



Area Planning Committee (Central and East)

Date Tuesday 13 January 2015
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Last Meeting held on 9 December 2014 (Pages 1 - 10)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) CE/13/00862/OUT - Land At Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham (Pages 11 - 26)
Outline application with all matters reserved except access and layout for residential development of 6 executive dwellings.
 - b) DM/14/03318/RM - Land To The North Of Willowtree Avenue, Gilesgate Moor (Pages 27 - 40)
Erection of 42 residential dwellings and associated car parking, landscaping, and engineering works (reserved matters).
Discharge of conditions 4, 5, 6, 7, 8, 11, 12 and 14 of outline approval CE/13/01651/OUT.
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

5 January 2015

To: **The Members of the Area Planning Committee (Central and East)**

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,
K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, R Lumsdon,
B Moir and J Robinson

Contact: Jocasta Lawton

Tel: 03000 269707

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 9 December 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, J Clark, P Conway, M Davinson, D Freeman, C Kay, J Lethbridge, B Moir, J Robinson and K Shaw (substitute for Councillor G Bleasdale)

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, K Dearden, S Iveson, A Laing and R Lumsdon.

2 Substitute Members

Councillor K Shaw substituted for Councillor G Bleasdale.

3 Minutes

The Minutes of the meetings held on 21 October and 11 November 2014 were confirmed as correct records and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

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

a DM/14/01858/OUT – Land to the east of Prospect Place, Commercial Road East, Coxhoe

The item was withdrawn from the agenda.

b DM/14/01821/FPA - Land at Kepier House, The Sands, Durham

The Committee considered a report of the Senior Planning Officer regarding the demolition of Kepier House and erection of 35 apartments with associated external works(for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that the number of parking spaces referred to in the report should reflect 36 and not 47.

In response to a query from Councillor J Clark, the Senior Planning Officer clarified that 25 parking spaces would be underground and the remaining 11 would be situated at street level.

Councillor Freeman moved refusal of the application. He felt the proposed design was not in keeping with surrounding properties, with the proposed development to be up to 4 storey's high, whereas surrounding properties were only a maximum of 2 storey's. As such, he felt that the development would overshadow other properties and furthermore the proposed flat roof would be the only one in The Sands. He further felt that the design was not innovative.

Councillor Freeman contested the suggestion within the report that the design was not dissimilar to that which was proposed previously. He highlighted that the previous proposals had been for 16 apartments, town houses and the preservation of Kepier House. The current proposal was for a development twice the size with the demolition of Kepier House.

In relation to traffic, Councillor Freeman suggested that 35, 2 bed apartments would demand 70 parking spaces, he therefore stated that he did not wish to see residents with an entitlement to street park on Ferens Close.

The Highways Officer clarified that no parking permits would be given to residents of the new development and any visitors to the apartments would be required to use pay and display facilities.

In response to a query from Councillor A Bell, the Senior Planning Officer clarified for developments within the city, a S106 agreement would be set at £1000 per dwelling and so to request more than that would not comply with policy. Furthermore it had been agreed that to request a proportion of affordable housing would not be viable.

Councillors Lethbridge and Moir expressed disappointment that there would be no provision of affordable housing. Councillor Moir highlighted that far from anything being conserved in the area, what was being proposed was a greater critical mass in The Sands and the loss of a historic building within the Conservation Area. He disliked the design choice and he queried what recreational facilities could be proposed at The Sands from the S106 monies. He seconded the motion for refusal of the application.

Councillor Kay asked whether the level of £1000 per dwelling mentioned was on a county wide basis and the Solicitor replied that it varied at the present time due to the 7 former district Local Plans.

Councillor Conway also raised concerns regarding the lack of affordable housing. He felt it should be included as current relative market values would make affordable housing more viable than back in 2004.

A representative for the developer was in attendance at the meeting. In response to Members concerns, he clarified that the initial cost of the land coupled with poor ground conditions, meant that affordable housing was not viable. He further advised that there had not been any proposals for affordable housing in the 2004 application.

Councillor Freeman clarified that the reasons for refusal were that the application was contrary to paragraph 14 of NPPF Part 7, Local Plan Policies H13 and Q8, and Policies 15 and 18 of the emerging County Durham Plan.

The Senior Planning Officer showed the Committee the previous scheme as put forward in 2004, by way of comparison. Councillor Freeman stood by his reasons and he therefore moved refusal of the application which was seconded by Councillor Moir. Councillor Kay also moved the Officer's recommendation for approval and that was seconded by Councillor Shaw. Upon a vote being taken on the proposal to refuse, this was voted down on the Chairman's casting vote. The proposal to approve was then voted upon and carried on the Chairman's casting vote.

Resolved:

That the application be approved subject to the conditions in the report and a S106 Agreement to secure the payment of £1000 per dwelling for open space/recreational facilities and public art.

c CE/13/00862/OUT – Land at Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham

The Committee considered a report of the Senior Planning Officer regarding an outline application with all matters reserved except access and layout for residential development of 6 executive dwellings at land at Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Mr G Hoban, local resident, addressed the Committee to speak in objection to the application. Mr Hoban raised concerns regarding the additional traffic which would be generated on the access to Brackenhill House, an access which was only 11ft wide. The route was regularly used by pedestrians, despite there being no pathways. The route was also frequently used by horses and cyclists, furthermore there was a care home and a school nearby. There had already been minor incidents in that area. Mr Hoban advised that the area would regularly freeze and so could become very dangerous.

It was feared that the development would double or triple the population of the lane and so considerable investment would be required to bring the lane up to a suitable standard.

Mrs J Hoban, local resident, addressed the Committee to speak in objection to the application. Mrs Hoban raised concerns regarding the impact of development on the biodiversity of the area, advising that hundreds of birds were ringed in the area and four species were on the red list. The loss of habitat which would be caused by the development would inevitably have a significant impact on local wildlife. Members were advised of a report which had been prepared by a senior Ecologist which warned of the negative impact on biodiversity should the development go ahead.

Ms S Tullin, local resident, addressed the Committee to speak in objection to the application. She felt that it was wrong to assume that there would be no significant impact on nearby residents, as she personally would feel the full impact of the development from its commencement and subsequently beyond its completion. She advised that the development would be less than 10metres from her living area and she feared for how her quality of life would be affected should the application be approved.

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

- The application was originally going to be for 9 dwellings, however further to negotiations to reduce the impact on the environment, the number of dwellings had been reduced. Mitigation was proposed and there would be Woodland Management Plan, as such the habitat would be improved;
- Residential Amenity – The minimum separation distance was 21metres and the proposals were well in excess of that;
- Highways Issues – The Highways Officer advised that the development would generate 48 additional traffic movements per day, which equated to 3 per hour, as such while there would be additional movements, there would not be a severe impact. Furthermore, it was reported that, having checked road traffic data, there were no recorded accidents in that area within the last 5 years.

