



Special Area Planning Committee (Central and East)

Date Tuesday 22 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) DM/14/00249/OUT - Land to the South East of Brackenhill Avenue, Shotton Colliery, Durham (Pages 1 - 18)
Outline application with all matters reserved for residential development of up to 44 dwellings.
 - b) DM/14/00609/FPA - Land At Cain Terrace and Henderson Avenue, Wheatley Hill, Durham (Pages 19 - 32)
Erection of 65 no. dwellings with associated works.
 - c) DM/14/00793/FPA - Former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY (Pages 33 - 50)
Development of 29 dwellings with associated parking and landscaping.
 - d) DM/14/01196/FPA - The Durham Light Infantryman Public House, 110 Gilesgate, Durham (Pages 51 - 70)
109 Bed Student Accommodation.

e) DM/14/01261/OUT - Land between 3 Church Villas and 7 Rectory View, Shadforth, Durham (Pages 71 - 84)

10 no. residential units (outline).

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

14 July 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

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	DM/14/00249/OUT
FULL APPLICATION DESCRIPTION	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT OF UP TO 44 DWELLINGS.
NAME OF APPLICANT	MR R DUNN
SITE ADDRESS	LAND TO THE SOUTH EAST OF BRACKENHILL AVENUE, SHOTTON COLLIERY, DURHAM
ELECTORAL DIVISION	SHOTTON AND SOUTH HETTON
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

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

1. This application site is approximately 1.3 hectares in size and is located within the Electoral Division of Shotton and South Hetton. The site is agricultural grazing land and is therefore a greenfield site, it is also located outside of the Shotton settlement boundary as identified in the District of Easington Local Plan and is therefore classed as being in the countryside.
2. The site is located south east of a terrace of houses known as Brackenhill Avenue and there are large detached properties to the rear of the terrace. The site is orientated on a north west to south east axis along Shotton Lane that would form the frontage of the proposed development and from which vehicular access would be taken.
3. To the north of the application site is agricultural grazing land with the Whitehouse and Brackenhill Business Parks immediately to the east. To the south the application site boundary is bound by a hedgerow which separates the site from a livery business. To the west of the site is agricultural land and two sites where caravans are located for occupation by gypsy and traveller families.

Proposal:

4. This application proposes a residential development of up to 44 dwellings and is an outline application with all matters including access, appearance, landscaping, layout and scale reserved for future determination.

5. The applicant has provided an indicative site layout plan which shows access coming off Shotton Lane which bounds the site to the north east. The plan also shows cul-de-sac type development which includes a mixture of house types including terraces, semi-detached and detached properties. All properties would have garaging or off-street parking along with garden areas to the front and rear.
6. This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

7. Two previous applications (PL/5/2011/0138 and PL/5/2012/0078) for four dwellings within the current application site were submitted and subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

10. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

14. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *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.
16. *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

17. *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.
18. *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.
19. *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.
20. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
21. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

22. *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.
23. *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.
23. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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

EMERGING POLICY:

24. 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:
25. *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.
26. *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.
27. *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.
28. *Policy 30 (Housing Land Allocations)* – In order to meet the housing requirement a number of sites have been allocated for housing. Planning applications for housing submitted on these sites that are in accordance with site specific and phasing requirements will be approved. Applications submitted in advance of its phasing will be approved where they do not prejudice delivery of other allocated sites phased in

an earlier time period, where they are required to maintain a five year supply of deliverable sites and where infrastructure requirements can be satisfactorily addressed.

29. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
30. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
31. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
32. *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:

33. The Environment Agency have no objections to the proposals subject to conditions relating to contaminated land.
34. Northumbrian Water have no objections to the proposals subject to a scheme for surface and foul water being submitted before commencement of development.
35. Natural England have no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

36. The Housing Development and Delivery team state that 10% affordable housing should be provided on site.
37. The Councils School Organisation Manager states that The Academy at Shotton Hall is full and therefore a contribution of £96,188 should be made toward secondary school places.
38. Landscape Officers consider that the proposals would cause harm to the character of the landscape and do not support the application.
39. Highways Officers state that on site car parking provision, footpath provision and access as shown on the indicative layout are all acceptable. However, access and

layout are reserved matters which would be considered at a later date should this outline application be approved.

40. The Design and Conservation Officer offers no objections as the layout and appearance of the development does not form part of this application.

Pollution Control Officers do not object to the proposals subject to conditions relating to noise and contaminated land.

41. The Councils Employability Team Leader suggests that there is an opportunity to provide employment and skills opportunities to the local community which should be secured by a Section 106 legal agreement.
42. Planning Policy officers consider that while the principle of developing the site does not accord with the District of Easington Local Plan, the proposals comply with the National Planning Policy Framework objective of locating housing in sustainable locations with good access to jobs, key services and infrastructure. The development would help meet the needs of mixed communities including provision of affordable housing. A more detailed planning policy discussion is detailed later in this report.

PUBLIC RESPONSES:

43. Cllr Huntington has objected to the proposals and has commented as follows:
44. This application has given me cause for concern on a number of issues. Firstly, the most recent County plan for the area within the boundary of Shotton made no mention of a plan for this area to be developed. I understand the applicant asked in his original application to build only five houses which was refused. Then later at the suggestion of the planners he applied again to build forty four houses. Why when it wasn't suitable for five houses is it now suitable for forty four.
45. This site is along a narrow lane, for the most part without a path, and too narrow for two cars to pass. Nevertheless, this road has been identified as the safe route to school for the children attending Shotton Hall School. I therefore have real concerns about the implications for increased traffic in this area.
46. The traffic generated in this area also puts additional pressure on the streets west of this site, Dene Crescent, and Dene Street which are already having difficulty with increased traffic from a previous development of Forty two houses in Bracken Ridge. These are two terraced streets either side of the road with cars parked from end to end for long periods of the day and night. The original plan for the site at Bracken Ridge had been for the traffic to be directed on to Shotton front Street as the planners recognised the undue pressure it would cause in that area. Unfortunately however, the Developer did not complete this development owing to a dispute over the price of the land which meant the traffic had to be redirected onto Dene Crescent and Dene Street. This caused a raft of serious objections from the owners of Dene Crescent and Dene Street at that time. I am therefore very concerned that the residents of these streets have not been consulted.
47. In view of the above concerns I cannot support this application and register my objections.
48. Cllr Todd has objected to the proposals and has commented as follows:

- The highway access along Bracken Hill is in a poor condition and hardly meets, in my opinion, modern standards. It is very narrow in places and is fronted in part by terraced properties making the passing of vehicles unsatisfactory.
 - This area does not appear in any formal consideration in the Council's Adopted Plan.
 - Any further development would exacerbate the already high demand for primary school places at Shotton Colliery Primary School and the Our Lady of Lourdes Primary School.
 - The knock-on effect to local statutory services i.e. health services and local transport.
49. This application has been advertised by way of press notices, site notices and letters to individual residents. Two letters of objection have been received from nearby residents.
50. The main reasons of concern are that the proposals would result in a loss of view, increase in traffic, that the proposals would lead to a the loss of a green space and that the proposals would result in complaints from future residents as a result of the proximity to the nearby boarding kennels.

APPLICANTS STATEMENT:

51. This outline planning application for 44 residential dwellings on the edge of Shotton is on a site that was previously partially developed for former prefab housing subsequently demolished in the 1960's. More recently planning consents have been granted for a small number of detached dwellings on a part of this area of former housing development.
52. This outline application is consistent with the NPPF both in terms of sustainability and its contribution toward the requirement for the local authority to be able to demonstrate and provide a rolling programme of sites suitable and capable of delivery over the next 5 years.
53. There are no identified prohibiting technical reasons likely to prevent the delivery of the proposed development within the next five years nor are there any significant adverse constraints or threats to: local ecology or habitat; flooding; the local neighbourhood or surrounding environment that are likely to delay progress on the development going forward.
54. The application site although on the settlement edge affords easy access to: local shops; schools; health and community facilities; is well located in terms of primary public transport routes; and the employment and work opportunities available on the nearby industrial and business areas of Peterlee.
55. The proposed development will provide a choice of affordable and aspirational housing options with some 75% of the dwellings proposed comprising 2 -3 bed terraces and smaller 2 – 3 bed semi-detached properties to meet the predicted future demand for smaller family sized homes within the North and East Durham sub-area identified in the updated County Durham Strategic Housing Market Assessment.
56. The proposed development will deliver tangible social and economic benefits for the community good through the provision of 10% affordable housing and financial contributions to education and open play space.

PLANNING CONSIDERATION AND ASSESSMENT

57. 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.
58. In this instance, given that the application seeks outline approval with all matters reserved, the main relevant consideration is the principle of the development and the letters of objection. 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

59. This proposal is for 44 dwellings on land to the south east of Brackenhill Avenue, Shotton Colliery. There are no specific landscape or site designations relevant to the site; however, it is located outside of the existing settlement boundary. The supporting information submitted by the applicant contends that the land comprises brownfield land on account it had previously been occupied by housing until the 1960s. The NPPF definition of 'previously developed land' (Annex 2, NPPF) advises that, "excluded from the definition is land that was previously-developed but where the remains of the permanent structure have blended into the landscape in the process of time". This site falls into this definition and has to be categorised as greenfield land.
60. From a planning policy perspective, it is considered that the key issues in relation to this application are:
- a) the extent to which the proposed development accords with the existing development plan for the area;
 - b) the extent to which the proposed development is consistent with the County Durham Plan (emerging development plan for the area); and,
 - c) the extent to which the proposed development is consistent with Government planning for housing policy objectives set out in the National Planning Policy Framework (NPPF), with particular regard towards delivering a wide choice of high quality homes, which widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.

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

61. This scheme proposes housing development on Greenfield land that is located outside of the existing settlement boundary for Shotton Colliery. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and

there is a general presumption against allowing development beyond a settlement boundary which is reflected in saved policy 3 of the District of Easington Local Plan (ELP), this is unless other policies indicate otherwise. Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with policy 3 of the ELP.

NPPF & Emerging Plan

62. As a consequence of the conflict with the Local Plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the NPPF is far less restrictive than the Local Plan which specifies in saved Policy 67 that only brownfield land can come forward for housing development on sites which are located within defined settlement boundaries. This policy is not considered to be entirely consistent with the NPPF and therefore the NPPF can be given more weight in this respect. The NPPF seeks to boost significantly the supply of housing and expects Local Planning Authorities (LPA's) to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para's 47 – 55). Therefore the key matter relates to directing development to suitable and sustainable locations.
63. Shotton Colliery is recognised as a 2nd tier settlement (Larger villages and smaller towns within the County Durham Settlement Study) in recognition that the village has good access to facilities and services available on Potto Street. For these reasons the settlement is a focus for growth in the County Durham Plan (CDP), with Policy 4 directing 270 new houses to the village. This allocation is largely accounted for by existing commitments (175 units to Persimmon Homes are under construction on land North of Station Rd (PL/5/2011/0438) and 86 units on land East of Windsor Place were granted planning permission in June 2013 (PL/5/2013/0055). It is considered that this application site is in a sustainable location with good access to local shops, schools, community facilities and public transport links.
64. This particular site has been assessed as part of the development of the CDP and has an unsuitable (amber) classification within the Strategic Housing Land Availability Assessment (SHLAA). Consequently it has been discounted for housing, and it is not identified in the list of proposed Housing Land Allocations under Policy 30 in the "Pre-Submission Draft" of the CDP. The principal reasons why the site is considered to be unsuitable for housing are as follows:
- Site is an edge of settlement site which if developed, would erode the gap between Shotton and the industrial estates to the east.
 - The development of this site would result in a significant adverse landscape and visual impact.
65. In applying these reasons to the proposal, it is clear that the site comprises grassland between the main built up part of the village and the sporadic buildings that are established on the same side of the road leading to the industrial estate. Whether the site is part of the built up area would depend on if these buildings are part of Shotton rather than the industrial estate. The buildings do relate more to Shotton so in this context the development could be considered to be infilling a gap within the settlement so could be broadly considered to be within the built up area. Also, development on this side of the road does not take development substantially closer physically to the industrial units as the open land on the other side of Brackenhill Avenue would remain. In this context, the proposal could be considered

to be acceptable. Whilst this position differs from the conclusion in the SHLA, the landscape impact in term of coalescence between Shotton and the industrial estate is more limited than was envisaged in the SHLAA assessment.

