



Special Area Planning Committee (Central and East)

Date Thursday 3 July 2014
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest, if any
4. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) PL/5/2011/0315 - Land adjacent to West View, Murton (Pages 1 - 10)
Demolition of existing buildings & erection of 2 no. Dwellings and the creation of a dog walker amenity area.
 - b) CE/13/01221/FPA - Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham (Pages 11 - 18)
Erection of canopy and retrospective erection of store extension and widening of rear access.
 - c) DM/14/00052/FPA - Land Off Station Road And East Of Salters Lane Including Site Of Former Fleming Hotel And Bruntons Garage, Shotton Colliery, Durham (Pages 19 - 28)
Substitution of 31 housetypes and addition of 18 dwellings.
 - d) DM/14/00613/FPA - Former Registry Office and Peterlee Area Education Office, York Road, Peterlee, SR8 2DP (Pages 29 - 44)
Erection of 57 no. dwellings with associated infrastructure.

- e) DM/14/01368/LB - 71 Gilesgate, Durham, DH1 1HY (Pages 45 - 50)

Replace existing roof with reclaimed welsh slate and fibreglass on the flat roof to the rear.

5. 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

25 June 2014

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0315
FULL APPLICATION DESCRIPTION:	DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 2 NO. DWELLINGS AND THE CREATION OF A DOG WALKER AMENITY AREA
NAME OF APPLICANT:	MR C & A CAMPBELL
ADDRESS:	LAND ADJACENT WEST VIEW MURTON
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Laura Martin 03000261960 Laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site relates to an area of land previously utilised by the former District of Easington Council as a cleansing site. It is located adjacent to the Murton Cricket Club ground and to the rear of the properties on West View. The buildings associated with the cleansing depot have been redundant for a number of years and have fallen into a state of disrepair. The area of land also includes an access track which is unadopted and in the ownership of the applicant.

Proposal:

2. Full planning permission is sought for the erection of 2 No. dwellings at the site. The existing buildings at the site would be demolished and in their place a 4.8 metre asphalt road created. To the frontage a 1.6 metre wide footway would be created a dropped kerb to the proposed driveways. Both properties would have a single driveway with visitor car and cycle parking to the south of the application site. In order to protect the properties from the adjacent cricket ground a 12 metre high fine mesh fence would be proposed to the rear of the dwellings and their garden areas.
3. The two properties would have 4 bedrooms with associated living facilities. In addition a feature balcony would be erected to the rear to allow views over the cricket ground. A small area of open space would be retained for a dog walker's amenity area, which includes a park bench. Following the demolition of the buildings the rear of the premises on West View would be secured with a 1.8metre high timber fence.
4. The application is brought before members for your determination at the request of County Councillor Alan Napier. The application was previously heard by members in

2012, however on going negotiations between the applicant and the Authorities Asset and Property Management Section have taken place in relation to rights of access over the land.

PLANNING HISTORY

PLAN/2007/0677 2 Dwellings Refused 6 November 2007

07/108 House and 2 flats Refused April 2007

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
7. The following elements are considered relevant to this proposal:
8. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
9. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

LOCAL PLAN POLICY:

11. District of Easington Local Plan
12. 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.
13. 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.

14. Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

EMERGING POLICY:

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

16. Policy 16- Sustainable design in the built environment

This policy addresses the built environment and aims to ensure that all new development (e.g. extensions, alterations, changes of use of existing buildings) in County Durham achieves high standards of sustainable design. Applications for major new development must be accompanied by a full Sustainability Statement demonstrating how proposals will make a positive contribution to the character and sustainability of County Durham. A relevant supporting Sustainability Statement may be required for other development which raises particular planning or sustainability issues. In doing so applications should reference the principles of BREEAM to measure the inherent sustainability of a project.

17. Policy 18- Local Amenity

Planning has an important role to play in making sure that new development does not have, and is not at risk from, adverse environmental effects. Ensuring a good standard of amenity for all existing and future occupants of land and buildings is a core planning principle of the NPPF. New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion which could adversely affect amenity. This policy outlines the considerations to be taken into account in determining planning applications to ensure that amenity is protected from a wide range of potential environmental impacts.

18. Policy 34- Type and Mix of housing

Within County Durham there is a need for a mix of homes of different types and tenures to meet the requirements of a range of household sizes, ages and incomes. There may also be an over or under-supply of a particular house type in an area. The 2013 Strategic Housing Market Assessment update (SHMA) identifies the need and demand for and the supply of specific types of housing in County Durham. The difference between the supply and demand identifies the imbalances in the housing stock by type (i.e. detached, semi-detached, terraced, etc.) and size (measured in number of bedrooms).

19. Policy 39- Landscape Character

The Durham landscape is one of enormous contrast and diversity. From its western boundary high in the summit ridges of the North Pennines, to the limestone cliffs of

the North Sea coast, remote moorlands and pastoral dales give way to fertile settled farmlands. This diversity is a product of both natural and human influences. The varied rocks, landforms and soils of the County and differences in climate between the exposed uplands and sheltered lowlands have influenced both the natural flora of the landscape and the way it has been populated, managed and exploited by its people over the centuries.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. Parish Council- Do not object to the development in principal, but have major concerns regarding rights of access over the application site, and are seeking separate legal advice in this regard.
21. Northumbria Water- raises no objections

INTERNAL CONSULTEE RESPONSES:

22. County Councillor Alan Napier- concerns expressed in relation to the right of access over the site, which has been in existence for a large number of years.
23. Highways Section- raises no objections
24. Planning Policy Team- Raises no objections but questions the usefulness of the dog walker's amenity area.
25. Tree Officer- raises no objections subject to appropriate conditions relating to tree protection measures.
26. Design Section- raises no objections subject to appropriate conditions relating to materials and window and door designs.
27. Environmental Health Section- raises no objections but request a Phase 2 Contaminated Land report following an assessment of the submitted information in this respect.
28. Asset and Property Management- Advise they are dealing separately in respect of restrictive covenants at the site and welcome the signing of the S106 agreement in relation to access over the site.
29. Public Rights of Way Officer- advised that there are no defined public rights of way at the site.

PUBLIC RESPONSES:

30. The proposal was advertised by means of a site notice and by letter to 13 neighbouring properties within the area. No letters of representation have been received in respect of the above development.

APPLICANTS STATEMENT:

31. We would like to state that we consider the development a significant improvement on the site in its current state. Throughout the development, we have strived to satisfy the concerns raised in: -

- a) the previously failed application in 2007 [ref PLAN/2007/0677] and;
 - b) the specific issues noted in the informal enquiry [ref: IE/5/2011/0013]
32. Furthermore, as well as providing an economically viable development, we have also taken pride in the submitted scheme and are very confident, should the proposal come to fruition, that it will provide both the end users and local community a very positive built solution.
33. With regard to a specific issue raised by others, we reiterated that it is our intention to maintain the land/development as a through road and that both the North and South boundaries will remain open. Though it is not an issue in the approval of this application, the drawings also clearly demonstrate this.