Further to concerns raised by the Committee, the Senior Planning Officer clarified that the boundary separation distances were 50 metres apart and the separation distance between elevations of nearby properties and the new development would be 63 metres.

Councillor Clark raised concerns regarding the proposals. She highlighted that the development site was not on the outskirts of the village, it was on the outskirts of an industrial estate, the road to which had previously been blocked off to stop traffic. However now the proposal was to open that area back up again. The loss of trees was also a concern and Councillor Clark argued that the area was not a sustainable location.

In citing the reasons set out in paragraph 51 of the officer's report, Councillor Clark moved refusal of the application.

Councillor Moir moved that the application be deferred to allow the Committee the opportunity to visit the development site and assess the impact it would have on nearby properties. Furthermore, visiting the site would allow Members to see first hand the access issues, the narrowness of the lane, layout of the site, assess the tree issue and traffic issues. This motion was seconded by Councillor Kay and as such, Councillor Clark withdrew her original motion to refuse the application.

Upon a vote being taken it was **RESOLVED:-**

“That the application be deferred to allow Members the opportunity to visit the application site”.

d DM/14/02388/FPA – Land at the Airfield, Shotton Colliery, Durham

The Committee considered a report of the Senior Planning Officer regarding the construction of a helicopter centre comprising helicopter museum, workshops, learning centre. Exhibition space, café and gift shop at land at The Airfield, Shotton Colliery, Durham (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor Conway commended the application, particularly in relation to the employment opportunities it would generate and he hoped the business plan would come to fruition. Seconded by Councillor Lethbridge, Councillor Conway moved approval of the application.

Resolved:

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

e DM/14/03360/FPA – 4 Foxton Way, High Shincliffe, Durham, DH1 2PJ

The Committee considered a report of the Planning Officer regarding the retention of single storey extensions at side and rear of dwelling and excavation/boundary works to rear at 4 Foxton Way, High Shincliffe, Durham, DH1 2PJ (for copy see file of Minutes).

The Team Leader, Central & East, provided the Committee with a detailed presentation which included photographs of the site. Members of the Committee had visited the site and were familiar with the location and setting. The officer read out a letter from the local Member, Councillor Stoker who wished to object to the application.

Councillor Stoker had written that permitted development rights had been used as the basis for the application for two large extensions on a relatively small plot, however he believed there had been a breach of those rights on both extensions.

He therefore felt that planning permission should not be granted for the following reasons:

1. It breached the principles of Permitted Development.
2. The breaches in Permitted Development (circa 3 inches in height in one extension, and circa 6 inches wider in the second extension) may appear minor, however they now required planning permission. Permission should not be given because of any de minimis argument as the de minimis argument had already been utilised for the Permitted Development elements and to use it twice was a contradiction in terms.
3. There should be limited tolerance on the grounds of a series of 'honest mistakes' by the applicant. The applicant has rejected, over 3 months, numerous opportunities to submit plans to building control and planning permissions as suggested and requested by Planning, Enforcement and Building Control Officers.

Mr Mowle, local resident, addressed the Committee to speak in objection to the application and presented to Members a powerpoint presentation (for copy see file of Minutes). The slides showed pictures detailing congestion in the street and at the nearby primary school, construction vehicles on site, the 2 metres gap between his property and the application property, and the impact that the development had in terms of blocking light.

The Team Leader responded to points raised as follows:-

- Building Control issues was a separate issue, not relevant when determining the planning application;
- Issues relating to the Party Wall Act would be civil issues.

Mr S Edwards, agent for the applicant, addressed the Committee. He advised that the professional planning officer had concluded that the proposals were considered to be of an appropriate design and scale which would not result in a negative impact on the visual amenity of the street scene. Furthermore, there was no suggestion that there would be any detrimental impact on the adjoining properties and as such the recommendation was that the application be approved.

Mr Edwards advised that throughout the process the applicant had been conscious of the impact of the development on neighbours and as such had engaged in informal consultation with them. Where possible, the applicant had attempted to comply with reasonable requests from neighbours.

Members were advised that the applicant had complied with all relevant statutory authorities throughout the process and the letters of objection actually generated a number of concerns, none of which appeared to be relevant in the context of planning.

Mr Edwards advised that the design and layout of the development met the current planning requirements of national, regional and local policy and there was insufficient negative impact on the residential amenity of nearby properties that would warrant refusal of the application. It was highlighted that on the east side of

the street there was actually a very large extension that was twice the height of the applicant's extension. Mr Edwards highlighted many other properties in the street which had much more imposing extensions.

Members were advised that the property had been tastefully extended using the best materials and design and while the applicant sympathised with Mr Mowle, Mr Edwards highlighted that the concerns raised were not planning related.

In relation to concerns raised regarding the Party Wall Act, Members were advised that the extension had been constructed on the applicant's side.

Councillor Moir concluded that the Committee Meeting was not a vehicle for resolving neighbour disputes and as such he was happy to follow the officer recommendations and moved approval of the application.

In response to a query from Councillor Kay, the Team Leader clarified that the applicant had commenced the works believing that he could do them under permitted development rights. However following neighbour complaints, it became apparent that the works required planning permission, hence the retrospective application.

Councillor Bell seconded the motion for approval, stating that having viewed the property on the site visit, it was clear that it was in keeping with the surrounding area.

In response to a query from Councillor Conway, the Solicitor clarified that legislation allowed for retrospective planning applications

Upon a vote being taken it was

Resolved:

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

f DM/14/02423/FPA – Land to the west of 4 South Terrace, Framwellgate Moor, DH1 5EN

The item was withdrawn from the agenda.

g DM/14/03093/FPA – Bristol Street Motors, Abbey Road, Pity Me, Durham, DH1 5DQ

The Committee considered a report of the Planning Officer regarding alterations to front elevation to create extra floor space to existing showroom area at Bristol Street Motors, Abbey Road, Framwellgate Moor, Durham, DH1 5DQ (for copy see file of Minutes).

The Principal Planning provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor M Wilkes, local Member, addressed the Committee. He declared that he lived in close proximity to the application site though was attending the Committee to speak on local concerns.

Members were advised that Abbey Road was an extremely busy highway. On the area of the highway directly adjacent to the garage, there would regularly be 4-6 vehicles parked to which the police had been called on a number of occasions. Furthermore transporters would unload on the main highway and Councillor Wilkes warned that as less workroom was proposed, then backed up vehicles could potentially be parked on Abbey Road awaiting work. In addition, additional sales space would inevitably increase visitors to the showroom, which in turn would need to park on Abbey Road.

Councillor Wilkes advised that the cars parked on the highway resulted in there being no pull in points and so no overtaking space which made for an unsafe environment on Abbey Road.

Members were advised that Councillor Wilkes was not seeking refusal of the application, rather that a condition be imposed to regularise parking on the highway. He acknowledged this would be a task for the Highways Department to introduce parking regularisation such as double yellow lines on the highway to create pull in points.