5 Year Housing Land Supply

66. In terms of the 5-year supply, Policy Officers are confident the Council is able demonstrate a 5-year supply of deliverable sites due to the number of schemes which are currently on-site and under construction, or which have received consent over the past 12-18 months. In this respect, there are no deficiencies in the supply of housing. The NPPF (para. 49) clarifies that housing applications should be considered in the context of the presumption in favour of sustainable development, but it also implies that when a five year supply exists, this can be a justification to resist development. As we consider that we have a 5-year supply, to justify this proposal there would need to be other material considerations.

Affordable Housing

67. The provision of affordable housing where a need has been identified is encouraged through the NPPF (Para's 47, 50, and 159) which also requires a range of dwelling types and sizes, including affordable housing to deliver the sustainable, inclusive and mixed communities. Emerging Policy 31 of the CDP is consistent with these objectives of the NPPF.
68. The County Durham Strategic Housing Market Assessment update (SHMA) report was completed in 2013 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.
69. The SHMA, NPPF and draft Policy 31 of the CDP therefore provide the justification for seeking affordable housing provision on this site.
70. The applicant's planning statement advises that the requisite 10% of affordable housing will be provided as part of the development, but contains little information beyond that. Policy 31 specifies a tenure mix of 75% affordable rented housing and 25% intermediate housing. Should planning permission be granted for this scheme, a S106 will need to be secured to ensure delivery, and this should reflect the Policy requirements for affordable rent (75%) and intermediate (25%).

Other policy considerations

71. The Council paper: Assessing Development Proposals in a changing National Planning system (May 2012), sets out an approach to development proposals in the interim period between and publication of the NPPF and adoption of the CDP. This sets out four matters to consider:
72. *Does it meet the objectives of the emerging CDP?* In this instance it is considered that the scale of development is appropriate for the size of Shotton and the site can be broadly considered part of the built up area. As such, the proposal accords with this requirement.
73. *Does it deliver current needs and contribute to facilities in the locality?* As noted above, there is a proven need for affordable housing, which the scheme delivers and

it would be required to contribute (via a S106) to recreation provision and education facilities in the vicinity. As such these are benefit in relation to this objective.

74. *Is there community support?* The application was advertised by way of 31 letters sent to surrounding residents along with site notices and a press notice. Only two letters of objection have been received in response to the consultation exercise.
75. *Is it sustainable?* Shotton is a 2nd tier settlement with reasonable facilities and the site is well related to them and nearby employment opportunities.
76. In relation to the Paper, therefore, the scheme broadly accords with the requirements. It should be noted however, that this paper has no policy status and is only used for officer guidance.
77. Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the plan period, but it is a sustainable location.
78. To be acceptable, the proposal needs to demonstrate material considerations to outweigh the adopted policy constraints in the Local Plan. In this context, it would deliver benefits to the local community by way of affordable housing (10%) and a contribution to recreational and education facilities, along with increasing the mix and choice of housing in the village. As such, the proposal accords with the Council paper: Assessing Development Proposals in a changing National Planning system and the NPPF, on this basis, officers consider that on balance, the proposal is acceptable.

Objections

79. As noted above, two letters of objection have been received which raise concern regarding loss of view, increase in traffic, that the proposals would lead to a the loss of a green space and that the proposals would result in complaints from future residents as a result of the proximity to the nearby boarding kennels. Local Members also raise concerns regarding increased traffic and highway safety issues and also state that the consultation was not carried out wide enough.
80. With regard to traffic generation, Highways Officers have raised no objections to the proposals and consider that an appropriate access and parking provision can be achieved; therefore no objections are made on highway safety grounds. The loss of the green space although regrettable is not considered significant enough to warrant refusal of planning permission given the benefits of the scheme and that the land is not designated for any special importance. With regard to the proximity of the boarding kennels, a condition should be attached to any approval which ensures a noise assessment is carried out in relation to the business and the nearby business park and any necessary mitigation put in place, it is not considered that the proximity of these businesses would cause significant harm which would warrant refusal of planning permission. In terms of the public consultation queried by the Local Member, it is confirmed that the proposals were advertised by way of a press notice, site notice and letters to individual residents which represented a larger consultation exercise than what is the normal statutory requirement. Finally, the issue of school places has been addressed by the Councils Education Officers who have assessed the capacity in the catchment area and have concluded that a contribution of

£96,188 toward secondary school places at The Academy at Shotton Hall is required as a result of the development.

CONCLUSION

81. In summary, officers consider that although finely balanced, the benefits of the scheme would outweigh the conflict with the District of Easington Local Plan and that the proposals are in accordance with the NPPF which has a presumption in favour of sustainable development such as the one being proposed. It is also considered that the development would not harm the implementation of the County Durham Plan going forward and 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. £96,188 contribution toward secondary school places at The Academy at Shotton Hall
- iii. £22,000 contribution toward enhancement or provision of play facilities in the Shotton and South Hetton Electoral Division.

Conditions:

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

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

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

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

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

Site Location Plan received 18th February 2014.

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

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

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

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

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

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

Phase 2 Report

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

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

Phase 3 – Validation Report

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

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

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

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

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

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

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

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

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Preliminary Ecological Appraisal prepared by E3 Ecology Ltd (December 2013).

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

9. The approved development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Very Civil Engineers.Com report number VCE1402/rep/001 and the mitigation measures detailed within the FRA.

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

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

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

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

11. Notwithstanding the details submitted, this permission relates to a maximum of 44 dwellings on the site.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Proposed **RESIDENTIAL DEVELOPMENT (OUTLINE) OF UP TO 44 DWELLINGS AT LAND TO THE SOUTH EAST OF BRACKENHILL AVENUE, SHOTTON COLLIERY**

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Comments

Date **JULY 2014**

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00609/FPA
FULL APPLICATION DESCRIPTION:	Erection of 65 no. dwellings with associated works
NAME OF APPLICANT:	Gleeson Developments Ltd
ADDRESS:	Land At Cain Terrace And Henderson Avenue Wheatley Hill Durham
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to three parcels of land which are intersected by Henderson Avenue and Cain Terrace towards the western side of Wheatley Hill, within the settlement boundary.

2. Land levels on site slope downwards from south east to north west. Historic mapping data shows housing development on the application site from about 1940/50. In recent times housing has been largely cleared from the site. The western side of the site has been completely cleared and grassed, while the eastern side of the site still retains three semi detached dwellings. Only one of these dwellings is occupied, with the adjoining semidetached dwelling boarded up. Towards the middle of the site, two unoccupied and boarded up properties remain. At the top of the site a pair of semidetached properties remain, with one property boarded up and one appearing abandoned. In a wider context further residential development sits to the north, west and south of the site. To the east sits Wheatley Hill Primary School.

The Proposal

3. The planning application seeks full planning approval for the erection of 65 residential dwellings with associated car parking areas, gardens, fencing and landscaping. The dwellings would run in essentially a north/south direction, following the grain of the existing roadways that are in place. In terms of property breakdown, proposed are 18 No. 2 bedroom semi detached, 30 No. 3 bedroom semi detached and 17 No. 3 bedroom detached dwellings.

4. The application is referred to the Planning Committee as it constitutes a major proposal.

PLANNING HISTORY

5. Notification was given in 2011 relating to the demolition of properties on the site. No objections were raised to this by Officers.

PLANNING POLICY

NATIONAL POLICY

6. 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.

7. 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’

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

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

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

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

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

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

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

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

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

LOCAL PLAN POLICY: (District of Easington Local Plan)

16. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

17. Policy 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.

18. 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.

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

20. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

21. 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.

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

EMERGING POLICY:

23. 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:

24. Policy 15 Development on Unallocated Sites

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

a.

Is appropriate in scale, design and location to the character and function of the settlement;

b.

Does not result in the loss of a settlement's last community building or facility (of the type which is the subject of the proposal) unless it can be demonstrated that it is no longer viable or has not been purchased by the community following the procedures set out in the Community Right to Bid;

c.

Is compatible with and does not prejudice any intended use of adjacent sites and land uses; and

d.

Would not involve development in the countryside that does not meet the criteria defined in Policy 35 (Development in the Countryside).

25. Policy 20 Green Infrastructure

Development will be expected to conserve, and where required improve and extend, the County's green infrastructure network. Development proposals will be permitted where they meet the standards of open space provision set out in the Open Space Needs Assessment (OSNA).

Development proposals that would result in the loss of existing green infrastructure will be refused unless:

a.

The affected site or feature does not have a significant recreational, cultural, ecological, landscape or townscape value;

b.

The affected site can be demonstrated to be surplus to local requirements; or

c.

A compensatory amount of green infrastructure of an equivalent or better quality can be provided in the local area.

Development proposals that would result in the loss of a Local Green Space (LGS) identified in a Neighbourhood Plan will be refused unless:

d.

It is for essential facilities for sport and recreation which do not compromise the function(s) of the LGS; or

e.

It consists of the replacement or limited extension of existing structures upon the site.

Development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision is made. Where diversions are required, new routes should be direct, convenient and attractive, and should not have a detrimental impact on environmental or heritage assets.

Quality of Green Infrastructure

New or improved green infrastructure in developments should:

f.

Be incorporated into designs at an early stage in the planning process;

g.

Contain a network of pedestrian and cycle routes linked to existing open space, the countryside and other destinations;

h.

Be appropriate to its context having regard to the landscape, townscape and ecology of the locality and where appropriate the setting of heritage assets;

i.

Fulfil the needs of diverse user groups and be resilient to the pressure of use;

j.

Have regard to public safety and the need to 'design out' crime;

k.

Contribute to the creation of high quality and locally distinctive places;

l.

Incorporate native species and habitats that can contribute to local ecological networks;

m.

Incorporate existing trees and other green infrastructure features;

n.

Help to mitigate flood and drought and manage water quality;

o.

Provide ecosystem services such as urban cooling and wind alleviation; and

p.

Be resilient to drought, heat and flood

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> in relation to the Easington Local Plan and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/> in relation to the County Durham Plan.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

26. Highways Development Management has no objections to the application.
27. Northumbrian Water has stated that they will require a detailed scheme showing disposal of surface and foul water at the site.
28. The Environment Agency has offered no objection to the application.
29. The NHS has made no comment in relation to the application, and the Ramblers Association have raised no objections.