PLANNING CONSIDERATIONS AND ASSESSMENT

34. The main planning considerations in the determination of the planning application are:
- Principle of development
 - Impact upon residential amenity
 - Impact upon visual amenity
 - Access issues

Principle of development: -

35. As previously developed land within the Murton village boundary, the site falls to be considered as a 'brownfield windfall' site, whereon residential development would be acceptable in principle. Therefore the proposed development would be in accordance with both Policy 67 of the saved 'District of Easington Local Plan and the NPPF.
36. It should also be noted that since the two previous refusals at the site the scheme has been amended and the dwellings relocated as part of pre-application discussions, therefore in that respect the scheme before members differs greatly from the previous two refusals.

Impact upon residential amenity: -

37. Dwellings should be designed so that the occupants have a pleasant outlook from the main habitable rooms and to ensure that there is reasonable privacy a minimum of 21 metres should normally be provided between main elevations.
38. There is a minimum of 30 metres between the front elevations of the proposed dwellings and the rear of the properties situated on West View. This is far in excess of the guidelines established in the Local Plan and as such it is not considered that loss of privacy or overlooking would be an issue at the site. As previously noted the rear elevations of the property would have views over the cricket ground, and as such privacy distances would not be applicable. In respect of the amenities of the occupiers of the properties the dwellings have been designed with patio areas to the rear and garden areas to side, which would ensure that there was sufficient amenity space in association with properties of this scale. Therefore in this respect it is considered that the proposed development would be in compliance with Policy 35 of the Local plan.

Impact upon visual amenity: -

39. In respect of the proposed impact upon visual amenity it is considered that due to the existing structures, which are to be removed, and the proposed design of the two dwellings, that the current levels of amenity would either be preserved or enhanced at the site. As previously stated the redundant buildings have fell into a state of disrepair and have become an unsightly mark on the landscape. It is considered that their removal would enhance the rear aspect of West View and wider views from the recreation and cricket grounds. In addition the proposed properties have been sensitively designed to tie in with the existing dwellings on West View being of a similar size and footprint.
40. Furthermore to ensure a high quality of development is achieved conditions relating to materials and window and doors would be attached to any approval.

Access issues:-

41. Since the last planning committee at which this application was heard the applicant has been in discussions with the Authorities Asset and Property Management Section and has drawn up a legal agreement for persons and vehicles to pass and re-pass over the access route. Therefore subject to the signing of the S106 agreement in relation to access rights over the land this is not considered to be an issue at the site.

CONCLUSION

42. As a result it is therefore considered that the proposed dwellings would not give rise to adverse impact upon both the current levels of residential and visual amenity at the site. In respect of the access issues this would be dealt with via the signing of a S106 agreement between the interested parties.
43. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area or the wider setting more generally that would justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and the signing of a S106 agreement in relation to access;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No.Arboricultural Impact Assessment dated 21 July 2011 compiled by Barry Anderson of Dendra Consulting Ltd, Design and Access Statement, Phase 1: Desk Top Study Report by Geo Environmental Engineering ref 2011-086 dated 18 July 2011, A-00 Rev

A, A-01, A-02 Rev B, A-03 Rev A, A-04 Rev A and A-05 all received 25 July 2011.

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

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

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

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

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

5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors shall be submitted to and approved in writing by the Local planning authority. The windows and doors shall be installed in accordance with the approved details.

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

6. The development hereby permitted shall not be commenced until detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.

The works specified in the Reclamation Method Statement shall then be carried out in completed in accordance with the approved scheme.

If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with NPPF Part 8.

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
- Consultation Responses



Planning Services

Proposed **DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 2 NO. DWELLINGS AND THE CREATION OF A DOG WALKER AMENITY AREA** at **LAND ADJACENT WEST VIEW, MURTON PL/5/2011/0315**

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Comments

Date 03/07/2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: CE/13/01221/FPA

FULL APPLICATION DESCRIPTION: Erection of canopy and retrospective erection of store extension and widening of rear access.

NAME OF APPLICANT: Mr Raw

ADDRESS: Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham

ELECTORAL DIVISION: Trimdon and Thornley

CASE OFFICER: Laura Martin
Laura.martin@durham.gov.uk
03000 261960

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a commercial petrol filling station with associated on site store and car wash. The property is located on the southern edge of the village of Wheatley Hill adjacent to the A181.

The Proposals

2. Retrospective planning consent is sought for the erection of a store extension and widening of the existing rear access, and consent has also been requested for the erection of a canopy to the garage forecourt.
3. The new canopy would be 6m in height with a flat roof which would be used to cover the existing heavy goods vehicle (HGV) pump on site. The canopy would have a spread of 18.5m and would infill the eastern area of the garage forecourt.
4. The store extension is located on the west of the existing store at the site. The extension measures 3.8m by 7m being constructed with a tiled pitched roof to tie into the existing building.
5. At the rear of the site the existing access point has been widened from 3.5m to 6m in width. This has been achieved through the removal of a section of highway verge and reconfiguration of the existing access at the rear of the site.
6. The application is brought before members at the request of Cllr Morris Nichols due to concerns for residential amenity. The application was previously deferred by members of the Committee so further discussions could take place with the applicant to ensure ease of manoeuvring within the application site. Details of this are discussed within the Highway Section of the report.

PLANNING HISTORY

PLAN/2007/0764 REPLACEMENT UNDERGROUND FUEL TANK AND ACCESS IMPROVEMENTS (RETROSPECTIVE) APPROVED 21/12/2007

PLAN/2008/0093 FREE STANDING DISPLAY UNIT APPROVED 28/03/2008

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
9. The following elements are considered relevant to this proposal:-
10. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. Part 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.

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

12. 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.
13. 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.
14. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

15. Policy 108 - New petrol filling stations will only be approved within defined settlement boundaries. They must be in accordance with policy 36 and not affect local amenity. Retail sales will only be approved if in accordance with policies 35 and 37 and where it would not undermine the vitality and viability of nearby shops.

EMERGING POLICY:

16. 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:
17. Policy 16- Sustainable development in the build environment
18. Policy 39- Landscape character

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. Parish Council- raise concerns regarding the retrospective nature of the application and the increased traffic movements by larger vehicles to the rear of the site due to the widening of the rear access.

INTERNAL CONSULTEE RESPONSES:

20. Petroleum Officer- advise additional consent is required for the canopy under the Petroleum (Regulation) Acts 1928 and 1936.
21. Highways Section- subject to the applicant constructing the access widening works in accordance with Section 184(3) Highways Act 1980 no highways objections are raised to these proposals.
22. Pollution Control- raises no objections

PUBLIC RESPONSES:

23. The application was advertised by means of a site notice and by letter to 6 neighbouring properties within the area. 9 letters of objection have been received raising concerns relating to:-
 - Additional traffic utilising the rear access and impacting upon the residential properties on Durham Road
 - Impact upon residential amenity
 - Vehicles are using the rear access instead of leaving via the front on the A181

- Impact upon road surface of Durham Road.
- Retrospective nature of the application.
- Increase in store has resulted in difficult manoeuvring for users of the garage.
- Highway Safety.