Councillor Wilkes recognised that in suggesting the restriction of parking on Abbey Road, that there was an increased likelihood of parking occurring in the nearby residential area where he lived, however he felt that on balance, this was acceptable compared to the potential significant safety issues on the main highway.

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

- Transporters – this was to be treated as a separate issue and could be referred for enforcement action if there was evidence that the problem of unloading transporters was problematic;
- Workrooms – The reduction in workroom space would actually result in a reduction of business at the garage, though concurrently the increased showroom would increase visitors. As such it was anticipated that the footfall at the garage would balance itself out and any potential level of increase would not warrant a condition. Only a minor change in the internal floorspace arrangements was being proposed rather than an increase in floorspace.
- Highways had looked at the alterations proposed to the existing building and considered that traffic movements would be offset – increased visitors would be balanced with less workroom business.
- Abbey Road – While it was acknowledged that vehicles had a tendency to be parked on the highway, there was no evidence that the proposed changes at the garage would result in additional danger. There may be a need to reconsider the situation when changes occurred on the highway network, but not at the present time on the basis of the current application.

Councillor Bell suggested that notwithstanding the points raised by the officers, there might now be an ideal opportunity to introduce parking restrictions on Abbey Road.

Councillor Conway was persuaded by the concerns raised not only by the local Member, but also by the local Parish Council. It was clear that there was an issue at Abbey Road he therefore supported the suggested condition.

Councillor Kay agreed that applying mitigation now would prevent future problems arising and he moved that the application be approved with the addition of a condition to restrict parking on Abbey Road. He further stated that the exact manner in which parking restrictions should be applied, should be discussed between officers and local Members.

The Solicitor advised that the imposition of lines on the highway was a matter which was not within the control of the applicant, as such the imposition of a condition on the application was problematic.

The Highways Officer clarified that a legal process had to be followed before the implementation of a Traffic Regulation Order. There was therefore no guarantee that a TRO could be implemented even with a condition being imposed on the application and he warned that if lines were introduced on the highway, vehicles would park up to those lines.

The Highways Officer further advised that there was no evidence of existing danger on Abbey Road in the first place and the issue being raised should be addressed as a highways issue.

In response to a query from Councillor J Clark, the Highways Officer agreed that as there was no intention to make any changes to the outside layout of the garage, then all current carparking spaces could be utilised.

In response to a suggestion from Councillor Kay, the Solicitor advised that if minded, the Committee could express a wish for a traffic survey to be undertaken in the area and to then be considered in due course by the Highways Committee.

Councillor Freeman supported the course of action suggested by Councillor Kay. He felt that increased traffic on Abbey Road would be inevitable should the application be approved and therefore undertaking a traffic survey.

Councillor Lethbridge moved approval of the application which was seconded by Councillor Davinson.

Resolved:-

“That the application be approved subject to the conditions detailed within the report and that, in line with the Committee’s wishes, officers and local Members worked together, share and address concerns, following which a report be prepared to be explored further by the Highways Committee”.

h DM/14/02796/FPA – Land to the south of Bradyll Street, Kelloe, Durham

The Committee considered a report of the Planning Officer regarding earthworks including infilling and levelling (part retrospective) to facilitate use of land for agriculture, erection of a general purpose agricultural building, timber screen fencing, temporary siting of 2 no. storage containers and retention of 1 no. caravan to provide site facilities (non-residential) at land to the south of Bradyll Street, Kelloe, Durham (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site and were familiar with the location and setting.

Members were advised of a late representation from local Members Councillors J Blakey and M Plews who had contacted the Planning Officer by email on 8 December 2014 having only just become aware of the application. The Councillors objected to the application in previously submitting an objection and had requested that the matter be brought before the Committee for determination.

A letter of objection had also been received from local Member Councillor M Williams. Further to an issue which had been raised by Councillor Williams, the Committee were advised that a Compulsory Purchase Order was not a planning matter. It would be a matter for Asset Management.

Councillor Lethbridge commented that having viewed the site earlier that day, the proposals seemed straightforward, though he did warn that rocks in that area would be subject to fissuring. Due to the number of activities proposed for the site, he did not feel in possession of sufficient knowledge with which to vote on the matter.

Councillor A Bell felt it was obvious from the site visit that the area of land had stood in its current condition for in excess of 60 years, he therefore welcomed the proposals to improve the area.

Councillor Kay seconded the motion for approval. While he acknowledged that the application had caused some contention within the local community, he could not see any reason to refuse the application when taking into account material planning considerations.

Resolved:

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

Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	CE/13/00862/OUT
FULL APPLICATION DESCRIPTION	OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS AND LAYOUT FOR RESIDENTIAL DEVELOPMENT OF 6 EXECUTIVE DWELLINGS
NAME OF APPLICANT	MR L LINCOLN
SITE ADDRESS	LAND AT BRACKENHILL HOUSE, BRACKENHILL AVENUE, SHOTTON COLLIERY, DURHAM
ELECTORAL DIVISION	SHOTTON AND SOUTH HETTON
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

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

1. This application site is a rectangular shaped parcel of land and lies within the Electoral Division of Shotton and South Hetton. The site is approximately 2.5 hectares in size and is approximately 500 metres outside the settlement boundary of Shotton, therefore it is technically classed as being in the countryside. The site is known as Brackenhill House which is a large detached house with separate elements of garaging, the remnants of a former tennis court together with a walled garden. The house is set in large grounds and covered with mature trees which are protected by a Tree Preservation Order.
2. The site is orientated on a north west to south east axis along Shotton Lane that would form the frontage of the proposed development and from which two vehicular accesses would be taken. The lane operates as a no through road for motorised traffic and vehicular access terminates to the south east at the pedestrian entrance to the business parks.
3. To the north, east and south of the application site are the Whitehouse and Brackenhill Business Parks whilst there is open grazing land the west with the built up area of Shotton Colliery beyond. The Edderacres Local Nature Reserve is also close the site to the south west. There is a lodge house on the main access to the

application site and a further three detached properties around the perimeter of the site.

Proposal:

4. This application proposes the erection of 6 detached executive dwellings within the grounds of Brackenhill House, Shotton. It is an outline application with all matters reserved apart from access and layout.
5. Access to the site would be from the existing access off Shotton Lane along with a new additional access being created to the east of the site serving three of the new dwellings.
6. The applicant has been in discussions with officers for some time, with particular regard to the loss of trees and how impact could be minimised. The application originally proposed nine dwellings but this has been reduced to six in order to limit the impact on protected trees and is now acceptable to officers given the limited impact on the most important tree specimens.
7. This application is being reported to committee as it is classed as a major development due to the site area. **It was previously reported to the committee on 9 December 2014 and deferred to enable members to undertake a site visit prior to making a decision.**

PLANNING HISTORY

8. In 2012 an outline application for residential development including detailed means of access and layout was submitted but later withdrawn (5/PL/2012/0202).

PLANNING POLICY

NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

11. *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.

12. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
13. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *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.
15. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

LOCAL PLAN POLICY:

District of Easington Local Plan

18. *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.

19. *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.
20. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
21. *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.
22. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
23. *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.
24. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
25. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
26. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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

EMERGING POLICY:

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 15 (Development on unallocated sites)* – States that development on unallocated sites will be permitted on the basis that they are appropriate in scale, design and location to the character and function of the settlement, they do not result in the settlements last community facility, would not prejudice the intended use of adjacent sites and land uses and that they are not in the countryside.
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 30 (Housing Land Allocations)* – In order to meet the housing requirement a number of sites have been allocated for housing. Planning applications for housing submitted on these sites that are in accordance with site specific and phasing requirements will be approved. Applications submitted in advance of its phasing will be approved where they do not prejudice delivery of other allocated sites phased in an earlier time period, where they are required to maintain a five year supply of deliverable sites and where infrastructure requirements can be satisfactorily addressed.
32. *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.
33. *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.
34. *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:

35. The Environment Agency has no objections to the proposals and has offered informal advice.
36. Northumbrian Water has no objections to the proposals subject to a scheme for surface and foul water being submitted before commencement of development.

INTERNAL CONSULTEE RESPONSES:

37. Environmental Health officers have no objections to the proposals subject to a contaminated land study being submitted and any necessary mitigation being carried out.

38. Highways officers have no objections to the proposals on the basis that a condition is imposed requiring a refuse collection hardstanding area on the site. The proposed access arrangements and internal layout are considered acceptable.
39. The Principal Landscape Officer has not objected to the proposals. It is stated that the small number of trees that would be lost would be unremarkable specimens and their loss would not in itself have a significant effect on the integrity of the TPO woodland. Conditions would be required in order to secure tree protection and to ensure that the trees beyond private gardens in woodland areas are properly managed.
40. Ecology Officers require the mitigation contained within the submitted ecology report to be conditioned along with a requirement for bat roost mitigation.
41. The Design and Conservation Officer offers no objections to the proposals.
42. Planning Policy officers consider that the proposal is contrary to the adopted Local Plan but in relation to the NPPF and the emerging Local Plan it can be considered to be acceptable. As the CDP is in examination the weight to be given to it remains limited, but it is considered the acceptability of the scheme in relation to the NPPF and the emerging Plan are material and justify a departure from adopted policy.

PUBLIC RESPONSES:

43. The application has been advertised by way of a site notice, press notice and letters to individual residents. Letters have been received from three residences who object to the proposals. The main areas of concern are that the lane is very narrow and in a bad state of repair and there are no pedestrian footpaths. Notwithstanding this it is noted that the lane is very heavily used by pedestrians. It is also stated that the proposals would create 'urban sprawl' which would be harmful to wildlife and would result in the loss of mature trees. There are also concerns regarding dirt, noise and the use of heavy goods vehicles and that the proposals would lead to a loss of privacy for existing residents.

APPLICANTS STATEMENT:

44. The Planning Application was submitted in August 2013 following detailed pre-application discussions with officers. The desire has always been to provide a high quality, low density, landscape led residential scheme which provides an executive housing development set within a mature landscaped setting.
45. Following submission of the planning application the Council's arborist have raised some concerns in terms of the impact of the proposed development on certain trees on the application site. In light of these comments the scheme was revised through the reduction of the number of proposed dwellings from 9 to 6 which enabled development to be achieved without the loss of the more significant trees on the site.
46. A subsequent meeting with the case officer and the arborist confirmed that the revised scheme was acceptable in landscape terms. As such, the planning application provides an opportunity to meet the need, in part, for high quality, executive housing in Durham to help achieve the economic step change identified by Durham Council as part of their Local Plan.

PLANNING CONSIDERATION AND ASSESSMENT

47. 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.
48. In this instance, given that the application seeks outline approval with appearance, scale and landscaping reserved, the main relevant considerations are the principle of the development, the access and layout, trees and ecology and the letters of objection from nearby residents. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Governments recently published National Planning Policy Framework (NPPF) and the emerging County Durham Plan.

Principle of the development

49. This proposal is for 6 executive dwellings on land within the private curtilage of Brackenhill House, Shotton Colliery. There is a Tree Preservation Order covering the site which is located outside of the existing settlement boundary.
50. From a planning policy perspective, it is considered that the key issues in relation to this application are:
- a) the extent to which the proposed development accords with the existing development plan for the area;
 - b) the extent to which the proposed development is consistent with the County Durham Plan (acknowledging that the relevant policies are of limited weight at present); and,
 - c) the extent to which the proposed development is consistent with Government planning for housing policy objectives set out in the National Planning Policy Framework (NPPF), with particular regard towards delivering a wide choice of high quality homes, which widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.

Compliance with the existing development plan (Saved Policies from the District of Easington Local Plan)

51. This scheme proposes housing development on greenfield land that is located outside of the existing settlement boundary for Shotton Colliery. 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 which is reflected in saved policy 3 of the District of Easington Local Plan (ELP), this is unless other policies indicate otherwise. Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with policy 3 of the ELP.

NPPF & Emerging Plan

52. 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. The NPPF seeks to boost significantly the supply of housing and expects Local Planning Authorities (LPA's) to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para's 47 – 55). Therefore the key matter relates to directing development to suitable and sustainable locations.
53. Shotton Colliery is recognised as a 2nd tier settlement (Larger villages and smaller towns within the County Durham Settlement Study) in recognition that the village has good access to facilities and services available on Potto Street in addition to employment land in surrounding industrial estates and business parks. For these reasons the settlement is a focus for growth in the County Durham Plan (CDP), with Policy 4 directing 270 new houses to the village. This allocation is largely accounted for by existing commitments (175 units to Persimmon Homes are under construction on land North of Station Rd (PL/5/2011/0438) and 86 units on land East of Windsor Place were granted planning permission in June 2013 (PL/5/2013/0055). It is considered that this application site is in a sustainable location with good access to local shops, schools, community facilities, public transport links and employment opportunities.
54. The CDP is at Submission Draft stage and has recently been through the first stage of an Examination in Public on the strategic content of the Plan. The CDP does not include settlement boundaries but to be acceptable housing development would need to be considered part of the built up area. This site is divorced from Shotton but abuts the employment uses to the east. Although it comprises a house in heavily treed grounds, the site is well related to the adjacent uses and has development to the east, north and south so could be considered to be part of the built up area as it is well contained and therefore acceptable in the context of CDP Policy 15 (Development on unallocated Sites in the Built Up Area). Notably, however, the policy requires (at c) that development is compatible with adjacent uses. As the site abuts employment development officers have visited the site and are satisfied that the introduction of residential use would be compatible in terms of noise impact, however a noise assessment and appropriate mitigation measures should be conditioned if the application were to be approved.
55. The CDP also includes Policy 13 (Other Executive Housing Proposals) which permits executive housing (i.e. detached housing of high quality design and materials in large grounds) if it conforms to Policy 15. This proposal broadly meets this requirement and the introduction of such housing to the area can bring with it economic benefits for the community.
56. To be acceptable, the proposal needs to demonstrate material considerations to outweigh the adopted policy constraints in the Local Plan. In this context, it would deliver benefits by way of a sustainable executive housing development which would increase the mix and choice of housing in the area. It is considered the acceptability of the scheme in relation to the NPPF and the emerging Plan are material and justify a departure from adopted policy and on this basis, officers consider that on balance, the principle of the development is acceptable.