INTERNAL CONSULTEE RESPONSES:

30. The Council's Landscape section has been consulted on the application and has made suggestions on how the proposed landscaping could be improved.
31. Environmental Health has raised no objections.
32. The Council's Archaeology section have raised no objections.
33. Planning Policy consider that the principle of the proposal is acceptable.
34. The Councils senior tree officer has raised no objections to the development or the removal of existing trees on the site.
35. The Council's drainage engineer has requested that a detailed surface and foul drainage design should be submitted in relation to the site.
36. Ecology Officers have raised no objections to the proposal. They have confirmed that a Licence will be required from Natural England prior to the demolition of one of the existing blocks of dwellings.
37. The Councils Contaminated land Officer has offered no objection to the application as they consider that as the site has only been previously developed for housing the development does not pose a risk to human health.
38. The Councils Schools organisation manager has raised no objection to the application and stated that no additional school spaces are required in association with this application.
39. Durham County Council street scene section has offered no objections to the application.
40. The sustainable travel section has offered no objections in relation to the development of this site.
41. Design and Conservation have made suggestions as to alterations to the scheme in terms of materials and mix and positioning of house types.

42. The Housing development and delivery team have considered the submitted viability assessment and have agreed that the provision of affordable housing is not viable at this site.

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

44. Economic Development: No objections.

PUBLIC RESPONSES:

45. One letter of support has been received in relation to the application, although the letter expresses concerns that an opportunity to lay existing overhead power lines to the ground would not be taken. A letter of objection has been received on behalf of five residents local to the site. The letter expresses concern over the description of the site as uninhabited and seeks clarification regarding the neighbour consultation that has been undertaken. Concerns are expressed that the development will compound an alleged problem of speeding cars on Quilstyle Road near to the site.

46. It is suggested that the number of houses is too great and that the development will have a negative impact upon the community. Concern is expressed that the properties will not be owner occupied and will be rented out to un-suitable tenants that would bring about problems relating to anti-social behavior.

APPLICANTS STATEMENT:

47. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas on previously developed land to which this site of 1.39 hectares of brownfield land would accord. There is a strong local and political will to see this important site brought forward for development, which will provide much needed regeneration in Wheatley Hill.

48. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services.

49. The proposal integrates well into the locality through the design proposals which accords with National Planning Policy. In addition, the development proposes to seek to achieve a reduction in CO2 emissions.

50. All criteria required to be complied with in Saved Policies requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location.

51. The applicants have undertaken considerable pre-application dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times prior to the formal planning submission, to take into account the concerns and comments made by local residents.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

53. The site is located within the existing settlement boundary of Wheatley Hill and has been previously used for housing, the majority of which has now been demolished. The western part of the site has been grassed over as houses in this part of the site appear to have been removed some time ago. Officers therefore consider the site part Greenfield and part Brownfield.

54. The development of the site would be acceptable in relation to Policy 1 of the District of Easington Local plan in that the location is within the settlement boundary, would provide well designed dwellings that embody the principles of energy conservation, would provide safe access for vehicles and pedestrians, would incorporate a high standard of design and landscaping and would safeguard the visual and general amenity of people living and working within the vicinity of the site.

55. The site is considered to be a sustainable location for new residential development as required by the National Planning Policy Framework. Public transport would be available to residents of the new development while the site would also be positioned close to a range of services and shops that are available within Wheatley Hill. The application would be substantially in accordance with Policy 67 of the District of Easington Local Plan which encourages housing development on previously developed sites. Although part of the site may be considered greenfield by current definitions, the approach of the National Planning Policy Framework regarding sustainability would now take precedence over this, given the site is in a sustainable location.

56. The western side of the site has been identified within the Strategic Housing Land Availability Assessment (SHLAA) as an amber site and has not been put forward as a preferred housing site under the emerging County Durham Plan. It seems a main part of the reason for not doing so was due to concern over open space provision in the local area. The SHLAA assessment does however suggest that there is a surplus of open space within the area and suggests that one or more of the 'amber' Wheatley Hill sites could be developed for housing.

57. Officers acknowledge the need to retain a degree of open space in Wheatley Hill and open space at the current time is still provided at land to the east of Wheatley Terrace and land to the south of Meadow View along with the recreation ground to the east of Woodland Avenue.

58. While it would be ideal to be able to look at all the open space available and plan accordingly, Officers have to come to a recommendation on this application as it has been presented. Officers' view is that the application is acceptable in terms of loss of open space.

This is partly because the application simply proposes to replace development that has historically occupied the site and partly because other suitable open space is currently available for use within the local area.

59. Officers are aware that one of the properties which remain on the site is occupied by an elderly tenant. It is understood that this matter is being dealt with sensitively by Officers within the relevant council section and that efforts are being made to re home the tenant in the immediately surrounding area.

60. In relation to public comment regarding the neighbour notification, Officers consider that a thorough consultation exercise has been undertaken which has included the posting of site notices and the sending of letters to properties which bound the application site. Properties within the red line boundary have not been consulted on the planning application as this is considered to be the responsibility of the applicant and/or landowner. It is understood that those residents located within the site have been made aware of the proposals through other means.

Highways Issues

61. Policies 36 and 37 of the Easington Local Plan state that satisfactory and safe provision shall be made for pedestrians, cyclists, public transport, cars and other vehicles. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

62. The dwellings proposed on the site would be accessed from the existing roadways that traverse the site. Highways Development Management has raised no objections to this application and is satisfied with the proposed arrangement. Off street parking is included to the dwellings and Highways Officers have confirmed the proposed parking provision would meet the council's guidelines.

63. The application is therefore considered to accord with the NPPF and the Easington Local Plan in this respect.

Impacts upon Character and appearance of the Area and residential amenity

64. Policy 35 of the Easington Local Plan relates to the design and layout of development. The policy states that development will be required to embody the objective of energy conservation and the efficient use of energy, reflect the scale and character of adjacent buildings and the area generally particularly in terms of site coverage, height, roof style, detailed design and materials, provide adequate open space and landscaping and be acceptable in terms of privacy, visual intrusion and noise.

65. Main facing distances between properties proposed on the development are 21metres or greater. The properties proposed to the western side of Henderson Avenue would be set 21metres from the east facing rear elevations of existing properties on Quetlaw Road. Existing properties to the north and south of the site on Quilstyle Road and Jack Lawson Terrace are set at angles to the development site and the relationship between these properties and those proposed would be acceptable. Some proposed properties would have ground floor side windows although these would not be large and would be set well within the respective plots. Side windows at first floor level would serve bathrooms and would be classed as windows serving non habitable rooms.

66. The application proposes to line both sides of the existing streets with a range of residential properties. Six types of house type are proposed. All house types are two-storey with pitched roof with varying design features included. The form of the development would

be acceptable, sensibly lining either side of both streets and would be in keeping with the character of the locality.

67. Officers acknowledge concern from design and conservation relating to the mix of house types proposed, the materials proposed and certain small design features. However, Officers are also aware that the developer has a set program of design and materials that effectively represent the brand of the developer. Likewise, there is a desire on behalf of the developer to provide a mix of housing throughout the site so as not to concentrate one type of house in one part of the site.

68. Much of the housing stock in the locality seems to date from around 1940/1950 with red brick and red tiles dominating the local area. There is little variety or visual interest within the street scene. The dwellings are proposed to be constructed from a mixture of red and lighter colour bricks with either a red or dark grey roof tile. A contrasting brickwork detail would be provided to the dwellings. Whilst it is acknowledged that these materials are slightly different to those already in the area, Officers consider that they would offer an alternative feature and design to the area that in this location would not be unacceptable and would create some visual interest.

69. Small front gardens and parking areas are to be provided along with rear gardens. A suitable enclosure and boundary treatment scheme is proposed consisting of a mix of boarded and post and rail fencing. Driveways would be constructed of crushed aggregate with a tarmac strip close to the footway.

70. A soft landscaping scheme has been provided. Front gardens are to be laid to lawn with pathways to serve the properties. Tree planting is proposed to the eastern boundary of the site adjacent to the school and within the front gardens of certain properties on each street.

71. Officers acknowledge concerns from the Council's landscape section who suggest that an improved landscape scheme could be provided. However, in this location Officers consider the modest scheme acceptable. Given that there is no public open space provided the dwellings would fall into private ownership where the householder would then be able to implement their own planting should they wish. It is not considered appropriate to impose unnecessary requirements or restrictions on how private gardens should be planted.

72. Trees have been planted across the site in aid of improving the appearance of the area post demolition of previous houses on site. Tree Officers have not raised objection to the removal of these trees or further trees which are more mature in nature as they are not considered specimen trees that contribute significantly to the amenity value of the landscape.

Ecology

73. The presence of a European Protected Species (EPS) is a material planning Consideration. Policy 18 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the NPPF most notably at paragraphs 118 and 119.

74. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.

75. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its

functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:

- That there is no satisfactory alternative
- That the population of the species will be maintained at a favourable conservation status in their natural range
- That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment

76. The applicant has submitted a bat report which has been assessed by the Council's ecology officers. The survey has found that a summer bat roost for a single pipistrelle bat is present at 15 Cain Terrace. Bats are a European Protected Species and therefore there is a requirement to obtain a licence from Natural England which has been highlighted in the mitigation section of the bat report which ensures that no demolition to buildings where the bat roosts are located will be carried out before the licence is obtained.

77. In applying the derogation tests, it is considered that there is no satisfactory alternative; in carrying out the demolition of the existing building, any bats present must be moved. It is also considered that the displacement of bats from the roost identified will not be detrimental to the overall population levels of the species in the area and that the proposed development will bring about overriding economic and environmental benefits. In particular, the direct and indirect economic benefits of housing development are well documented. The removal of a derelict building and the development of the site will result in a significant visual improvement to the streetscene. A condition will also be required which would ensure demolition and construction is carried out in accordance with the recommendations in the submitted bat report and that no demolition can be carried out until an EPS Licence has been obtained. Subject to this condition, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF. It is also considered that as there is a possibility of an EPS licence being granted, the LPA has discharged its duties under the Directive and Regulations.

78. As mitigation, Officers understand that roosting opportunities have been implemented within the adjacent school. Further in terms of mitigation bat bricks would replicate the existing roosting opportunities and these are to be provided to plots 11 and 12 of the new development.

79. Ecology Officers have raised no objections to the application subject to adhering to the recommendations of the bat report relating to gaining a EPS licence and installing the relevant alternative roosting opportunities into the new dwellings.

Planning Obligations

80. Policy 66 of the District of Easington Local Plan generally requires the provision of children's play space and outdoor recreation provision or a financial contribution towards off site provision if on site provision is not feasible.

81. An affordable housing requirement of 10% provision on all developments is stipulated within the Strategic Housing Market Assessment and also reflected in the Draft County Durham Plan.

82. These contributions would normally be required through a section 106 agreement. In this instance, no section 106 agreement accompanies the application.

83. This development is being presented as being unable to provide through a section 106 agreement any affordable housing or contribution towards off site open space provision on grounds of financial viability.

84. When assessing the need for such requirements, any development that falls short of providing the required contributions must provide a comprehensive financial breakdown detailing why these requirements cannot be met. This financial breakdown has been submitted to Durham County Council and has been fully assessed. Based on the financial viability of the scheme, it is agreed by council officers that the provision of a contribution towards off site play space or affordable housing is not viable at any level.

85. Paragraph 173 of the NPPF stresses the importance of viability as a material planning consideration: "sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable". Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances and "work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability".