APPLICANTS STATEMENT:

Wheatley Hill is a popular service station situated on the side of the A181, between the A19 and the A1. The applicant Mr Raw of Kenworth Ltd has been the owner for 20 years. Within this time they have managed to improve the services available to the general public and provide employment in the local area.

In September/October last year building work in the form of an extension to the existing shop and the widening of an existing access at the rear of the services were carried out.

The applicant wished to extend the current shop at the service station to provide a wider range of products and services catering for the needs of customers and people living in the local area. The applicant was under the impression that since the permitted development rights criteria had recently changed, he did not need to obtain permission to carry out the building works to the shop and rear access.

In October 2013 the planning department at Durham County Council contacted Mr Raw of Kenworth Ltd and advised him that the improvements required a planning application to be submitted. As soon as this was brought to the applicants attention he contacted ourselves at CH planning and design to draw up the appropriate plans and submit an application.

The building work to the extension and the widening of the rear access had already commenced when the applicant was advised that planning permission was a requirement. As the work was already part finished he had to complete the construction, as leaving it as it was would be potentially unsafe to customers using the services and may leave the shop open to theft and vandalism.

The applicant has been aware of 3 fatal and numerous other accidents and incidents that have taken place outside the services, which have occurred as vehicles exit the station onto the A181. The A181 is a busy road with vehicles at times travelling faster than the legal limit. The applicant has widened the existing access to the rear of the garage to reduce the risk of accidents occurring and wished to make access easier for local residents and visitors to the village.

Overall the applicant's intention was to provide an improved service to the local community and a safer use of the existing services.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
25. The main considerations in regard to this application are the principle of the development, design, scale and layout, highway safety, residential amenity and other considerations.

Principle of development

26. In terms of the principle of the development the site is located adjacent to the settlement boundary for the village of Wheatley Hill and is situated within the existing forecourt for the petrol station. Wheatley Hill is a large village with a range of facilities and as such development of this nature would be considered to be within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF Part 1- general principles of development and Policies 35 and 36 of the local plan. Therefore the expansion of the store and the erection of the canopy would be acceptable in principle and given that it is the existing access to be widened no concerns are raised in relation to this aspect of the proposal.

Design, Scale and layout

27. In respect of the design and layout of the development it is considered that the store extension is of such a scale as to have minimal impact upon the immediate or wider setting. It has been sympathetically designed to tie in with the existing building and materials have been selected to match.
28. In relation to the canopy whilst it is acknowledged that this does not have as much detailing as the existing canopy at the site being designed with a flat roof, it is common to see developments of this nature in such a location as part of a service station site. Furthermore the canopy is set well away from any residential properties and as such its impact is further limited.
29. In respect of the layout and design of the access at the site this will be discussed within the Highways Section of the report.

Highway Safety

30. The store extension may attract a small increase in vehicular traffic movements possibly associated with the improved retail options offered in comparison to the original sales kiosk, but it is reasonable to assume that most customers will predominantly be visiting the site to purchase fuel. There may be a small increase in deliveries to the extended retail offer on the site but these would not be expected to be significant to what would be regarded as being a very small retail unit.
31. Wingate Lane to the rear of the petrol filling station is part of the existing public highway network and has no restrictions on it preventing its use by any class of motor vehicle. The Area Traffic Engineer has investigated the possibility of imposing traffic restrictions to prevent Wingate Lane being used by heavy goods vehicles in particular but has concluded that such restrictions cannot be imposed without also restricting access rights for existing residents.
32. Wingate Lane is approximately 7.3 metres wide, narrowing down to approximately 5.9 metres over a pinch point near to the junction with Cemetery Road. The approximately 3 metres minimum exit lane width onto Cemetery Road in conjunction with the approximate 15 metres junction radius to the south means the junction is more than capable of accommodating all traffic that may wish to exit the site via this route to access the local public highway network and the A181.
33. As requested by the Planning Committee the applicant has now agreed to remove the car wash facility from the site to enable easier manoeuvring of HGV's within the

site and to encourage them to use the front access/exit. This should further reduce the numbers using the rear existing, whilst numbers in any event were low and not considered to have any adverse impact upon amenity or highway safety.

Residential Amenity

34. The applicant's supporting letter makes reference to on-site exit signs, now erected, directing vehicular traffic to the A181 rather than using the rear access, which is welcomed. In respect of the concerns expressed by neighbouring properties in relation to the intensification of the use by HGVs the Highways Authority carried out an independent survey to assess the usage of the revised access. The results advise that on an average weekday between 10 December and 18 December 2013 only one articulated lorry utilised the rear access/egress at the site. Movements were slightly higher on a weekend with 3 HGV's using the access on the Saturday and 4 on the Sunday however it is still not sufficient numbers to demonstrate serious adverse impact on residential amenity.
35. In this respect it is considered that the amended rear access in terms of evidence of increased usage by HGVs is not significant to warrant refusal of the application. As previously noted this access/egress is onto an adopted section of highway which cannot be restricted without also restricting residents' access, and vehicle movements at the site are considered to be at an acceptable level. Whilst it is acknowledged that there may be an increase in movement to the rear of the site it is on balance considered that the works would not increase movements considerably from the current status quo.

Other Considerations

36. In respect of the retrospective nature of the application, as legislation allows for the submission of a retrospective application this is not a material planning consideration which can be taken into account in the determination of the application. The development has been assessed on its merits, and is considered to be acceptable.

CONCLUSION

37. In respect of the proposed canopy and store extension these have been designed to tie in with the existing facilities at the site and are set well away from the neighbouring residential properties.
38. In relation to the widening of the existing access whilst it is acknowledged that there may be an increase in traffic movements to the rear of the site it is not considered that these would be sufficient to warrant refusal of the application given the unrestricted access that was available prior to the widening works.
39. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan or the NPPF.