Access and layout

57. It should be noted that although an outline application, layout an access is for detailed consideration now and are not reserved for future determination. The proposed access points to the development are both off Shotton Lane which terminates to the east of the site near the pedestrian entrance to the business parks. One access is existing and would serve the existing Brackenhill House and three further dwellings to the south and west of the site, whilst the new access would serve the three new dwellings to the north east corner of the site. Highways Officers have agreed these access points are acceptable in terms of location and visibility requirements and consider that the internal access arrangements are acceptable. On this basis the access arrangements are considered to be in accordance with part 4 of the NPPF and saved policies 1 and 36 of the District of Easington Local Plan. and have no objections to the proposals.
58. The layout of the proposed dwellings and disposition of the various elements has been largely determined by the spatial disposition of the access points, the site boundaries, the walled garden, the extent of the tree cover and the relationship with the surrounding built development. The applicant has worked with officers over a significant period of time in order to ensure that a high quality executive housing development can be delivered whilst retaining the integrity of the walled garden, and by ensuring that only a minimal amount of lower value trees would need to be removed. Officers have also negotiated with the applicant to ensure that in the longer term the wider woodland area is properly managed and that ecology benefits are gained, this would be achieved through appropriate planning conditions.
59. In addition to the above, the layout of the dwellings is such that there would be no adverse impacts in terms of loss of privacy, overlooking or loss of light to both existing and future residents.
60. On the basis of the above it is considered that given the constraints of the site the layout is acceptable in terms of residential amenity and impact on trees in accordance with part 11 of the NPPF and saved policies 1 and 35 of the District of Easington Local Plan.

Trees and Ecology

61. Discussions have taken place during the application process and as a result the number of trees that would be directly lost to accommodate the proposed six dwellings and associated buildings, hardstandings and access roads would be much reduced compared to previous iterations where larger numbers of dwellings were served by an access road built to adoptable standards.
62. The Principal Landscape Officer considers that the small number of trees that would be lost would, for the most part, be unremarkable specimens and their loss would not in itself have a significant effect on the integrity of the TPO woodland.
63. It is considered likely that the proposed development could be constructed and serviced without significant adverse secondary impacts on trees, provided that their protection was taken into account in the detailed design and construction method. This could be secured by requiring a revised Arboricultural Implications Assessment

and Tree Protection Plan to be submitted as part of a detailed proposal, and by requiring the necessary suite of tree protection measures by condition.

64. Officers are satisfied on the basis of a site visits that building residential properties in the locations now proposed would not inevitably lead to pressures to remove or prune protected trees, although this can't be entirely discounted given the proximity of some dwellings to mature trees. Officers would be more concerned that the proposal to divide much of the woodland up into large private gardens could have similar consequences. While the TPO status of the trees would afford some protection, the integrity of the woodland would be weakened by multiple ownerships, and the value of the woodland as a high quality setting to the houses could be eroded by ad hoc garden development. On this basis residential garden areas should be strictly controlled by condition, leaving the greater part of the woodland managed as a single entity with common access on informal paths and trails. A woodland management plan would need to be conditioned and approved by the Council which would how shared space would be managed to secure wildlife and amenity benefits and prevent the future removal of trees.
65. On the basis of the above and subject to appropriate conditions securing a long term management plan for the woodland along with ecology benefits it is considered that the proposals are acceptable in terms of the impact on the natural environment in accordance with part 11 of the NPPF and saved policies 1 and 18 of the District of Easington Local Plan.

Objections

66. As noted above, letters have been received from three residences who object to the proposals. The main areas of concern are that the lane is very narrow and in a bad state of repair and there are no pedestrian footpaths. Notwithstanding this it is noted that the lane is very heavily used by pedestrians. It is also stated that the proposals would create 'urban sprawl' which would be harmful to wildlife and would result in the loss of mature trees. There are also concerns regarding dirt, noise and the use of heavy goods vehicles and that the proposals would lead to a loss of privacy for existing residents.
67. With regard to the access lane being narrow and in a poor state of repair, highways officers have raised no objections in this regard and consider that appropriate access and parking provision can be achieved and that there would be no highway safety concerns as a result of the proposals. Therefore no objections are made on highway safety grounds.
68. The loss of some trees is regrettable although given their value and condition it is not considered to be a significant concern that should warrant refusal of planning permission given the benefits of the scheme in delivering executive housing. Moreover, conditions are suggested that would benefit the woodland area in the long term through the requirement for a woodland management plan along with conditions which would see ecological mitigation including the provision of bat roosts.
69. With regard to residential amenity the distancing standards with regard to proposed and existing dwellings are met and exceeded in all instances to ensure privacy is not compromised. Conditions would also be required to control hours of construction in order to further protect residential amenity.

70. Finally, an adjoining resident has raised queries relating to an existing septic tank and a boundary wall. These are not matters which are being considered as part of this outline planning application, details of boundary enclosures and drainage would be considered as part of a reserved matters application should the current application be approved.

CONCLUSION

71. In summary, officers consider that although finely balanced, the benefits of the scheme would outweigh the conflict with the District of Easington Local Plan and that the proposals are in accordance with the NPPF which has a presumption in favour of sustainable development such as the one being proposed. It is also considered that the development would not harm the implementation of the County Durham Plan going forward and would contribute to a need for executive housing. Conditions would be required in order to protect and enhance the woodland and habitats and on this basis the application is recommended for approval.

RECOMMENDATION

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

Conditions:

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

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

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

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

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

Proposed site layout (Trees Removed Omitted for Clarity) OPTION B, 904 105.3B
Revision D09.

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

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

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

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

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

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

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

Phase 3 – Validation Report

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

Reason: To ensure that the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

5. Development shall not commence until a scheme for the disposal of surface and foul water from the development hereby approved has been submitted and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

6. No development shall take place until a detailed acoustic report, carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site containing any mitigating measures which may be found necessary has been submitted to and been approved in writing by the Local Planning Authority. Any mitigation required shall be implemented prior to any occupation of the development and shall be permanently retained thereafter.

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

7. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within Section D4 of the Extended Phase 1 and Protected Species Survey Of Bracken Hill, Shotton by E3 Ecology Ltd received 22 August 2013.

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

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

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

9. Notwithstanding the details submitted, this permission relates to a maximum of 6 dwellings on the site.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 of the National Planning Policy Framework and saved Policies 1 and 35 of the District of Easington Plan.

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

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

11. No development shall be commenced until a scheme showing a refuse collection hardstanding area is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained in perpetuity.