86. Officers have acknowledged the content of the NPPF particularly at paragraph 173 detailed above and the need for obligations to take into account the economics of the development. The NPPF explains that the contributions should be requested in the context of the developer being able to achieve competitive returns and deliver the development.

87. The lack of affordable housing provision or financial contributions towards the provision of off-site open space is disappointing, however this must be balanced against the need for Local Planning Authorities not to overburden developers with planning obligations. Officers therefore raise no objection to the absence of the S106 contributions within this application for the reasons detailed above.

88. Notwithstanding these matters, Officers anticipate that the dwellings built under the scheme will be provided at reasonable prices within reach of the local population as per the applicant's business model which is to provide local people with quality housing that they can afford.

Other Issues

89. Along with Northumbrian Water, the Council's Drainage and coastal protection team have stipulated that agreement will need to be reached on a drainage scheme relating to foul and surface water at the site. A condition has been included relating to the submission of a drainage scheme.

90. Durham County Council has an aspirational target of 10% of any labour requirement associated with a development to be offered as new employment opportunities or training. With regards to this application the developer is targeting to create at least 1 apprenticeship opportunity and 1 school educational visit as identified in the submitted Training & Employment Management Plan dated 4th April 2014. Officers are able to accept this and raise no objections relating to these matters.

CONCLUSION

91. The proposals represent the development of a part greenfield, part brownfield site that has been previously used for housing. The development site is located within the settlement boundary of Wheatley Hill in a sustainable location and the development would reflect the scale and character of adjacent buildings and the area in general.

RECOMMENDATION

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

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

SD703 REV A, SD700, Gravel Drive Details 28th March 2014

Bat Survey Report received 28th March 2014

Maximising Security through Design, Construction Management Plan, Flood risk assessment, Design and Access Statement, Affordable Housing Statement, Sustainability Statement, Parking Statement, Planning Statement, Statement of Community Involvement, Site Waste Management Plan, Ground Investigation Report, Training & Employment Management Plan received 28th March 2014

201/1E, 310/1C, 202/1E, 301/1F, 309/1C, 304/1D received 28th March 2014.

Bat Brick Details received 05th June 2014

Drawings GH36:L01A, GH36:L02A, GH36L:03A & GH36:L04A received 11th June 2014.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with parts 1, 4, 6, 7, 10, 11 and 12 of the National Planning Policy Framework and Policies 1, 18, 35, 36, 37, 66 and 75 of the District of Easington Local Plan.

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

Reason: To prevent the increased risk of flooding from any source in accordance with the National Planning Policy Framework and Policy1 of the District of Easington Local Plan.

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

Reason: In the interests of visual amenity and to comply with Policy 35 of the Easington District Local Plan.

4. No development shall take place unless in accordance with the mitigation detailed within the Bat Report by Gary Shears including, but not limited to the obtaining of a European Protected species licence prior to the demolition of 15 Cain Terrace and the provision of bat bricks within the proposed dwellings at plots 11 and 12.

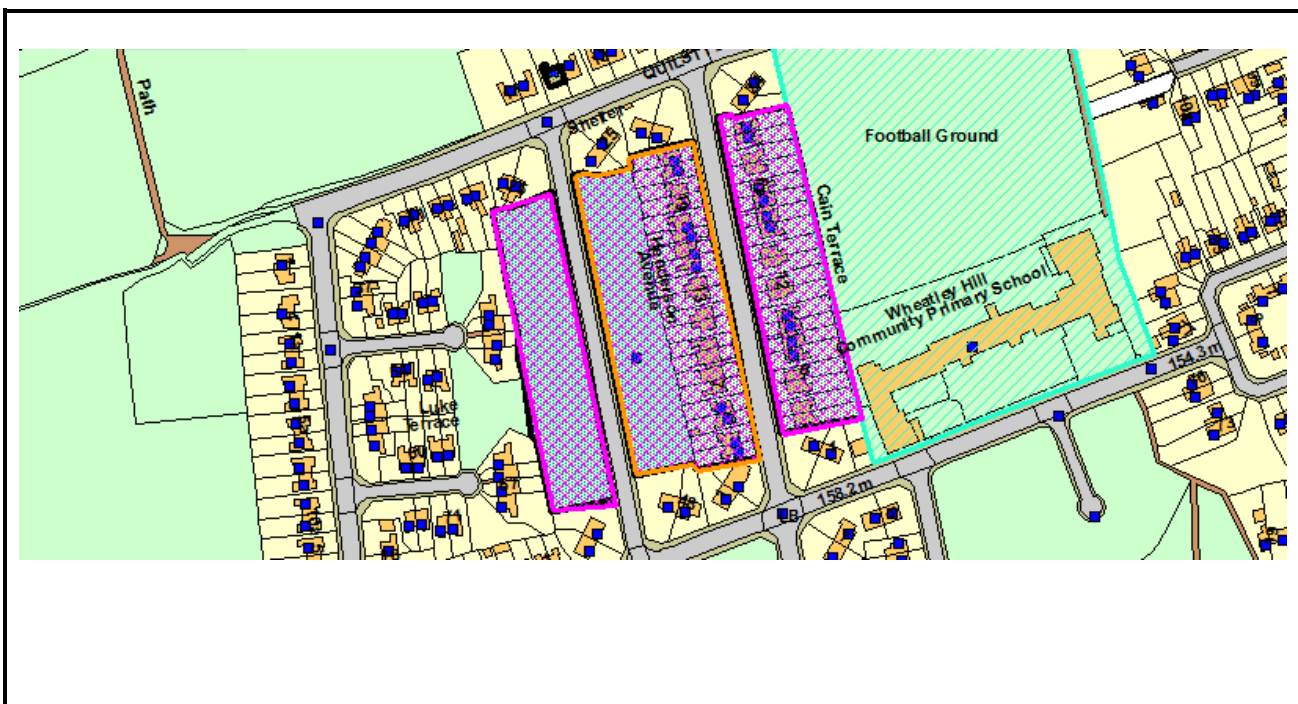
Reason: To conserve protected species and their habitat in accordance with Policy 18 of the Easington District Local Plan.

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 applicant has entered into a Planning Performance agreement with the Council in relation to this scheme and the application is being presented to committee in accordance with the timescales agreed within the agreement and within the designated time period for major applications.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documentation
- District of Easington Local Plan
- National Planning Policy Framework
- Internal consultee responses
- Public responses
- Statutory responses
- County Durham Local Plan (Preferred Options)



Planning Services

Erection of 65 no. dwellings with associated works (revised ownership certificate submitted) (revised site plan, plot detailing and bat mitigation submitted 9th June 2014)

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Date 22nd July 2014

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00793/FPA
FULL APPLICATION DESCRIPTION:	Development of 29 dwellings with associated parking and landscaping
NAME OF APPLICANT:	Gentoo Homes
ADDRESS:	Former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the south west of Durham City Centre on the former Dairy Site which is on Dairy Lane at Stonebridge. The site measures one hectare in size which lies directly to the south of the A690. To the north of the site beyond the A690 is a petrol filling station. Immediately to the south is the highway of Dairy Lane with the residential properties of Garden Cottage and Chestnut Villa situated beyond. Immediately to the east construction is under way for office development. To the west there is a former private dwelling house which has been converted to a small commercial office. The site is located within the Durham City Green Belt.

The Proposal

2. Full planning permission is sought for residential development of 29no. properties. The development proposes a mix of house types including detached, semi-detached and linked two storey dwellings. There will be a range of 2, 3 and 4 bedroom properties throughout the proposed scheme. The access into the site will come from Dairy Lane which will lead to a shared surface arrangement which would access the majority of the proposed properties. Six of the proposed dwellings would be accessed directly from Dairy Lane. In total 59 vehicle spaces are proposed, which includes 19 garages, 34 spaces on driveways and 6 visitor parking. An acoustic boundary fence and bund is proposed to be located along the north boundary with the A690. As part of the proposed scheme 6no. properties are to be made available as affordable homes.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. The application site was the former Express Diaries site. The Diary ceased operations in 2006 and the site was cleared in approximately 2008. The site has stood vacant since.
5. In 2008 planning permission was granted for the development of a business park however this permission was not implemented and subsequently this permission has lapsed.

PLANNING POLICY

NATIONAL POLICY:

6. 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.
7. 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'.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

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

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

15. *Policy E1 (Durham City Green Belt)* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
16. *Policy E2 (Major Developed Sites in Green Belt – Infilling)* permits development within a Major Developed Sites provided that it has no greater impact on the openness of the Green Belt than the existing development there, does not exceed the height of the existing buildings, and does not lead to a major increase in the developed proportion of the site.
17. *Policy E2A (Major Developed Sites in the Green Belt – Redevelopment)* permits development within the green belt provided that it has no greater impact on the openness of the Green Belt than the existing development there, contributes to the achievement of the objectives for the use of land in the green belt, does not exceed the height of the existing buildings, and does not lead to a major increase in the developed proportion of the site.
18. *Policy H5 (New Housing the Countryside)* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
19. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
20. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
21. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
22. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to

highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

23. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
24. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
25. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
26. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
27. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

EMERGING POLICY:

28. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
29. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
30. *Policy 15 (Development on Unallocated Sites)* - states that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in

the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.

31. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
32. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
33. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
34. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
35. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.
36. *Policy 14 (Green Belt)* – Within the Green Belt the construction of new buildings will be regarded as inappropriate and will not be permitted. Exception to this, where they accord with other policies in the Plan and minimise impact on openness through appropriate landscaping, design, scale, siting and appropriate use of materials.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Environment Agency* has not objected to the Flood Risk Assessment (FRA) submitted with the scheme however a condition is recommended for the mitigation measures detailed in the FRA to be adhered to.
38. *Natural England* has not raised any objections to the scheme.
39. *Northumbrian Water* has not raised any objections subject to conditions relating to foul and surface water discharge from the site.
40. *Durham County Highways Authority* has confirmed that the additional traffic can be accommodated on the surrounding highway network. Concerns have been raised that the proposed layout and in particular the location of visitor parking on Diary Lane is unacceptable.

41. *City of Durham Trust* has raised issues with regards to potential impact of noise from the A690 onto the proposed houses, and secondly the increase in vehicles in the area will require highway adjustment.

INTERNAL CONSULTEE RESPONSES:

42. *County Housing Development and Delivery Team* is encouraged by the commitment to deliver the required 20% affordable housing provision. This area has an affordable housing need which this development will assist in addressing.

43. *County Spatial Policy Team* has not raised any objections to the proposed development.

44. *County Landscape Team* cannot support scheme as there are fundamental design and layout problems with the proposal.

45. *County Tree Officer* has not raised any objections to the proposal.

46. Design and Conservation Officer has suggested a design review in order to resolve several design issues primarily resulting from the requirement for noise attenuation fencing along the north boundary.

47. *County Environmental Health (Noise, dust and light)* has raised no objections subject to the imposition of conditions relating to noise attenuation and general construction operations.

48. *County Environmental Health (Contaminated land)* has not objected to the scheme however is requiring a condition for a remediation validation report to be submitted to the local planning authority.

49. *County Archaeology Section* has no objections to the proposed development.

50. *County Ecology Section* has confirmed that the ecological report submitted is satisfactory and no objections are raised with regards to the proposed development. It is recommended that that a condition is imposed ensuring the mitigation methods detailed in the ecological report are adhered too.