RECOMMENDATION

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

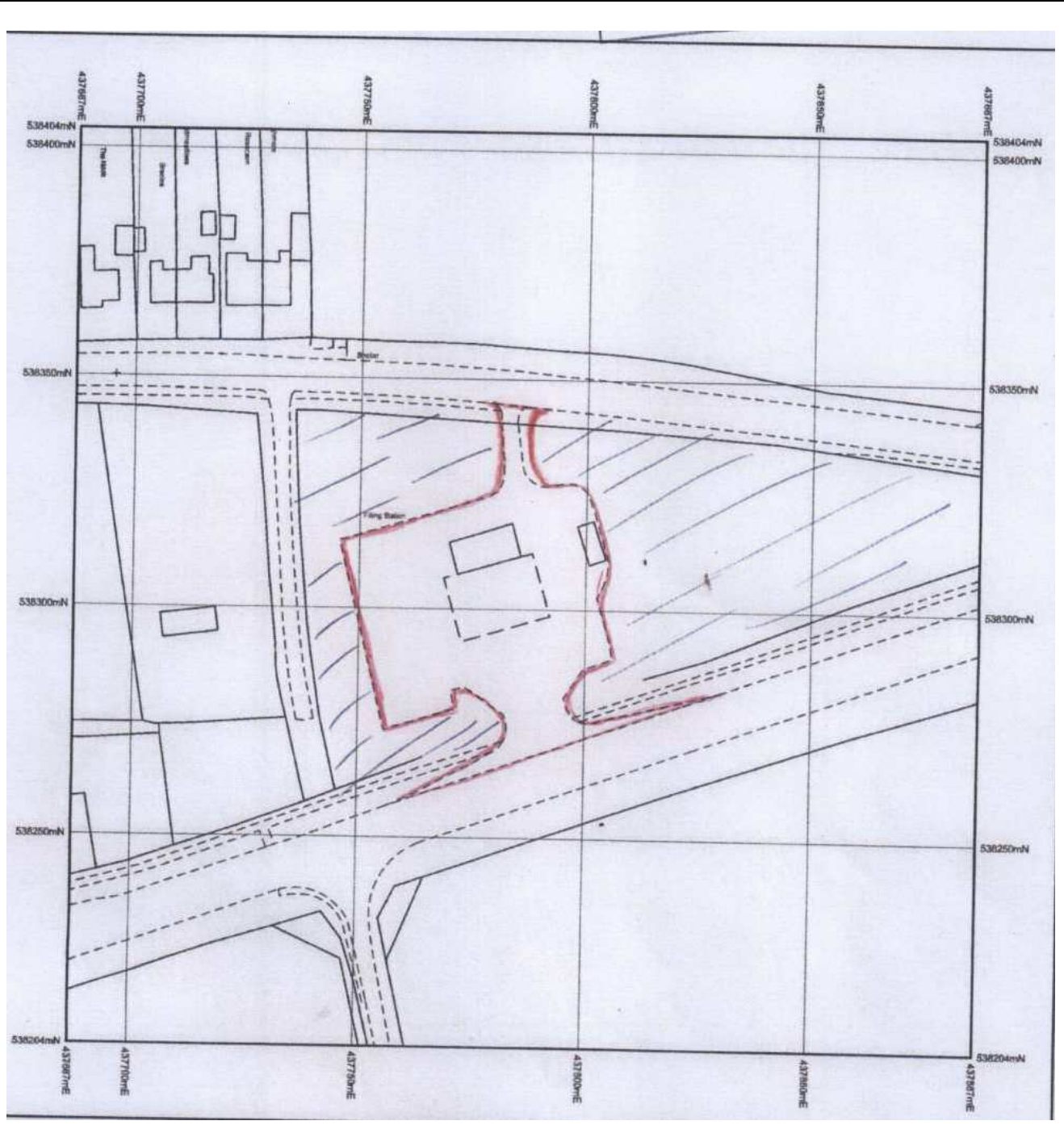
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Drawing No. 3, 1, 2, and 4 Rev A and location plan received 7 January 2014. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Erection of canopy and retrospective erection of store extension and widening of rear access at Wheatley Service Station, Durham Road, Wheatley Hill, Durham

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Comments

Date. 8 July 14.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00052/FPA
FULL APPLICATION DESCRIPTION:	Substitution of 31 housetypes and addition of 18 dwellings
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land Off Station Road And East Of Salters Lane Including Site Of Former Fleming Hotel And Bruntons Garage, Shotton Colliery, Durham
ELECTORAL DIVISION:	Shotton & South Hetton
CASE OFFICER:	Laura Martin 03000 261958 Laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site extends to approximately 5.3 hectares and occupies land on the north side of Station Road, Shotton, County Durham. The site previously contained a petrol garage and associated buildings as well as a Public House, which have all since been demolished. The site also extends northwards into greenfield land; as a result, the site is a mix of both brownfield and greenfield land. The settlement boundary of Shotton runs through the site, and as such the site is part within and part outside of the settlement boundary. There is no specific landscape designations associated with the site.
2. Recent residential development exists beyond the south eastern site boundary and a disused railway line, which forms a recreational route, abuts the north eastern boundary. A linear development of traditional 'Aged Miners' Homes' abuts the western edge of the site along Salter's Lane; further residential development containing a mix of terraced and semi-detached units exists to the south. Beyond the northern boundary is open countryside which is split between a tree plantation to the west and agricultural land to the east.
3. Part of the application site has been developed under previous approvals at the site and a number of the dwellings are now occupied.

Proposals

4. The scope of the application is the alteration to 31 approved plots and the creation of 49 plots which has a net increase of 18 no. additional dwellings over and above the existing permissions at the site.
5. Landscape, boundary and materials will all be completed in accordance with the approved drawings and principles from the detailed application PL/5/2011/0438. This application was also subject to a S106 agreement which has been fully satisfied in terms of payment of contributions, however due to the additional 18 dwellings proposed a variation of this agreement will be required in respect of Affordable housing and playspace.
6. The application is brought before members for determination as it is classified as a major development.

PLANNING HISTORY

PLAN/2004/0880 – Bruntons Garage, Residential Development, Withdrawn - 2004
PLAN/2005/0106 - Bruntons Garage, Residential Development, Approved - 2005
PLAN/2008/0163 – Bruntons Garage and Fleming Hotel, 34 Dwellings, Withdrawn – 2008
PL/5/2011/0438-Bruntons Garage and Fleming Hotel, 175 Dwellings Approved 2012
PL/5/2013/0210- Bruntons Garage and Fleming Hotel, Substitution of house type, approved 2013.

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
9. The following elements are considered relevant to this proposal:
10. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
12. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

LOCAL PLAN POLICY:

13. 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.
14. 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.
15. Policy 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.
16. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
17. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

EMERGING POLICY:

18. 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:
19. Policy 16- Sustainable design in the built environment
This policy addresses the built environment and aims to ensure that all new development (e.g. extensions, alterations, changes of use of existing buildings) in County Durham achieves high standards of sustainable design. Applications for major new development must be accompanied by a full Sustainability Statement demonstrating how proposals will make a positive contribution to the character and sustainability of County Durham. A relevant supporting Sustainability Statement may be required for other development which raises particular planning or sustainability issues. In doing so applications should reference the principles of BREEAM to measure the inherent sustainability of a project.
20. Policy 18- Local Amenity
Planning has an important role to play in making sure that new development does not have, and is not at risk from, adverse environmental effects. Ensuring a good standard of amenity for all existing and future occupants of land and buildings is a core planning principle of the NPPF. New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion which could adversely affect amenity. This policy outlines the considerations to be

taken into account in determining planning applications to ensure that amenity is protected from a wide range of potential environmental impacts.

21. **Policy 34- Type and Mix of housing**
Within County Durham there is a need for a mix of homes of different types and tenures to meet the requirements of a range of household sizes, ages and incomes. There may also be an over or under-supply of a particular house type in an area. The 2013 Strategic Housing Market Assessment update (SHMA) identifies the need and demand for and the supply of specific types of housing in County Durham. The difference between the supply and demand identifies the imbalances in the housing stock by type (i.e. detached, semi-detached, terraced, etc.) and size (measured in number of bedrooms).
22. **Policy 39- Landscape Character**
The Durham landscape is one of enormous contrast and diversity. From its western boundary high in the summit ridges of the North Pennines, to the limestone cliffs of the North Sea coast, remote moorlands and pastoral dales give way to fertile settled farmlands. This diversity is a product of both natural and human influences. The varied rocks, landforms and soils of the County and differences in climate between the exposed uplands and sheltered lowlands have influenced both the natural flora of the landscape and the way it has been populated, managed and exploited by its people over the centuries.