Reason: To ensure satisfactory highways arrangements in accordance with part 4 of the National Planning Policy Framework and saved Policies 1 and 36 of the District of Easington Plan.

12. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

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

13. No development shall be commenced until a scheme showing bat roost mitigation is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained in perpetuity.

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

14. Notwithstanding details submitted with the application, residential garden areas shall be limited to the land hatched red on the attached residential curtilage constraints plan.

Reason: To ensure tree and habitat protection in accordance with the objectives of part 11 of the National Planning Policy Framework.

15. Development shall not commence until a Woodland Management Scheme is submitted to and approved in writing by the Local Planning Authority. The woodland shall be managed in accordance with the approved scheme in perpetuity.

Reason: To ensure tree and habitat protection in accordance with the objectives of part 11 of the National Planning Policy Framework.

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

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

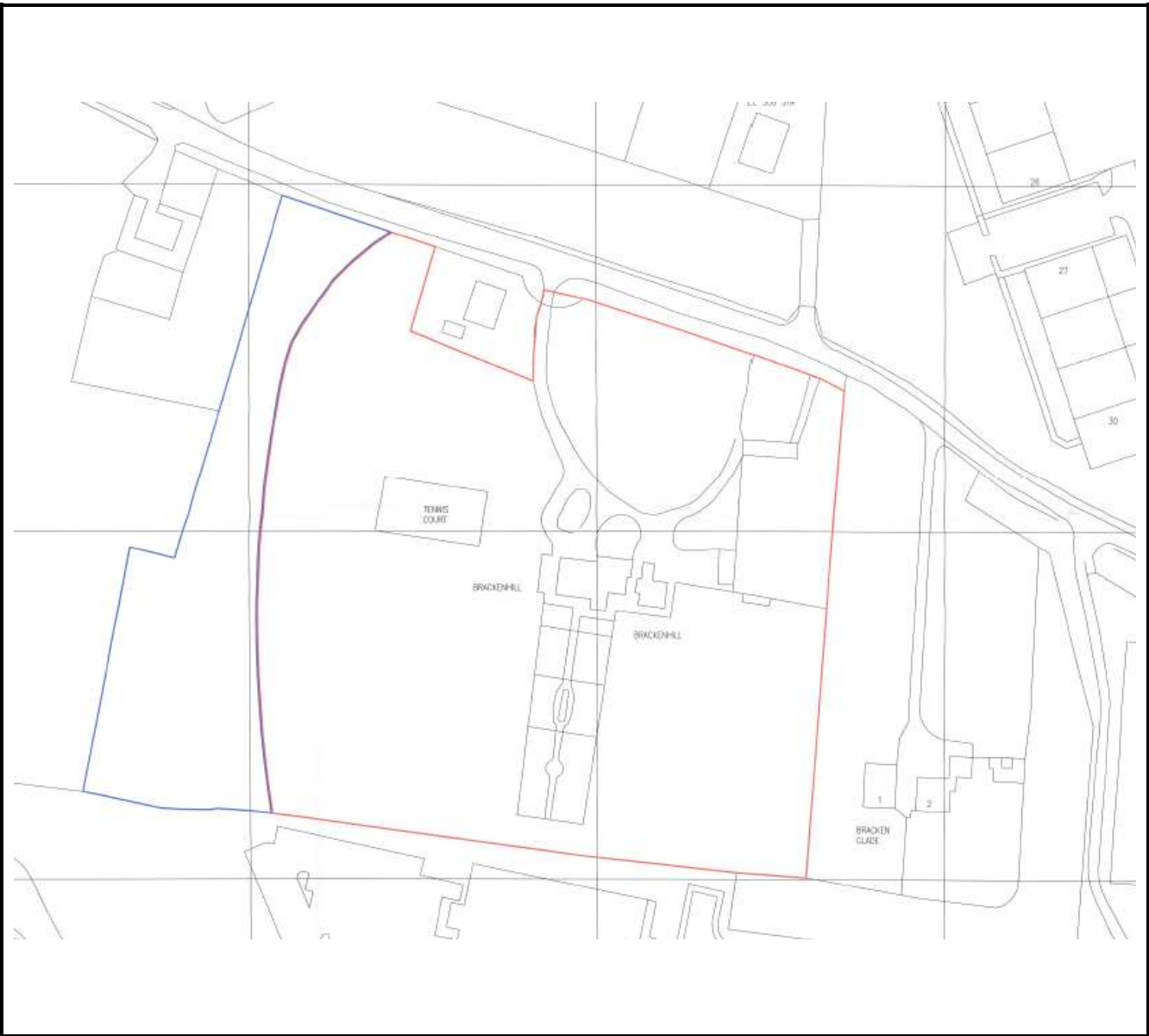
STATEMENT OF PROACTIVE ENGAGEMENT


82. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance

with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

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



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Proposed 6 NO. EXECUTIVE DWELLINGS, BRACKENHILL HOUSE, SHOTTON COLLIERY, DURHAM</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>Comments</p>	
	<p>Date JANUARY 2015</p>	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03318/RM
FULL APPLICATION DESCRIPTION:	Erection of 42 residential dwellings and associated car parking, landscaping, and engineering works (reserved matters). Discharge of conditions 4, 5, 6, 7, 8, 11, 12 and 14 of outline approval CE/13/01651/OUT
NAME OF APPLICANT:	Bett Homes Limited
ADDRESS:	Land To The North Of Willowtree Avenue Gilesgate Moor
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Tim Burnham, Senior Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

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

The Proposal

3. This application seeks agreement of the reserved matters - appearance, landscaping, layout and scale relating to a previous outline approval (ref CE/13/01651/OUT). Information is also submitted in respect of other conditions attached to the outline approval which are not reserved matters, although it should be noted that discharge of such conditions is a delegated matter. Equally, any variation to the existing S106 Obligation for the site is not a matter for the Committee and is delegated to the Head of Planning

4. This application is being referred to the planning committee at the request of Cllr Conway who has expressed concerns as to disturbance during any construction period, particularly in relation to construction contractor parking.

PLANNING HISTORY

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

6. An outline planning application for a maximum of 54 no. dwellings was refused by the planning committee in October 2013. An appeal against this refusal was dismissed by the planning inspectorate. An outline application for up to 49 dwellings was approved by the planning committee in March 2014. A discharge of conditions application was approved in 2014 relating to Archaeology.

PLANNING POLICY

NATIONAL POLICY

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

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

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

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

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

12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such

policies should also be sufficiently flexible to take account of changing market conditions over time.

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

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

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

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

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

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

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

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

19. *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.

20. *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.

21. *Policy H2 - New Housing Development within Durham City* sets out criteria outlining the

limited circumstances, in which new housing within Durham City will be permitted, this being primarily appropriate on previously developed land and through conversions.

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

23. *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.

24. *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.

25. *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.

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

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

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

29. *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.

30. *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.