PUBLIC RESPONSES:

51. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 7 letters of representation have been received on the application.

52. The main concern raised by local residents relate to the impacts the development would have on highway issues. There are concerns that the development would create further pressure on the A690 network. It has been noted that Dairy Lane is also used as a 'rat run' by some drivers. The driveways onto Dairy Lane, which are in front of existing properties is unacceptable and it is considered that residents of the proposed properties would park on Dairy Lane. The proposed houses should all face into the site itself. Parking provision is considered to be adequate within the site and it is noted that garages are not always used by homeowners. Improvement works should therefore be made to the surrounding road network.

53. The site is considered to be secluded by trees all around the site, and a high density scheme would not be in keeping with the area. Comments have been raised that the design of the properties are not acceptable.
54. Issues have been raised with regards to impact on residential amenities. Loss of privacy, noise issues and light pollution has been raised as concerns which would occur as a result of the proposed development. One resident has indicated that there would be a conflict in land uses as activities from the nearby Stonebridge public house creates noise and disturbance which would impact on the proposed site. Concerns have also been raised that the new office building being built on the adjacent site could be overbearing to the proposed houses and the proposed houses could be overbearing onto the new offices.

APPLICANTS STATEMENT:

55. The development of the site has been justified through its allocation for residential development in the emerging Local Plan Submission Draft.
56. The proposal will meet all sustainability criteria set out within national and local planning context as an available, suitable and achievable site for residential development. The proposed development will widen the choice of dwellings and provide quality family homes to meet the needs of the local area.
57. The design of the scheme has been carefully considered to take into account the site features, surrounding area and local setting and aims to create a strong sense of place in line with local policy. The scheme makes efficient use of the site while being at a density low enough to respect the character of the area and protect existing residential amenity whilst meeting housing need in the area by providing a range of housing in terms of size, type and tenure.
58. No unacceptable technical or environmental constraints to the development of the site have been identified. The proposed development complies with and will make significant contribution to achieving relevant national and local policy objectives.
59. It is therefore respectfully requested that Durham County Council consider the information provided with this planning application and recommend this scheme for approval.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; affordable housing and section 106 contributions; and other issues.

Principle of residential development

61. The site is defined in the local plan as a major developed site in the Green Belt, in other words the site was already developed as a diary prior to the establishment of the Green Belt. As well as being located in the Green Belt the site is not located within any defined settlement boundaries and therefore the site could be

classed as being in the open countryside. Policy H5 of the local plan states that houses in the countryside should be resisted unless there are special circumstances such as a requirement for a rural worker. In this instance though, the site has been identified as a major developed site within policies E2 and E2A of the local plan which states that the site can be redeveloped providing the impact on the openness of the Green Belt is not greater than the previous development. It is not considered that the proposal will have a greater impact on the openness of the Green Belt than the previous use as a dairy business. It is therefore considered that in principle the proposed development is in accordance with policies E2 and E2A of the local plan.

62. The application site is also proposed as an allocated residential site within the emerging County Durham Plan, and although limited weight can be afforded to some of the emerging policies, it does give an indication of the Council's intentions for the site. It is considered that bringing the site forward at this time for residential development would not undermine the emerging CDP housing strategy given the site would only contribute about 0.5% of the Plan total for Durham City as set out in the Pre-Submission Draft of the CDP. As such approval of this site now would not compromise the ability of other landowners to have their sites considered through the Plan process.
63. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authority's are expected to boost significantly the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and alternative forms of tenure to meet the needs of all sectors of the community should be provided.
64. The proposed development would be considered to be in line with the sustainable aims of the NPPF. The site is within reasonable walking distance to the commercial centre at Langley Moor and while the site is situated just outside of the main built up area of Durham City, it also has good access to public transport links that will provide access to the main transport hub for the County.
65. The proposal for residential development is considered acceptable in principle as it is in line with local plan policies E2 and E2A and also policies within the emerging CDP. The proposals would also be in line with the core aims of the NPPF in encouraging sustainable development. It is not considered that the proposal will have a greater impact on the openness of the Green Belt than the previous use as a dairy business.

Residential amenity

66. The nearest neighbouring property, Garden Cottage, is located approximately 24 metres away from the application site. In terms of the separation distance between Garden Cottage and the closet proposed property the distance is measured at 28 metres. This distance is considered acceptable to ensure adequate levels of privacy are maintained and also that there would be no

adverse impacts created in terms of overbearing or overshadowing issues. It is therefore considered that the residential amenities of neighbouring properties would not be adversely affected.

67. In terms of the relationship between the proposed properties, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties.
68. It is noted that the proposed site is directly adjacent to the A690 which is a busy road leading into the City. This has been recognised by the applicant and a noise assessment was undertaken and submitted with the application. This noise assessment recommends that mitigation measures are implemented to ensure that noise does not adversely compromise future residents. Among these measures, they include noise attenuation windows as well as a 3 metre high closed boarded fence along the north boundary of the site adjacent to A690. These mitigation measures would ensure that noise from the A690 traffic would not have an adverse impact on the amenity of future residents.
69. All the proposed properties have rear garden amenity spaces, with the majority of them having substantial garden depths and/or areas. The properties on plots 20 to 24 do have smaller gardens however given these properties are 2 bedroom houses it is considered acceptable in this instance. The proposed layout has also been amended to rearrange the location of the properties along the north boundary to ensure that all properties have sufficient amounts of rear garden space.
70. Given there are residential properties within close vicinity to the proposed development a condition is recommended with regards to construction hours of operation. This will ensure neighbouring residents are not overly disturbed during the construction phase of the development.
71. It is noted that there is an office development which is currently being constructed on the site adjacent to the proposed site. The gable elevation of the property on plot 9 would be directly adjacent to windows into a shared office space of the office development. There are no specific separation distance policies for office and residential properties. There would be no loss of privacy to either the property or the office as there are no windows proposed in the gable elevation of the property on plot 9. The office building is also currently under construction and will be completed by the time the residential properties are built, therefore future residents of plot 9 will be able to understand the relationship with the office development before purchasing the property. The relationship between the office development and properties on the proposed site is considered to be acceptable and would not adversely harm residential amenities. There are concerns that the house on plot 9 could be overbearing to rooms within the office. There are no specific guidance in relation to protecting amenities of office workers from overbearing issues however in order to improve the relationship between the offices and the proposed properties, the developer has redesigned the roof of the property on plot 9. The roof now has a hipped design and the layout of the property has been altered so the single storey garage element of the property is on the boundary with the office development. This would reduce the impact of this property on the offices.
72. There are concerns from residents that noise and light disturbance from vehicles of the new housing estate would affect neighbouring amenities. Whilst it is accepted that there will be an increase in vehicles in the area, it is not considered

that this would be at a level which would adversely compromise residential amenities. It is noted that the site used to operate as a Dairy business which would have had delivery vehicles as well as employee and visitor vehicles entering and leaving the site. An issue has also been raised with regards to the proximity of the site to the Stonebridge public house and that the activities of the pub may cause conflict residents of the new properties. The Stonebridge pub is located over 140 metres away from the site and it is considered that this distance is sufficient to ensure the activities of the pub would not adversely compromise future residents of the proposed site.

73. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

Layout, design and visual amenity

74. The layout of the proposal is standard given the shape of the site, with the proposed properties positioned around the boundaries with a central estate road supplying the properties. Properties on plots 1 to 6 front onto Dairy Lane which provides an attractive frontage at this location. Properties on plots 26 to 29 have rear gardens facing onto Dairy Lane however a brick wall is proposed along the rear boundary treatment which can be considered a more attractive boundary than a standard close boarded fence which is a cheap option usually used by housing developers. Overall the appearance of the development is not considered to be detrimental within the street scene of Dairy Lane.
75. The main concern with this development in terms of visual amenity is the requirement for a 3 metre high closed boarded fencing along the north boundary of the site. Both the Landscape Officer and the Design and Conservation Officer have raised concerns regarding this boundary treatment. As previously discussed, the A690 is a main transport link into the City and the erection of a 3 metre high close boarded fence would create a bland outlook and therefore appear intrusive within this section of the highway as well as this part of the Green Belt. Recognising the need for a fence to attenuate noise and also the visual impact concerns, the applicant has revised the proposed boundary treatment along the northern edge. A 600mm landscape bund is proposed with a 2.4 metre high fence located on top of the bund. The 2.4 metre high fence would be constructed from 'branch' materials so the fence would have a softer more aesthetically pleasing appearance. The fencing would also have shrubs and planting growing up them so over time the fencing would have a natural appearance which would be considered an acceptable alternative to a standard 3 metre high closed boarded fence. With this revised bunding and natural fence boundary treatment proposed, it is considered that the proposal would not have an adverse impact on the appearance of the street scene along the A690 or compromise the qualities of the Green Belt.
76. The proposed properties are fairly standard design seen on most modern housing estates. The finished materials would be subject to agreement through a planning condition however it is considered that the proposed properties would not have a detrimental impact on the appearance of the area. The properties are all to be of two storey design and it is not considered that the houses will therefore have an intrusive impact to the outlook or character of the surrounding area. There are some of the existing trees on the site which are recommended to be removed to accommodate the properties however it is not considered that the loss of these trees would severely compromise the attractiveness of the area.

77. Concerns have been raised by a local resident that the proposed residential scheme is too dense. The site is measured at 1 hectare in area, therefore the density of the proposed scheme is 29 properties per hectare. This density is considered to be appropriate and not an overly dense development.
78. Finally, it has to be noted that this site has been redundant and empty for a number of years now which can arguably be considered to detract from the appearance of the area. The proposed scheme would provide much needed development on this site which would significantly contribute to character and appearance of the area. The proposal is considered to be in accordance with policy H13 and E1 of the local plan.

Highway and access issues

79. The business development which was previously approved on this site in 2008 estimated a traffic generation of 106 morning trips and 84 evening trips. The traffic generated from the proposed scheme in this application is estimated at 18 two way trips, 13 of which would leave the development at the morning peak hour. The estimated traffic generation from the proposed housing development including the traffic generation from the adjacent office building (which is currently under construction) would be considered to be less than the traffic generated from the office development which was approved in 2008. The Highways Officer has stated that the proposed housing development would have negligible impact on the highway network demand or junction operations.
80. The development layout is based on a standard cul-de-sac arrangement with allocated parking. Parking provision is provided in the form of garages, off street parking on driveways as well visitor parking scattered throughout the site. The parking provision is considered acceptable to adequately accommodate vehicles. The access into the site is proposed directly from Diary Lane. The access has adequate visibility splays ensuring that highway safety is not compromised at this proposed junction. The internal road layout has been specifically designed as a shared surface which would give a modern appearance to the estate. There are no objections to this shared surface approach from the Highways Officer. Pedestrian footways are to be introduced along the Diary Lane boundary of the site which would not only support the development but would also be a benefit to existing properties along Diary Lane. A footway link would also be introduced from the development site directly onto the footway of the A690, therefore allowing for good pedestrian access throughout the site.
81. The Highways Officer has raised concerns with regards to the location of the visitor parking on Diary Lane. It is considered that this visitor parking is unlikely to be used and this could lead to vehicles parking on the shared estate road. A footpath has been introduced between plots 25 and 26 from the visitor parking into the estate which would help with connectivity. Whilst the Highways Officer has concerns regarding this aspect of the scheme, it is not felt that a highways refusal reason could be justified in this instance.
82. It is also noted that there is a small parcel of the development site which would be located on adopted highway. This small section would be the garden areas of some of the proposed properties on the south boundary. The adopted section of highway is effectively the previous entrance into the former Diary site. The proposed development would not encroach onto the width of Diary Lane therefore the road width would remain and highway safety would not be compromised.

