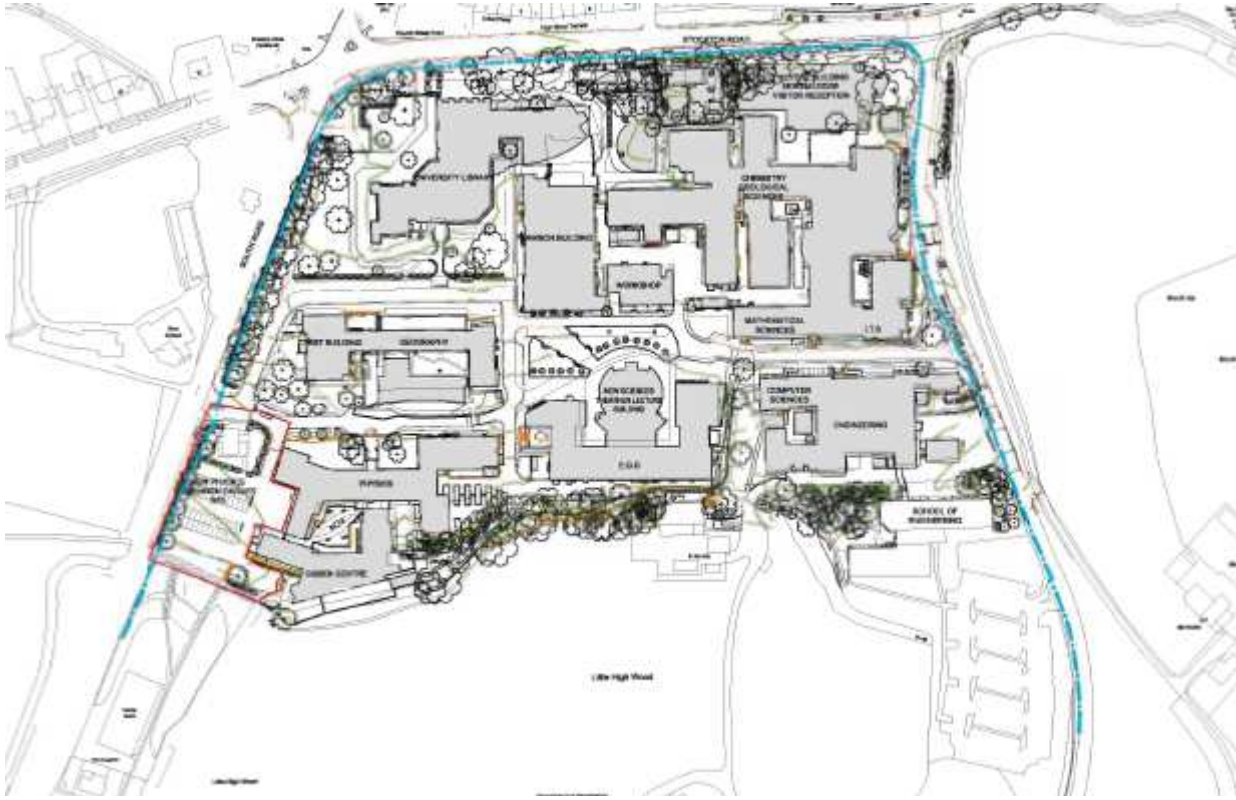
Reason: In the interests of residential amenity of the surrounding area and to comply with saved Policy H13 of the City of Durham Local Plan.

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.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- City of Durham Local Plan 2006
- National Planning Policy Framework
- Consultation Responses



Planning Services

Erection of Physics Research Building at Durham University Science Park, South Road, Durham.

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08/07/2014

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