31. *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.

32. *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.

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

34. *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.

35. *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.

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

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

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

EMERGING POLICY:

37. The emerging County Durham Plan was submitted in April 2014 and is currently being examined 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).

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

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

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

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

40. Northumbrian Water has offered no objection to the application.

41. The Coal Authority have offered no objection to the application.

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

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

44. Belmont Parish Council has objected to the application in its current form. They suggest that the development as proposed is too dense and oppose the three storey apartment block. They are concerned at overlooking and loss of privacy to properties on Willowtree Avenue. Highways concerns have been put forward, especially relating to the parking of contractor vehicles during the construction phase. Further concerns are expressed relating to noise issues to properties, the open area beneath the power lines and path surfacing.

INTERNAL CONSULTEE RESPONSES:

45. The Councils Landscape section has no objection.

46. Environmental Health has no objection.

47. The Councils Archaeology section have recently agreed to discharge a condition relating to archaeological investigation submitted under a different application.

48. The Councils senior tree officer has raised no objections to the development although has noted that tree removal will be required to the Willowtree Avenue roadside due to footpath provision.

49. The Councils drainage engineer has offered no objection.

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

51. Contaminated land Officers have offered no objection to the application.

52. The schools organisation manager has raised no objection to the application.

53. Design and Conservation have reservations over the provision of 2.5 storey dwellings in the locations proposed but have offered no objections.

54. The Housing development and delivery team accept the level of affordable housing proposed although have concerns about the take up by a housing association of the 1 bed flats.

55. The sustainability section has raised no objections to the proposal.

56. Public rights of way have noted that there are unregistered paths across the development site and have stated that an application under section 257 should be made to extinguish unregistered paths.

PUBLIC RESPONSES:

57. Letters of objection have been received from 8 addresses relating to the development. The concerns and objections expressed are summarised below;

- Layout, style of dwellings not in keeping with character of area, development too tightly packed together, gardens too small, contrary to local plan policy Q8, three storey development not appropriate. Overlooking and loss of privacy to Willowtree Avenue

- Highways concerns – concern over parking during construction, additional traffic and lack of parking on site.
- Concern over capacity of sewer network to cope, flooding issues.
- Development not acceptable in policy terms
- Rental flats are not appropriate to area, would detract from local property value
- Site is contaminated, mining issues
- Objection to loss of trees on boundary
- No evidence of need for housing in the area
- Power lines cross part of the site
- Disturbance during construction

APPLICANTS STATEMENT:

58. This reserved matters application for 42 new dwellings has evolved through substantial pre-application discussions with the Council. The applicant has listened to the observations and advice of the officers of the Council to create a scheme that will deliver both market housing and much needed affordable housing whilst respecting the landscape and existing residents. The outline consent already approved by the Council for 49 dwellings has established the principle of development of housing on the site including a new access. The emerging County Durham Plan proposes to allocate the site for housing.

59. The only considerations now therefore are the layout, landscaping, scale and appearance of the proposed housing development. Each of these matters have been carefully considered by the applicant and their team with the Council through various amendments in reaching the current scheme. The applicant has created a lower density scheme than approved at outline which will ultimately deliver Policy compliant and much needed affordable housing together with a range of high quality and energy efficient new family homes.

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&page=2&dir=asc&FormParameter1=DM%2F14%2F01609%2FFPA&app_id=1002

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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 appearance, landscaping, layout and scale of the development, residual highways issues and other issues. The principle of the development of this site is not for consideration as part of this application as the principle for residential development for this site was established through outline approval CE/13/01651/OUT.

Appearance, landscaping, layout and scale of the development

61. Policies H13 and Q8 seek to ensure that new developments preserve the amenities of residents. Policy Q8 provides detailed guidance on separation distances between properties to ensure adequate amenity. Policy H13 states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.

62. Officers note that the application has been scaled down from the outline stage with 42 dwellings now proposed as opposed to the maximum number of 49 that the outline application allowed. This has allowed a higher quality scheme with reduced density to be brought forward.

63. The current reserved matters application is as a result of extensive negotiation and discussion between the applicant and Officers to ensure that a scheme of suitable quality and density was brought before members.

64. A scheme has been put forward which offers a mixed street scene, the majority of dwellings being provided as detached dwellings of two storey construction. Officers acknowledge that the area currently comprises to a large degree semi-detached dwellings, although the closely spaced detached dwellings are not considered significantly at odds with the urban grain of the area.

65. Five house types are proposed. 6no. 4 bedroom semi-detached properties would be provided of two and a half storey design. 19 no. 4 bed detached properties are proposed, along with 8 no. 3 bedroom detached properties. In addition within an apartment block towards the eastern side of the site 6no. 1 bed and 3 no. two bedroom apartments would be provided. All properties are of pitched roof design with a variety of materials and design features. Exact materials are to be agreed via condition, although are likely to consist of a mix of brick and render, with tiled roofs, reflective of materials within the existing residential area.

66. Officers acknowledge concerns that have been raised surrounding the three storey development proposed at the site. Care has been taken to locate the three storey flats on one of the less sensitive parts of the site where their impact would be lessened. There is some very limited 3 storey development within the area, most notably in the form of flats at Belgravia House to the south east. The level of provision of two and a half storey accommodation has been negotiated downwards significantly by Officers through the pre application process. The remaining provision of this type of accommodation in the form of 6 units is considered limited in the context of the site with no significantly harmful impacts noted from the scale of these dwelling types.

67. Policy Q8 outlines guideline separation distances between dwellings. This policy seeks a window to window separation distance of 21mtrs and a window to blank two storey separation distance of 13mtrs.

68. Officers consider that the most direct relationship that dwellings on the application site would have to existing development would be the relationship of plots 1-9 with the rear of properties on Willowtree Avenue. The required 21mtr distance would be met or exceeded on this part of the site, although Officers acknowledge that these properties would suffer reduced outlook and privacy as opposed to looking across the undeveloped land. The relationship of properties within the site would be acceptable when considering properties at The Paddocks, situated across Willowtree Avenue to the east.

69. Within the site these guidelines on the whole would be met. The separation distance between the rear of the flat block and the side of plot 32 would be approximately 12.5mtrs, this slight reduction from 13mtrs not being considered significantly harmful.

70. Footpath links would be maintained on the site and the applicant is engaged in other legal processes outside of the scope of the reserved matters application to resolve matters relating to public rights of way. Part of the north of the site has been left vacant due to the electricity lines that pass above it. Officers understand that the responsibility for this area of the site will be passed to a management company. Clearly while access to this part of the site will not be encouraged it would be difficult to close off completely as access will be required by Northern Powergrid and for the footpath which passes through the north of the site. Officers understand that the site has for a long time been used for recreational activity and are not aware that there have been any previous issues relating to the power lines.

71. A general landscaping scheme has been provided which would allow for the provision of tree and hedge planting within the site. Grass and driveway areas will be provided along with patios within the gardens of dwellings. This scheme has been arrived at through detailed discussion between Officers and the applicants landscape team and the latest scheme is considered the best possible at the site, of a higher standard than would be achieved at many similarly sized developments.