Nevertheless, this small section of adopted highway would have to be formally stopped up prior to the development commencing.

83. Some concerns have been received from local residents that the proposed properties facing onto Diary Lane and the driveways are unacceptable and would result in further parking onto Diary Lane. No objections have been raised by the Highways Officer in terms of these properties having vehicular access directly from Diary Lane. It is not considered highway safety on Diary Lane would be adversely compromised.
84. Overall, it is considered that the proposed development would have a suitable access as well as adequate parking provision, and the surrounding highway network would be able to cope with the additional vehicle demand. The proposed development would not adversely compromise highway safety and the proposal would be in accordance with policies T1 and T10 of the local plan.

Affordable housing and section 106 contributions

85. 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”.
86. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), 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. The applicant has agreed to provide 20% of affordable dwellings on site and this requirement will be secured through a section 106 legal agreement.
87. The proposed scheme does not include the provision of open space therefore monies towards open space and recreational facilities in the area is being offered as part of the scheme. This contribution will be £1000 per house, therefore totalling an amount of £29,000. This contribution will be secured through a section 106 legal agreement.
88. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The proposal would be in accordance with policy R1 and R2 of the local plan.

Other issues

89. The Environment Agency and Northumbrian Water have both been consulted on the proposed application. No objections have been raised providing further details are submitted prior to development commencing in relation to surface water and foul drainage. The mitigation measures detailed in the Flood Risk Assessment should also be implemented within the proposed scheme. Conditions are subsequently recommended.
90. Natural England and the County Ecologist has not raised any objections to the proposed development providing a condition is imposed requiring the

development to accord with the mitigation measures detailed in the ecology survey. A condition is recommended accordingly.

CONCLUSION

91. The site is defined in the local plan as a major developed site in the Green Belt and would be the redevelopment of the previously developed Dairy site. It is not considered the proposed development would compromise Green Belt policies E1, E2 and E2A of the City of Durham Local Plan.
92. The proposed development would be considered to be in line with the sustainable aims of the NPPF. The site is considered to be within reasonable walking distance to the commercial centre at Langley Moor and while the site is situated just outside of the main built up area of Durham City, it also has good access to public transport links that will provide access to the main transport hub for the County.
93. The proposed scheme would not have an adverse impact on the amenities of surrounding buildings. The amenities of future occupiers of the proposed properties would also be protected. It is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the City of Durham Local Plan.
94. The application site has been redundant and empty for a number of years now which can arguably be considered to detract from the appearance of the area. The proposed scheme would provide much needed development on this site which would significantly contribute to character and appearance of the area. The proposal is considered to be in accordance with policy H13 and E1 of City of Durham Local Plan.
95. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. There are concerns with the location of some of the visitor parking which could lead to parking on the internal estate road, however this issue is not considered sufficient to justify a refusal reasons. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
96. The proposed development would deliver the full amount of affordable housing (20%) on the site, and this provision would be secured through a Section 106 legal agreement. A developer contribution of £29,000 will also be made towards the provision and maintenance of recreational and amenity space in the near locality. This contribution would be secured through the Section 106 legal agreement.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing; and a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality; 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 Ref No.	Description	Date Received
PL 01	Site Location Plan	27/03/2014
PL 02 Rev L	Proposed Site Layout	14/07/2014
HT13	Single and Double Garages	27/03/2014
HT12 Rev B	House Type – Willow (Floor Plans)	23/06/2014
HT11 Rev B	House type – Willow (Elevations)	23/06/2014
HT10	Housetype – Spruce (Floor Plans)	27/03/2014
HT09	Housetype – Spruce (Elevations)	27/03/2014
HT08 Rev A	Housetype – Hazel (Floor Plans)	27/03/2014
HT07 Rev A	Housetype – Hazel (Elevations)	27/03/2014
HT06	Housetype – Juniper (Floor Plans)	27/03/2014
HT05	Housetype – Juniper (Elevations)	27/03/2014
HT04	Housetype – Elm	27/03/2014
HT03	Housetype – Laburnum	27/03/2014
HT02 Rev A	Housetype – Elder	27/03/2014
HT01	Housetype – Ash	27/03/2014
N13144-910 Rev P3	Refuse Vehicle Swept Path Analysis	27/03/2014
N13144-SK1003 Rev P3	Proposed Foul Water Pumping Station Location	01/05/2014

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

3. Prior to the commencement of the development a scheme to minimise energy consumption arising from the occupation/operation of the development 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 efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims Policy U14 of the City of Durham Local Plan and Part 10 of the NPPF.

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

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

5. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Patrick Parsons N13144 Rev A and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by the site to 50% of the existing discharge so that it will not increase the risk of flooding.
 - No habitable development should be placed in the area shown to be at risk from flooding.

6. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with policy U8a of the City of Durham Local Plan and part 10 of the NPPF.

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

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

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by Dendra Consulting Ltd dated 28th February 2014.

Reason: To conserve protected species and their habitat in accordance with the objectives of 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 hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.

10. Notwithstanding details submitted with the application, no development shall commence until details of all means of enclosures, including full details of the acoustic fencing and bunding along the north boundary with the A690, shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.

11. The development hereby approved shall be carried out in full accordance with all noise attenuation measures, advice and recommendations within the Noise Assessment prepared by Partick Parsons dated March 2014.

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

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

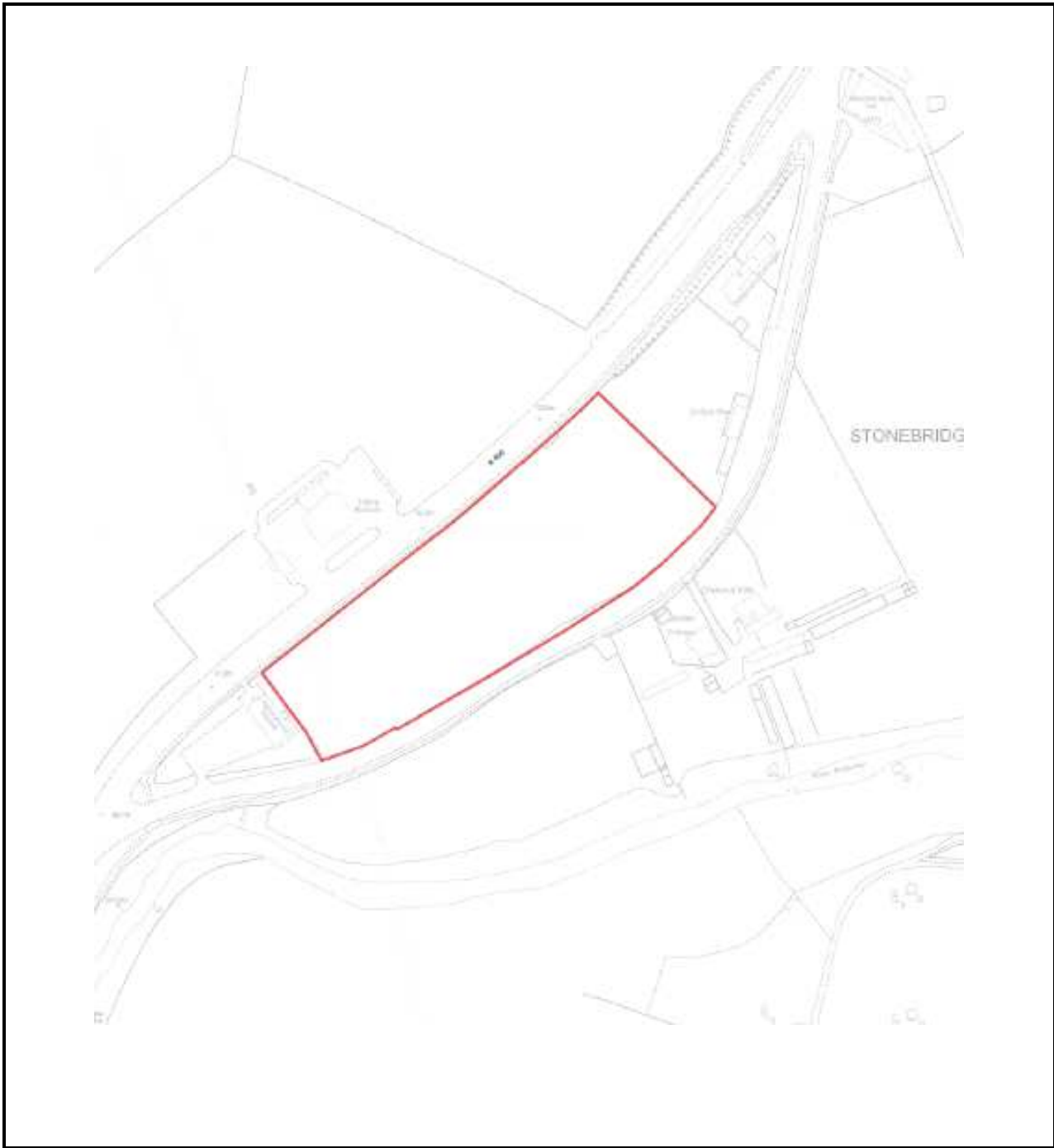
Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. 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
- Environmental Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

**Development of 29 dwellings with associated parking and landscaping at Former Dairy Site, Dairy Lane, Stonebridge, Durham
Ref: DM/14/00793/FPA**

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Comments

Date 22nd July 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01196/FPA
FULL APPLICATION DESCRIPTION:	109 Bed Student Accommodation
NAME OF APPLICANT:	CCL Group
ADDRESS:	The Durham Light Infantryman Public House, 110 Gilesgate, Durham.
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises the former Durham Light Infantryman (DLI) Public House, the hard standing brownfield land and outbuildings to the rear which is located on Sunderland Road in Gilesgate. The DLI building is currently closed and is in a dilapidated state. The north and east edges of the site front onto the rear gardens of McNally Place and Green Lane terraced bungalows, and the 2 storey flats of Green Court. The south eastern edge borders on to the St. Giles Petrol Filling Station. To the south west the existing pub building adjoins No.s 106-109 Gilesgate, comprising offices and a veterinary surgery. There are buildings immediately to the west which are currently being converted into private residential accommodation. To the south of the site is the A181 highway which is the primary vehicular route through Gilesgate, which serves as a key route in to the City from the east. The application site is also located within the Durham City Conservation Area.

The Proposal

2. Planning permission is sought for the demolition of the former public house, and the creation of a 109 bedroom student accommodation scheme, with associated parking and access. The development would consist of five blocks of accommodation, massed to read as three clearly defined buildings. They would comprise a mixture of cluster flats, study beds and studio apartments. There is a block proposed along the south boundary of the site which would replace the existing public house, with another 2 and 3 storey block situated in the north east corner and the final 3 storey building block located along the west boundary. A court yard would be created in the centre of the site which would accommodate 18 parking spaces, as well as covered and secure cycle parking for 22 bicycles.