CONSULTATION AND PUBLICITY RESPONSES

23. STATUTORY RESPONSES:

24. Parish Council- no comments
25. Northumbria Water- no comments
26. Environment Agency- raises no objections

27. INTERNAL CONSULTEE RESPONSES:

28. Highways Section- raises no objections following the submission of an amended site layout plan.
29. Environmental Health Section- raises no objections
30. Landscape Section- requests additional information in relation to the landscaping scheme and means of enclosures.

31. PUBLIC RESPONSES:

32. The application was advertised by means of a Press and Site notice along with a further 114 letters of notification sent to residents within the area. Two letters of objection have been received stating concerns relating to increase traffic movements, devaluation of property, need of a second access point to the estate and poor landscape treatment at the site relating to footways.

APPLICANTS STATEMENT:

33. This development consists of a simple amendment to the original planning permission for 175 units on land off Station Road and East of Salters Lane, Shotton

Colliery. The application seeks approval for the alteration to 31 approved plots and the creation of 49 plots resulting in a net increase of 18 additional dwellings on the extant permission.

The additional units will consist of a mixture of 2, 3 and 4 bed properties in keeping with the original scheme. As set out within the "Materials Layout Plan" (DRG NO SS-002 Rev B), these units will utilise the same materials stipulated by the original permission so will be indistinguishable from the remainder of the wider development. Given the position of the proposed alterations and the location of the wider site in relation to the existing local community, it is not considered that the net addition of 18 units will significantly or detrimentally impact upon the amenity of neighbouring residents. By incorporating the existing design principles outlined within the original consent in terms of access, layout and landscaping it is considered that the proposed alterations will blend seamlessly into the streetscene. Detailed discussions have taken place with the Council's Principal Engineer Alan Glenwright with the plans being duly amended to resolve any highways concerns that he may have had, particularly in relation to car parking. As a result, Persimmon Homes are confident that the proposal will not further impact upon the capacity or safety of the surrounding highways network.

In line with Policy 31 of the Emerging County Durham Local Plan, the net additional units will provide a 10% affordable housing provision (2 units) on plots 185 and 186. These units will consist of 2 no. 2 bed dwellings measuring 746 sqft. These properties will be sold in full accordance with the obligations set out within the Deed of Variance to ensure the continued affordability for second and subsequent sales. This will ensure that the scheme will continue to provide an excellent range and choice of dwellings to satisfy current and future residential requirements within Shotton and also the wider County Durham area.

Also included within the proposed Deed of Variance is a requirement of £500 per additional dwelling towards an off-site play facility. This money will be used for the benefit of not only the proposed residents of the scheme but also the existing residents within the surrounding area whose children will have access to this play facility.

The proposal is therefore considered to be in-keeping with the approved scheme, whilst improving the marketability of the site. By incorporating established design principles from elsewhere across the site the development seeks to ensure the proposal makes a positive contribution to its locality and continues to support local needs.

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning considerations relating to this application are the relevant principle of development, affordable housing, playspace, design and layout of development, highways issues and public responses.

Principle of development

35. In terms of the principle of the development the site is located within a previously approved housing site on the edge of the village of Shotton. Although the majority of the site is outside of the settlement boundary the principle of development in this

location has already been accepted. Shotton is a large village with a range of facilities and as such a development of this nature is considered to be within a sustainable location and would be supported in terms of national guidance and local planning policy, in particular NPPF Part 6 – Delivering a wide choice of high quality homes and Policies 3 and 67 of the local plan.

Affordable Housing

36. The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. This application proposes 2 units to be provided on an affordable basis, equating to 10% of the 18 additional dwellings proposed which is in accordance with the requirements of the Council's up to date Strategic Housing Market Assessment
37. The units to be provided on an affordable basis are 2 two-bedroomed properties. It is proposed that the affordable housing will be provided through a shared equity scheme. The affordable housing requirements will be secured through the use of a S.106 Legal Agreement.

Play Space

38. Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of onsite play space provision, equating to a total of £9,000 based on £500 per dwelling. The secured finance would be used to improve existing play space within the Shotton Electoral Division. The applicant has agreed to enter into such an agreement.

Design and Layout

39. It is considered that the design of houses is of good standard and an appropriate mix of house types and sizes have been chosen in order to give a variety of options to buyers and create an interesting street scene. The choice of materials and boundary enclosures has been previously agreed as part of the 2011 application although conditions will be required to ensure the additional dwellings are of similar appearance.
40. All distancing standards from the District of Easington Local Plan have been met both in relation to existing and proposed properties, which will ensure that there are no significant impacts on surrounding residents in terms of loss of light, loss of privacy or overshadowing. In all cases a minimum of 21 metres separates facing main elevations. The design of the new and substituted houses is in keeping with the previously approved houses and is sympathetic in terms of scale and architectural detail.
41. With regard to means of enclosures, these are detailed within the application and as such a condition regarding their submission is not required. Overall it is considered that the design and layout is acceptable and is in accordance with saved policies 1

Highways

42. The proposed access arrangements for the development are considered to be acceptable, and are in accordance with the arrangements in relation to the previous grant of planning permission on this site. The proposed parking arrangements are also considered to be acceptable and accord with the relevant development plan policies and current County Durham Parking standards. It is not considered that the proposed development will have any detrimental effects on the local highway network or highway safety to warrant refusal of the planning application.
43. In relation to the concerns expressed by the neighbouring properties in relation to the additional dwellings proposed, it is considered that additional 18 dwellings would not be significant in terms of traffic movements to warrant an additional access point at the site. In terms of overall traffic movements at the site, this would fully considered as part of the previous approval at the site which saw the introduction of the roundabout onto the junction with Salters Lane and Station Road. The Highways Authority have advised that the roundabout is capable of accommodating the additional movements and as such this is not considered to be an issue at the site.

Public responses

44. In respect of the issues relating to highways raised by local residents these have been detailed in the highways section of the report. The only additional matter to be considered would be the devaluation of property. This however is not a material planning consideration which can be taken into account as part of the application process and as such the concerns are not relevant in the determination of the application.

CONCLUSION

45. In conclusion the proposal is considered to accord with the relevant national planning guidance and development plan policies. The proposal involves a substitution of house type and the addition of 18 dwellings.
46. The proposed development provides for a mix of different house types in keeping with government policy, and accords with requirements to provide affordable housing. The design and layout of the proposed development are considered to be broadly acceptable. Due to the siting and design of the proposed development it is considered that any impacts on adjacent occupants will be limited and will be insufficient to warrant refusal of the application.
47. The proposed access and parking arrangements are considered to be acceptable and it is not considered that the proposed development will have any detrimental impacts on the local highway network or highway safety to warrant refusal of the application.
48. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not

considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan.