72. Tree Officers have concerns that more tree removal will be required to the western side of Willowtree Avenue as it passes to the east of the site than has been suggested within the tree report, due to the need to provide a pavement in this location which would likely sever roots and cause die back of the trees. Officers have had to take a pragmatic approach to this as clearly an adoptable footpath is required in order to deliver the development. As such the reinforcement of existing hedging along this site boundary is secured through the latest landscape plan along with some replacement tree planting. This landscaping would be situated on the public side of fencing that would bound the site.

73. The application proposes no plans to remove landscaping features such as trees and hedging which are situated outside of the application site adjacent to Broomside Lane and the A690 slip road which are predominantly on highways land. These features will assist in screening the site from north west and north east.

Highways Issues

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

75. A significant level of concern has been raised by adjoining occupiers relating to Highways issues at the site, however the principle of development at the site and the access was agreed under the previous outline approval and discussion in this regard is limited to the greater highways detailing that accompanies this application and any residual matters such as parking provision.

76. Highways Development Management Officers have given detailed consideration to the proposed scheme and have offered no objections to the proposals. An acceptable level of parking internal to the site has been provided both at the dwellings and in terms of visitor spaces. A condition was attached to the outline application requiring engineering details, these have been submitted and are considered acceptable.

77. Concern over the management of contractors parking has been noted. With this in mind Officers have worked with the applicant to ensure that a contractors parking area has been provided within the site compound, this is detailed on submitted plans.

Planning Obligations

78. The outline application was accompanied by a completed S106 agreement to make a financial contribution of £54,000 towards open space and recreational facilities and £29,055 as a public art contribution. An affordable housing provision of 20% was proposed within the agreement which would have equated to an on-site provision of a minimum of 10 units relating to the proposed 49 units.

79. Given the reduction in units down to 42, the applicant has sought to vary this agreement through a deed of variation. The deed of variation seeks approval to reduce the number of affordable units to 8 for affordable renting purposes. Affordable housing officers consider this acceptable. In response to concerns about the developer finding an organisation to take on the affordable units, the applicant has supplied a letter of interest from one provider and is confident the affordable units would be able to be placed with an appropriate organisation.

80. The public art and recreational space contributions are considered to adhere to the requirements of Policies Q15 and R2 of the Local Plan and the affordable housing provision is also considered appropriate. Officers note that the proposed financial contributions relating to public art and open space are above levels that would be required for 42 dwellings, relating instead to levels required in association with the original plans for 54 dwellings and therefore consider on balance the revised section 106 offerings acceptable.

81. However, it should be noted that as any variation to the existing Section 106 Agreement is a matter which is delegated to the Head of Planning, this is not something upon which Members are asked to make a decision. The detail of the proposed Deed of Variation is contained in this report for Members information, for the sake of completeness.

Other issues

82. The outline approval was issued with conditions requiring details to be submitted in relation to the disposal of foul and surface water, energy minimization scheme, gas monitoring relating to coal mining legacy issues, tree protection plans and archaeological investigation.

83. Again, the discharge of conditions other than reserved matters conditions is not a matter for Members to reach a decision upon as this is delegated to the Head of Planning. However, this information is reported to Members for the sake of completeness.

84. Plans for the disposal of foul and surface water have been submitted and accepted by Northumbrian Water and the Councils Drainage and Coastal Protection team. The Environment Agency has also raised no objections. Monitoring relating to mining legacy issues has been undertaken and the Coal Authority is satisfied that the site can be safely developed. A fabric first approach to energy minimization has been adopted and accepted by the sustainability team. Conditions relating to these matters therefore have not been carried across to this application. Officers acknowledge points of public concern relating to drainage and flooding issues but have consulted with the relevant bodies who are satisfied that arrangements are acceptable. Significant weight cannot be afforded to concerns about loss of property value, and Officers do not consider the provision of the flats inappropriate to the area. They would help to achieve one of the aims of the NPPF in creating inclusive and mixed communities.

85. The appropriate archaeological investigations have been undertaken and these conditions discharged under a previous discharge of conditions application, therefore these conditions are no longer applicable.

86. Officers are aware that a totem style sign and flag advertisement have been erected at the site without the requisite advertisement consent. Officers have requested an application be submitted for these signs and this application has been received and is being considered.

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

88. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

89. The application is accompanied by a protected species report. The survey notes the existence of seven types of habitat, and states that in general terms, the site is poor in terms of habitat structure and wildlife value. A risk to nesting birds was identified at the site, with appropriately timed works recommended to reduce risks to bird species. Ecological enhancements have been proposed to the site which would involve the creation of a grassed area under an ecological management routine in order to increase its species richness. This is proposed to the area in and around power cables which occupy the northern part of the site. It is also recommended that a small pond/scrape be created to increase species richness at the site.

90. The Council's Ecology section have raised no objections to the proposal, the mitigation measures within the submitted habitat surveys have been conditioned on the outline approval.

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

CONCLUSION

92. Officers consider that a scheme of acceptable appearance, landscaping, layout and scale has been brought forward through this reserved matters application as detailed in the body of the report. The application is therefore recommended for approval subject to the conditions detailed below.

RECOMMENDATION

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

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

House Type Drawings
Apartments drawing
Boundary Treatment and EHL
Arboricultural constraints plan
Topographic Layout
Design and Access Statement
Energy Efficiency analysis report by FES Group
Extended Phase 1 Survey by Durham Wildlife Services, land north of Willowtree Avenue, Durham City received 30th October 2014.
Noise Assessment BH/WT/001 LA Environmental Consultants
Geoenvironmental Appraisal Willowtree Avenue Durham by Sirius
CCE_1443 Dwg 01 P1
CCE_1443 Dwg 02 P1
CCE_1443 Dwg 03 P1
CCE_1443 Dwg 04 P1
CCE_1443 Dwg 05 P1 all received 30th October 2014

Amended Planning statement - Received 05th November

Updated Arboricultural implications assessment Land at Willowtree Avenue July 2014 by Woodsman Arboricultural Consultancy
Tree protection plan – all received 11th November

Noise Assessment BH/WT/002 LA Environmental Consultants received 16th December 2014

Planting Plan TGP Landscape Architects REV E - received 19th December 2014

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

2. The extended Phase 1 report (Sirius Ref C5992 07-2014) has outlined remediation options for the removal off site of materials posing 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 report, 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.

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 risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11 and Policy U11 of the City of Durham Local Plan.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policy E14 of the City of Durham Local Plan 2004.

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

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The application is being presented to committee within the designated time period for this type of application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal and external consultee responses
Response from Belmont Parish Council
Public responses
County Durham Local Plan (Preferred Options)



Planning Services

Erection of 42 residential dwellings and associated car parking, landscaping, and engineering works

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

Date 13th January 2015