3. The development also incorporates internal communal space at the ground floor of block A to serve all residents. A management company will be on site to maintain natural supervision and oversee the security of the access.
4. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

5. In April 2012 planning permission was granted for a change of use of the public house to create 5no. apartments and the erection of 8no. terraced properties to the rear.
6. An application was made in August 2012 for the erection of 5no. 6 bedroom dwellings to the rear of the public house and demolition of the rear extension of the public house. This application was withdrawn in October 2012.

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
9. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be

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

13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

18. *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.
19. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

20. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
21. *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.
22. *Policy H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
23. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
24. *Policy H16 (Residential institutions and Student Halls of Residence)* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
25. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
26. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
27. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
28. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
29. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
30. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
31. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new

dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

32. Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
33. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
34. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
35. Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
36. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

EMERGING POLICY:

37. 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:
38. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
39. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
40. *Policy 32 (Houses in Multiple Occupation and Student Accommodation)* – In order to support mixed and balanced communities and maintain an appropriate housing mix, houses in multiple occupation and new build houses for student accommodation will not be permitted where the site is located within 50m of a postcode area where more

than 10% of the total number of properties are already in use as licensed HMO's or student accommodation. Proposals should have adequate parking, refuse and other shared facilities and the design of the building should be appropriate to the character of the area.

41. *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.
42. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
43. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
44. *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:

45. *County Highways Authority* has indicated that the surrounding road network can accommodate the proposal. Sufficient student parking provision is provided within the site and any potential parking off site would not be considered severe which to justify refusal.
46. *City of Durham Trust* has objected to the scheme.
47. *Durham University* has not commented on the scheme.
48. *English Heritage* has not commented on the scheme.
49. *Environment Agency* has not raised any objections.
50. *Natural England* has not commented on the scheme.
51. *Northumbrian Water* has no objections subject to a condition requiring the submission of details for a scheme to dispose of foul and surface water from the site.
52. *Police Architectural Liaison* has provided advice in terms of site security.

INTERNAL CONSULTEE RESPONSES:

53. *Archaeology* has not raised any objections.
54. *Sustainability Officer* has no objections in principle.
55. *Environmental Management (Contamination)* has not raised any objections.
56. *Environmental Management (Noise/light/smoke/dust/odour)* has not raised any objections.
57. *Environmental Management (Air Pollution)* has not raised any objections however a condition is recommended for mitigation measures to be submitted ensuring air quality is not in the proposed accommodation is not affected.
58. *Ecologist* has not raised any objections.
59. *Design and Conservation* acknowledges that there is an impact on the immediate setting of this part of the conservation area, the public benefit is in bringing a vacant site back into use, enhancing the entrance into the conservation area and in screening views towards the petrol filling station, this is considered to outweigh the less than substantial harm.
60. *Landscape Team* cannot support the scheme as it is currently proposed.
61. *Tree Officer* has raised concerns with regards to the loss of trees on the site.
62. *Spatial Planning Policy Team* has not raised any objections to the scheme.
63. *Drainage Officer* has no objections subject to a condition requiring the submission of details for a scheme to dispose of foul and surface water from the site.

PUBLIC RESPONSES:

64. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 7 letters of representation have been received from local residents.
65. One of the main concerns is the impact the development would have on highway related issues. Parking is already considered a problem in this area and this would be made worse by the proposed development. The access into the site from the A181 is unacceptable. Traffic congestion would also increase should this development go ahead especially during times when students are being picked up or dropped off.
66. The proposal is also considered by residents to have adverse impact on the conservation area, with one of the main reasons being that the site is overdeveloped and the buildings are too large. There are concerns that the development would result in anti-social behaviour in the area as well as noise disruption to local residents. Some residents consider that the site is not sustainable and it has been questioned whether there is a need for student accommodation in this location.

APPLICANTS STATEMENT:

67. The proposed development is in full accordance with the NPPF and Development Plan Policy. The proposed development is of a high standard of design and

management to meet the growing need for student accommodation on the back of international success of Durham University. Therefore, on consideration of all the supporting information it is considered that the development can be recommended for approval in accordance with the Development Plan.

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development; impact upon the character, appearance and setting of conservation area and surrounding area; impact on residential amenity; highway safety; and other issues.

Principle of development

69. The application proposes the erection of a purpose built student accommodation development on previously developed land which is considered an unsightly parcel of land. The proposals also include the demolition of the public house which is currently in a dilapidated state and detracts from the surrounding area. The site is within a commercial location with shops, services and public facilities within close walking distance. The proposal would therefore be in accordance with the sustainable principles of the NPPF as the proposal demonstrates an efficient use of land with good access to services and public transport.

70. The local plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.

71. Policy C3 of the local plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application. The proposal is not considered contrary to Policy H16 as the site is well located in terms of local services and within easy walking distance of bus routes, local shops and University buildings.

72. Policy 32 of the emerging County Durham Plan states that applications for student accommodation will only be permitted where there is sufficient car parking, there is acceptable arrangement for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. Policy 32 also states that new build houses and change of uses for HMO's will not be permitted if the application site is located in a postcode area where more than 10% of the total properties are already in HMO use or student accommodation. This part of the policy does however only refer to new build houses whereas this proposal is for the erection of new build student apartments. It is therefore considered that the proposed development would not be contrary to the policy 32 of the emerging County Durham Plan.

73. The NPPF emphasises the need to ensure mixed and inclusive communities mentioned at paragraph 50 and encourages that development establishes a strong sense of place and sustains an appropriate mix of uses as detailed in paragraph 58. The local area does include a mix of uses in the immediate area with residential properties to the north, east and west; the petrol filling station immediately to the south east and the various commercial properties strung along the A181. The local area can therefore be considered to have a mixed use character which could be expected on primary transport routes into the City Centre.
74. Given the above it is considered that the site is sustainably located in an area which has an existing mix of uses; and is previously developed land. The proposals are therefore considered to be in accordance with the sustainability agenda of the NPPF. The development would also be acceptable in principle and in accordance with policy H16 of the local plan.

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

75. The site is located within the boundary of Durham (City Centre) Conservation Area and as such the impact of the proposal on the character and appearance of the conservation area and the setting of the nearby listed buildings, should be primary considerations in the determination of this application.
76. The proposed development comprises of five blocks, ranging from 2 to 4 storeys, forming a mixture of flats, student beds, and studio apartments, with block A multiuse as a hub/coffee bar/music room/group study room. The blocks have a linear arrangement around intimate external spaces with an active frontage replacing the existing public house. The scheme adopts two architectural approaches, pastiche to the frontage and contemporary to the rear.
77. The loss of the existing public house is not considered to be contentious given the level of alterations and fabric loss which have compromised its original integrity, justified further by its long term vacant status, and state of continued decay which blights the historic streetscene and detracts from the quality of the conservation area. The principle of development to the rear is looked upon favourably in light of the granting of previous permission for residential development and as there are other back land developments on this side of the street. The site is within a sustainable location within walking distance of the city centre with good public and private transport links.
78. The proposed layout to the rear is considered to be acceptable as it responds to the historic context of the rear plot by being perpendicular to the built form and replicating the linear arrangement of the historic plots. The layout makes clear reference to the existing townscape and integrates successfully into the historic urban grain of the area.
79. The primary concern on this site is the impact of the new build elements on the character and appearance of the conservation area and views from the main road. Given that the main bulk of the development would be located to the rear, along the western portion of the site it would not be in full view externally. The development is also broken up into well defined blocks which assist in further lessening its overall visual impact. From certain vantage points it would be screened by the existing built form and when visible it would have a localised visual impact. A new building on the vacant front corner plot is considered to be acceptable in re-establishing the historic built form as a building existing here previously. The frontage buildings would also create a visually affective corner stop/turner to provide an end of terrace feature, and assist in screening views towards the petrol filling station when approaching from the

city centre to the west. The frontage building follows the street frontage of the existing public house which is appropriate. The stepped increase in height intrudes upon the regularity of the roofscape of this part of the street. But this is not considered to be too harmful given the significant variants in the building heights and changes in roofline on this side of Gilesgate taken as a whole, and that the properties are not uniformed.

80. Replication and architectural cues from the surrounding pattern of the existing historic form is successfully carried forward as the design concept in the elevational treatment by featuring a well balanced and proportioned frontage, vertical windows with wedge lintels and sill, timber panelled front doors, chimneys etc. This ensures that the aesthetics of the prominent frontage is in keeping with the general historic character and appearance of the street. The modern design solution to the rear is welcomed in making a contemporary standalone design statement. The development steps down from the street frontage as it progress towards the rear of the site, with a staggered alignment and elevational breaks. This graduated massing and articulation as individual subordinate blocks assists in reducing the impact overall, the scale and massing. The regular rhythm and clean lines emphasising a contemporary aesthetic.
81. The materials proposed for construction reflect a traditional material palette taken from within the locality. This is complemented by areas of timber cladding, glazing, appropriate to the contemporary nature of the development to the rear. The respectful and limited materiality assists in successfully blending the traditional and contemporary elements generating a distinguished design aesthetic. To ensure that the development is constructed to a high standard it is considered prudent to require the submission of materials, window details, boundary treatment and landscaping for agreement through planning conditions. Conditions are recommended accordingly.
82. Given the above comments it is considered that the proposed development in this location will not greatly impact on the overall nature of this part of the conservation area or impact on the character or setting of nearby listed buildings. The development would preserve the character, setting and appearance of the Durham City Conservation Area and would be in accordance with policies E6 and E22 of the local plan.

Impact on residential amenity

83. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through the concentration of students but also with regards to specific relationships with the closet properties.
84. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.
85. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Whilst such

behaviour associated with students often gets exaggerated along with the frequency and magnitude it is important for the confidence of all to have a well-defined management plan. The developer has indicated that a management company would be present on site to maintain natural supervision over the site and provide a point of contact with existing residents in the area. The management company will maintain local contact and appoint after hour wardens as well as a network of further assistance should it be required. A draft management plan for the student accommodation site has also been submitted with the application. This management plan gives a commitment which will allow for two way communication between the community and the management company as well as having sanctions in place to control any anti-social behaviour should it arise. It is fair to say that a dense residential nonstudent apartment scheme will raise from time to time some disruptive behaviour but without the control of a strong management structure relying purely on other legislation. By its very nature all existing controls will exist but in the first instance the management plan and company will be the first recourse and as such this is considered an effective method of controlling such behaviour should it occur, aided by two way communication with community representatives. Full details of the management plan should be submitted for approval and this is recommended through a condition.

86. It is noted that there are residential bungalows to the north and east boundaries of the site as well as a two storey apartment block on the east boundary. There are also buildings to the west which have been converted into private residential accommodation. The rear of the commercial properties are also located to the west of the site. Policy Q8 of the local plan states that proposed developments should minimise the impact upon the occupants of existing nearby and adjacent properties. The separation distance between the proposed building block F and the bungalows to the east is 13 metres. There are to be no habitable windows overlooking the bungalows as the windows in the east elevation of block F would be corridor windows. The applicant has also agreed that these windows be obscurely glazed to ensure that there will be no loss of privacy to the bungalows to the east. It is also considered that the 13 metre separation distance will ensure that there would be no overbearing or overshadowing issues created. The pitch of the roof of block F has been lowered to reduce the impact. It is also noted that there is tall mature hedging and shrubbery along the east boundary of the site which currently overshadows the bungalows to the east, and because of this the proposed student blocks may be screened anyway.
87. The bungalows to the north, at its closest point would be located 10.5 metres away from the proposed block F, however as the bungalows are situated on an angle this separation distance does increase. There are to be no windows in the north elevation of block F, therefore there will be no loss of privacy to the residents of the bungalows. The northern part of block F is also specifically reduced to two storey in height in order to reduce any overbearing or overshadowing impacts. Overall it is not considered that the bungalows to the north would experience any adverse impacts in terms of overshadowing or overbearing impacts.
88. There are windows overlooking the site from the neighbouring apartment block on the east boundary. The development has been specifically designed as to leave a gap in development to ensure the outlook as well as privacy levels are maintained for the existing residents of this apartment building.
89. Proposed blocks A and B front onto the main highway and it is not considered that these blocks would result in any loss of privacy or raise any overbearing or overshadowing impacts on surrounding properties.