49. Subject to the suggested conditions, planning permission should be approved.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a satisfactory Section 106 legal agreement securing a financial payment of £9,000 toward the upgrading or provision of play space and to ensure the delivery of 10% on site affordable housing and subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Design and access statement, Planning and Affordable Housing statement, Site Layout Plan with revisions A-P received 6/3/14, Chedworth Corner Rev c, Chedworth Rev H, Cherryburn Rev H, Hatfield Corner Rev E, Hatfield Rev K, SS-000, Moseley Rev G, Roseberry Rev N, SS-002, Souter Rev M, Single/Double garage, Rufford Rev M, Winster Rev P and SS-001.

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

3. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

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

4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting

nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

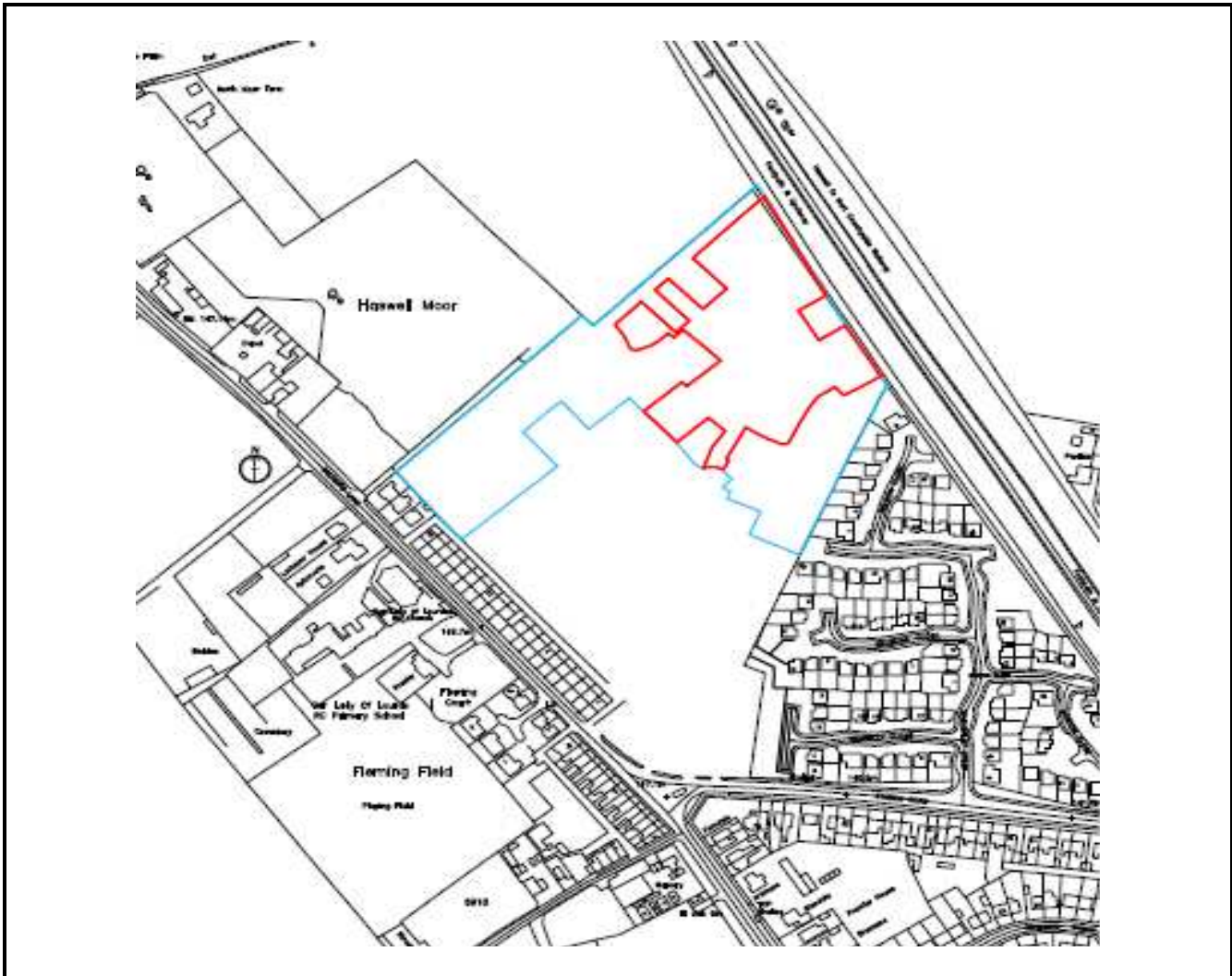
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Substitution of 31 house types and addition of 18 dwellings at Land Off Station Road And East Of Salters Lane Including Site Of Former Fleming Hotel And Bruntons Garage, Shotton Colliery, Durham

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03/07/2014

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00613/FPA
FULL APPLICATION DESCRIPTION	Erection of 57 no. dwellings with associated infrastructure
NAME OF APPLICANT	Persimmon Homes
SITE ADDRESS	Former registry office and Peterlee Area Education Office, York Road, Peterlee, SR8 2DP
ELECTORAL DIVISION	Peterlee West
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site lies within the settlement boundary of Peterlee and Electoral Division of Peterlee West. The site is the former registry office and Peterlee Area Education Offices. The buildings have all now been demolished and as such, the site is previously developed, brownfield land.
2. The proposed development site extends to 1.29 hectares and is roughly rectangular in shape. The site is surrounded to the north, south and west of the site by existing residential developments whilst to the east there is a small local shopping centre containing various retail units.
3. There are numerous community facilities nearby including primary and secondary schools, shops, playing fields and healthcare facilities. There are also bus stops along York Road which is directly to the east of the application site which runs frequent services.

Proposal:

4. This application seeks full planning permission for the erection of 57 dwellings with associated infrastructure, car parking and landscaping. Of these 57 dwellings, 6 would be affordable thus meeting the requirement in East Durham for 10% of housing development to be affordable.

5. The site would contain a mix of 2 and 2.5 storey dwellings and would be 2, 3 or 4 bedroomed. Each of the dwellings would have their own private garden areas and parking provision in the form of garaging and off-street parking. The proposed dwellings would be traditional in design and would be constructed with brick and concrete tiled roofs. Various types of boundary enclosures would be used including timber close boarded fencing and dwarf walls with metal railings. A landscaping plan has been submitted showing various types of tree, shrub and hedge planting throughout the development.
6. Access to the development would be off Barsloan Grove which bounds the site to the south east.
7. This application is being reported committee as it is classed as a major development.

PLANNING HISTORY

8. Prior notification for the demolition of the former Register Office and Education Centre was approved in 2011.

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 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.
20. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
21. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

22. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
23. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
24. *Policy 67* – Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided that the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.

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:

25. 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:
26. *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.
27. *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.
28. *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.
29. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.

30. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Natural England have no objections to the proposals on the basis that regard is given to potential impact on European designated sites on the coast.
32. Northumbrian Water do not object to the scheme on the basis that a scheme for disposal of surface and foul water is submitted and agreed before development commences.
33. The Environment Agency initially objected to the proposals on the basis that a Flood Risk Assessment was not submitted. The appropriate documents have since been submitted and assessed and the objection has been withdrawn.

INTERNAL CONSULTEE RESPONSES:

34. The tree officer has no objections to the proposals on the basis that the trees as identified to be retained are appropriately protected during construction.
35. The Sustainability Officer states that the site is considered to be in a sustainable location for residential development. It is requested that a condition be added which ensures that the proposals involve renewable energy or carbon reduction features.
36. Contaminated Land Officers have assessed the proposals and do not object on the basis that further soil testing is carried out.
37. The Design and Conservation Officer has provided comments on the design and layout of the scheme some of which have led to amendments to the scheme.
38. Pollution Control officers have given advice relating to residential amenity during construction.
39. The Landscape Officer has concerns regarding the density of the site and removal of trees on the site and recommends that amendments are made. Some amendments have been made to the scheme in light of these comments.
40. Ecology Officers do not object to the proposals on the basis that a financial contribution is made towards the Durham Heritage Coast Management Plan.

PUBLIC RESPONSES:

41. The application has been advertised by way of a press notice, site notice and letters to individual residents. Four letters of objection have been received from nearby residents. The main areas of concern are that the proposals would lead to traffic

congestion, distances between properties causing loss of light and privacy, flooding, emergency access and the loss of trees.

APPLICANTS STATEMENT:

42. This development offers the opportunity to create a new sustainable residential development within Peterlee. The proposals for 57 units across a mix of two, three and four bedroom properties including 10% affordable housing provides an excellent range and choice of dwellings to satisfy current and future residential requirements for Peterlee and also the wider County Durham area.
43. We have engaged with the Council throughout the planning process and are satisfied that the scale and form of development, as well the proposed housing mix is appropriate within this locality. The proposals shall develop an urban brownfield infill site within the development limits of Peterlee, creating a new, attractive residential development for the town.
44. The site's location within an existing residential area of Peterlee ensures that the site is highly sustainable in relation to local amenity with open space, recreational facilities, and local schools within close proximity to the development. Furthermore, existing public transport routes directly adjacent to the site provide frequent services to key retail and employment opportunities within the town and beyond.
45. Both public and statutory consultation has been carried out through which a number of concerns were raised. Through adaption of the proposal in responses to these concerns we are confident that there are no outstanding issues regarding the development.
46. Finally, the impacts of the development have been mitigated via a planning gain package which includes an offsite Recreation/Leisure Contribution in addition to the 6 affordable housing units that shall be provided on site. Additionally a sum has been agreed to be paid to the council to be used towards achieving the Coast Management Plan objectives to directly off-set the impacts of the development on the coast.

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

PLANNING CONSIDERATION AND ASSESSMENT

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, the main relevant considerations are the principle of the development, highways issues, impact on surrounding residents and the street scene, affordable housing, ecology and trees. 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. The key planning policy issues arising from this proposal which require due consideration in the determination of the application are the sustainability of the location and degree of accordance with existing and draft proposed policies.
50. The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies along with the emerging County Durham Plan and the National Planning Policy Framework. There are a number of reasons for this; mainly that new development within the settlements helps to maintain the compact and coherent urban form, which is most appropriate for the support of shops, community facilities and public services and which promotes sustainable forms of development.
51. Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. The application site is brownfield, it has very good access to local shops, public transport links and community facilities, and on this basis officers consider the site to be in a sustainable location within the settlement boundary. It is therefore considered that the proposal is wholly in accordance with policy 67 of the Local Plan, the emerging County Durham Plan and the National Planning Policy Framework.
52. In addition to the existing Local Plan and the emerging County Durham Plan, the NPPF is most relevant to the consideration of this proposal in advance of the emerging plan, being the most up to date planning policy framework.
53. At the heart of the NPPF is 'the presumption in favour of sustainable development'. In terms of pursuing sustainable development the NPPF sets out five positive improvements to be sought which include;
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes.
 - Moving from a net loss of bio-diversity to achieving net gains for nature
54. It is considered that the development of the land in question has the potential to deliver these improvements. In addition to the above, the NPPF encourages the reuse of brownfield land such as this application site and saved Policy 3 of the District of Easington Local Plan advises that development within settlement boundaries such as proposed should be favoured over development in the countryside. The proposed development site is considered to be a highly sustainable location for residential development given its location in Peterlee with good access to community facilities such as schools, healthcare provision, shops and public transport links.
55. The NPPF is an important material consideration for planning decisions and it is worthwhile noting at this stage that the County Durham Plan concurs with the NPPF's aspiration to deliver sustainable growth.
56. Overall, officers consider that the submitted scheme does not conflict with or undermine the objectives of the existing planning policy framework for the area or the

emerging County Durham Plan. As such, subject to technical matters being addressed there are no planning policy objections to the principle of the development coming forward in advance of the new Plan subject to the applicant first entering into an appropriate s106 legal agreement. The proposal is also not considered to be in conflict with the NPPF and it is considered to constitute sustainable development and on balance the principle of the development is considered acceptable.

Highways issues

57. The proposed development would be served by one access point off Barsloan Grove to the south east corner of the site and parking provision would be provided in the form of garaging, driveway parking and visitor parking bays.
58. Highways Officers have been consulted as part of the application process and have requested that plans are amended to show a bollard type scheme for footpath protection on the Barsloan Grove/York Road in order to ensure the safety of pedestrians. In addition, amendments showing additional visitor parking opposite the junction with Huntingdon Road have been requested in order to ensure adequate off street parking. These amendments have been made and on this basis Highways Officers have confirmed that the proposals are acceptable from a highways point of view and have raised no concerns regarding traffic congestion or highway safety issues.
59. It is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Impact on surrounding residents and the Street Scene

60. Policy 35 of the Easington Local Plan requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.
61. In addition, policies 1 and 35 aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
62. In terms of the impact on the amenity of existing residents who surround the site, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13.5 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing. In terms of the privacy distances between dwellings within the proposed site, there are relatively few instances where these standards are not met, however, this would not affect existing residents and the shortfall in the distances within the proposed development does not give rise to any significant planning concerns. In addition to this, plans have been amended to ensure where 2.5 storey properties are proposed they would not have

any impact on existing residents in terms of an overbearing impact or overshadowing.

63. As noted earlier in the report, the proposed dwellings would be traditional in design and would be constructed with brick and concrete tiled roofs. Various types of boundary enclosures would be used including timber close boarded fencing and dwarf walls with metal railings. A landscaping plan has been submitted showing various types of tree, shrub and hedge planting throughout the development.
64. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is now a derelict site. On balance having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.

Affordable housing

65. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
66. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.
67. The applicant has agreed to provide 10% affordable housing on site in the form of 6 affordable units and therefore the proposals are considered to accord with the requirements of the SHMA and the NPPF.

Ecology and trees

68. In this instance, given that the site is derelict and of very low ecological value an ecology survey which assesses the impact of the proposed development on wildlife has not been required, however, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
69. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
70. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to take pressure from additional visitors away from the coastal designations of significant importance. Given the urban nature of this site it has not been possible to achieve this. Therefore, the applicant has proposed to provide a financial contribution of £10,000 to be used towards the objectives of the Coastal Management Plan in order to directly off-set the impacts of the development on the coast.. This contribution is to be secured through a S106 Agreement.

71. As such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.
72. In addition to the above, it is noted that there are a number of trees in and around the site. Given the proximity of the proposed development it is considered that a further condition should be imposed which requires these trees to be protected during construction. Subject to this condition it is considered that the proposals would be in accordance with part 11 of the NPPF.

CONCLUSION

73. This is a brownfield site within the settlement boundary of Peterlee. Officers consider that the development constitutes sustainable development, the key theme running through the NPPF and that the development does not conflict with the emerging County Durham Plan nor the saved policies in the District of Easington Local Plan. The principle of the development can therefore be accepted.
74. Several other key considerations apply to the site other than the principle of the development namely matters of highways, impact on the character and appearance of the area, affordable housing, ecology and trees, all of which have been fully considered as part of the application process.
75. The proposals are of good quality and would not have any adverse impact on surrounding occupiers whilst bringing a derelict site back into use.
76. The development would contribute toward the provision of affordable housing stock, would provide employment opportunities for local people through securing targeted employment and training programmes as part of the legal agreement as well as enhanced play provision in Peterlee and contributions towards the objectives of the Coastal Management Plan.
77. On the basis of the above it is considered that the proposals are acceptable and therefore the application is recommended for approval.

RECOMMENDATION

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

- i. 10% affordable housing on site.
- ii. £28,500 towards play and recreation in the Electoral Division of Peterlee West
- iii. £10,000 towards the objectives of the Coastal Management Plan
- iv. A programme of Targeted Recruitment and Training

Conditions:

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

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

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

Single/Double Garage Plans and Elevations SGD-01
The Moulton Plans and Elevations (sash) ML-WD01
Roseberry Plans and Elevations (Victorian) RS-WD01
Hanbury Plans and Elevations (sash) HB-WD01
Rufford Plans and Elevations (sash) RF-WD01
Hatfield Plans and Elevations (sash) HT-WD01
Souter Plans and Elevations (sash) SU-WD01
Moseley Plans and Elevations (sash) MS-WD01
Proposed Landscaping Plan YRP-003 Rev A
Proposed Site Layout YRP-001 Rev C

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.

3. 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.

4. Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. 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.

5. No development shall be commenced until details of trees 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 throughout the construction of the development and those trees identified for retention shall be retained

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.

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

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

7. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation

protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of each phase of development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

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

Reason: In order to protect the amenity of residents living in the approved development and in accordance with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

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

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.


STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



 <p>Planning Services</p>	<p>Proposed 57 dwellings and associated infrastructure at former registry office and education centre, York Road, Peterlee, County 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 July 2014</p>	

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01368/LB
FULL APPLICATION DESCRIPTION:	Replace existing roof with reclaimed welsch slate and fibreglass on the flat roof to the rear.
NAME OF APPLICANT:	Mr J Orr
ADDRESS:	71 Gilesgate, Durham, DH1 1HY
ELECTORAL DIVISION:	Elvet And Gilesgate
CASE OFFICER:	Susan Hyde

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a mid terraced dwelling built in about 1840 fronting onto Gilesgate. The building is Grade II listed and lies within the Durham (City Centre) Conservation Area. The application site No 71 Gilesgate is jointly listed with no70a as Grade II Listed Buildings forming a pair of houses in a terrace of simple two storey, two bayed properties build in English bond brick with a Welsh slate roof.
2. Listed Building Consent is sought for the replacement of the existing Welsh blue slate roof – which the applicant thinks is the original roof on the building - with a roof in similar Welsh slate. A modern extension to the rear of the property is proposed to have its felt roof replaced with fibreglass.
3. The application is brought before members of the planning committee as the applicant is a relative of a Council employee.

PLANNING HISTORY

4/99/00284/LB – Alterations to front elevation to provide additional window – refused Listed Building Consent.

4/10/00213/FPA and 4/10/00214/LB - Erection of single storey pitched roof extension to rear of existing House in Multiple Occupation. (Amended Description)

PLANNING POLICY

NATIONAL POLICY:

4. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings - economic, social and environmental, each mutually dependent.

5. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles' The following elements are considered relevant to this proposal:
6. 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.
7. 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.
8. Part 12 - Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.
9. 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:

10. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
11. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
12. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.

EMERGING POLICY:

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

14. 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.
15. Policy 44 (Historic Environment) - Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. None

INTERNAL CONSULTEE RESPONSES:

17. Design and Historic Environment : Requested further information on the methodology of implementing the application. This has been provided and they now raise no objections to the application.

PUBLIC RESPONSES:

18. The application was advertised by means of advertisement in the local paper, site notice and neighbour notification to 6 properties. No letters of representation have been received in respect of the above development.

APPLICANTS STATEMENT:

19. This application is for Listed Building Consent to replace the existing roof covering and replace it with reclaimed natural slate. The current roof covering has deteriorated over recent years and thus, has an adverse visual impact on the important terrace to which it forms part and also more widely the Durham City Conservation Area.
20. It is proposed to use reclaimed natural slates which would complement the properties to either side of the host property and are considered appropriate for the age and character of the building. The reuse of existing materials has been explored however, given the condition their reuse would not provide a viable long-term protective covering to the building. To this end and in order to preserve the significance of the building and its contribution to the conservation area, reclaimed materials have been proposed.
21. It is considered that the proposed development would enhance the visual amenity of the front street scene, the Durham City Conservation Area and ensure the long term protection of the Listed Building.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the

development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

23. The main considerations in regard to this application are impact upon the historical character of the listed building and the impact of the building in the Conservation Area.
24. Policy E23 of the Local Plan seeks to safeguard listed buildings and their setting and protect the architectural or historical features of the listed building. In this case the applicant has found that the existing natural Welsh slate roof covering has many broken slates and degradation and delaminated slates from the natural deterioration of the Welsh slates over time – which the applicant considers is the 175 years since it was first constructed.
25. A methodology statement has been submitted with the application which has identified the re-use of all existing good slates and replaces the damaged slates with natural Welsh slate which is considered to be good practice. The remaining fabric of the building including roof trusses will be retained in situ and repaired where necessary to protect the architectural integrity of the building.
26. The works to the rear extension replacing the mineral felt roof with a fibreglass roof are not contentious and relate to a modern extension which is not visible within the surrounding public realm.

CONCLUSION

27. It is considered that the Grade II structure and its setting would not be adversely affected and the future maintenance of the building and hence its long term retention will be more likely to be safeguarded as a result of these works. The application is therefore recommended for approval.

RECOMMENDATION

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

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following submitted document Heritage Statement, existing and proposed roof plan, all items validated on the 16th May 2014 and the additional information provided by email on the 15th June 2014 providing the context and methodology of the proposed works.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E22 and E23 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 decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance

Emerging County Durham Plan

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