90. Proposed block C only has bedroom windows proposed looking internally within the site and it is not considered this would result in any inadequate privacy levels. The back of the neighbouring commercial properties are located to the west of block C however there are no habitable windows facing west therefore ensuring sufficient privacy and outlook is maintained. Given the buildings are commercial buildings to the west of block C it is not considered any loss of residential amenity would take place.
91. There is an existing building immediately to the west of proposed block D which has been converted into residential accommodation. There are no windows to habitable rooms in the east elevation of this neighbouring building therefore it is considered that adequate privacy would be maintained for the residents of this neighbouring building. There are windows to habitable rooms in the north elevation of the neighbouring building to the west. Proposed block E would be visible from these rooms however given the obscure angle between the windows in block E and the windows in the north elevation of the neighbouring building it is considered that adequate levels of privacy would be maintained. Similarly in terms of outlook, whilst it is noted that block E would be visible from the north windows of the neighbouring building, it is considered that the obscure angle and position of block E would ensure that outlook is not adversely compromised. There are residential properties further to the west of block E however these are considered to be sufficient distance away to ensure that adequate levels of privacy are maintained. The north section of block E has also been dropped to a two storey height to ensure adverse overbearing and overshadowing impacts are not created upon the residents of the bungalows to the north. There are no windows proposed in the north elevation of block E ensuring privacy levels are maintained with the bungalows to the north.
92. It is noted that no objections have been received from local residents in terms of loss of privacy or outlook; or in terms of overbearing and overshadowing issues. It is to be acknowledged that the introduction of buildings onto this site may appear strange to surrounding residents given this has been an empty site. The proposed buildings have however been specifically designed to ensure that the residential amenities of surrounding residents are protected. Overall, it is considered that the residential amenities of surrounding residents would not be adversely compromised and the proposal would be in accordance with Policy Q8 of the local plan.
93. Given the site is surrounded by residential properties to the north, east and west it is considered that operation hours during development stage is controlled to protect the amenities of the residents. A condition is therefore recommended for construction times to be restricted between the hours of 8am to 6pm Mon – Fri and 8am to 1pm on Saturdays with no works on Sundays or Bank Holidays.
94. It must be taken into account that this development proposal is not the first of its kind within the Durham City and Gillesgate area. Other examples of similar, privately run student accommodation developments exist such as at St Margarets Flats and those being developed at Green Lane together with the University's own halls within edge of centre locations such that at Parsons Field off Old Elvet. Permission was also recently granted for student accommodation at Ainsley Street and Renny's Lane, as well as a recently approved development at Magdalene Heights.
95. In conclusion there are no objections to the proposed development on the grounds of harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the nearest properties. The proposal is therefore considered to accord with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

Highway safety

96. The proposed site sits alongside the A181 which is a main arterial route into the City, and is well served by public transport services. The A181 is street lit and has footways along both sides with links to the A690 and pedestrian overbridges to the city centre. It is within reasonable proximity to the University, local facilities and rail and bus stations of the City. It could be considered to be in an accessible location, although accessibility for cyclists is not ideal with access being gained from the busy A181. This nevertheless could not be considered as a severe impact and would not be a justifiable reason to refuse permission.
97. The Highways Officer considers that trips made to the development are not likely to exceed those trips that were made under the previous use as a public house therefore there should be no detrimental impact on traffic generated on the access or the overall highway network.
98. The proposed scheme proposes 18 car parking spaces on the site for student use. The Council's approved car parking standards for student accommodation places a requirement of 1 space per 6 students. The proposal is for 109 students therefore this equates to a requirement of 18 parking spaces. The proposed parking provision therefore meets the current standard for the student element of the development. Concerns have been raised by local residents and businesses that parking is currently a problem which would be made worse by this development. The Highways Officer has recognised that there could be a potential demand for additional parking spaces on the public highway. There is a high on street demand in the area from residents and businesses which could conflict with an additional demand for student parking. However the Highways Officer considers that the impact of dispersing vehicles throughout the highway network would not be significant and could not be considered under the definition 'severe' which is described in the NPPF.
99. Given the scale of the development there is a requirement for 22 covered cycle spaces and 5 visitor spaces. Cycle parking provision is provided within proposed block C which would meet the requirements. In order to ensure the cycle parking provision is covered and secured full details are requested prior to works commencing. A condition is recommended accordingly. A draft travel plan has been submitted with the application which provides a commitment and targeted approach to sustainable travel. A condition is recommended for full details of the travel plan to be submitted for approval. A draft management plan has also been submitted with the application which gives details of controls for students parking during drop off and pick up times. A condition is recommended for full details of parking controls to be detailed in a management plan which would be submitted and approved.
100. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10, T20 and T21 of the local plan.

Other Issues

101. An ecological assessment of the site was submitted with the application and concludes that the existing building, proposed to be demolished, has a low potential to support roosting bats, and a poor foraging habitat for bats. To ensure that protected bats are not adversely compromised by the scheme purpose designed crevice roost opportunities will be present in the proposed roofs in order to improve the site potential to accommodate bats. The County Ecologist has raised no objections to the findings of the assessment and it is therefore considered that the

proposed development would not have an adverse impact on protected species or their habitats. A condition is recommended for the mitigation measures detailed in the ecology report to be adhered to during development. The proposed scheme is unlikely to have any interference with European protected species and there is no need to apply to the derogation tests of the Habitat Directive.

102. There is no open space proposed as part of the scheme therefore the developer has agreed to provide financial contributions towards open space provision within the area. The Council also encourage the provision of artistic elements in the design and layout of new development. The developer has also agreed to a contribution towards public art. These contributions would be secured through a Section 106 legal agreement. These contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

103. It is noted that the Environment Agency and Northumbrian Water have not raised any concerns with regards to flooding or drainage. It is therefore considered that the development would not result in adverse flooding or drainage impacts in the area. Northumbrian Water have requested that a condition be included for details of foul and surface water drainage to be submitted prior to works commencing. A condition is recommended accordingly.

CONCLUSION

104. The proposed development is considered acceptable in principle as it is sustainably located in an area which has an existing mix of uses; and is previously developed land. The land is located within the defined settlement boundaries and is not allocated for a specific use. The proposals are therefore considered to be in accordance with the sustainability agenda of the NPPF. The development would also be acceptable in principle and in accordance with policy H16 of the local plan.

105. The proposed development in this location will not greatly impact on the overall nature of this part of the conservation area or impact on the character or setting of nearby listed buildings. The development would preserve and, in part, enhance the character, setting and appearance of the Durham City Conservation Area and would be in accordance with policies E6 and E22 of the local plan.

106. The proposed development would not create adverse harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the nearest properties. The residential amenities of existing and future occupiers of surrounding neighbouring properties as well as occupiers of the proposed development would not be adversely compromised. The proposal is therefore considered to accord with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

107. The site is considered in a sustainable location with good pedestrian and public transport links to shops, services and public facilities. Sufficient student parking is provided on site and any additional parking in the surrounding area is not considered to be severe in which to justify refusal of the application. The proposed access is acceptable and the Highways Officer considers that the surrounding highway network can accommodate the proposed development. Cycle parking provision is to be provided on site in safe and secure locations. It is therefore considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10, T20 and T21 of the local plan.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the payment of commuted sums towards open space and public art in the locality; 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 Ref No.	Description	Date Received
VS030B	Site Plan	06/05/2014
VS031	Location Plan	06/05/2014
VS038B	Block A & C Ground Floor Plan	06/05/2014
VS039B	Block A & C Upper Floor Plans	06/05/2014
VS036C	Block B Floor Plans	06/05/2014
VS035B	Block D Floor Plans	06/05/2014
VS040B	Block E Ground Floor Plan	06/05/2014
VS041B	Block E First Floor Plan	06/05/2014
VS042B	Block E Second Floor Plan	06/05/2014
VS037C	Block F Floor Plans	06/05/2014
VS043B	South Elevations	06/05/2014
VS046A	Block F & B Gable Elevations	06/05/2014
VS044C	West Elevations	06/05/2014
VS045E	East Elevations	11/07/2014
VS047B	Block A, B & E North Gable Elevations	06/05/2014
12 012	Site Section	09/07/2014
SK100 Rev B	Block Plan	09/07/2014

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

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

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

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

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

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. 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.

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

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

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

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

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

8. No development shall commence until a Travel Plan conforming to The National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. Prior to the bringing into use of the development a Travel Plan Coordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority'

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

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

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

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

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

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

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

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

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

13. No development shall commence until full details of cycle provision has been submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To encourage the use of sustainable forms of transport and to comply with policy T20 of the City of Durham Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the east boundary elevation windows of block F shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent.

Reason: In the interests of residential amenity and to comply with policy Q8 of the City of Durham Local Plan.

15. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the protected species report, *Bat Risk Assessment (dated May 2014) by E3 Ecology Ltd.*

Reason: To conserve protected species and their habitat in accordance with criteria within 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.

BACKGROUND PAPERS

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



Planning Services

**109 Bed Student Accommodation at
The Durham Light Infantryman
Public House, 110 Gilesgate,
Durham.
Ref: DM/14/01196/FPA**

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**Date
22nd July 2014**

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01261/OUT
FULL APPLICATION DESCRIPTION:	10no. residential units (outline)
NAME OF APPLICANT:	Haswell Developments Ltd
ADDRESS:	Land between 3 Church Villas and 7 Rectory View, Shadforth, Durham
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of a parcel of land situated between 3 Church Villas and 7 Rectory View in Shadforth. The site is currently open agricultural land with the adopted highway bordering the site to the east. Open fields are located to the west. The residential properties of Rectory View are located to the north and properties of Church Lane to the south. The grounds of St. Cuthbert's Church are situated to the east beyond the highway. The application is located within the Shadforth Conservation Area.

The Proposal

2. Outline planning permission is sought for 10no. Residential units. As this is an outline application, the applicant has requested access and layout to be considered at this stage with all other matters reserved for future consideration. The proposed layout shows a row of detached and semi-detached properties along the main road. Access is to be taken directly from Church Lane and would lead to parking area to the rear of the properties.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. This is no planning history associated with this site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted..
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

14. *Policy E7 (Development Outside Settlement Boundaries)* advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
15. *Policy E22 (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
16. *Policy H3 (New Housing Development within the Villages)* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
17. *Policy H4 (Villages with no Settlement Boundary, Ribbon Development and Sporadic Groups of Houses)* the extension or redevelopment of villages with no settlement boundary, of ribbons of development, or sporadic groups of houses will not be permitted. Infill housing at these locations will only be permitted if the development: comprises no more than a single dwelling infilling a small gap between existing buildings; and does not involve the development of an open space that is important to the street scene, and is appropriate in scale, form and materials to the character of its surroundings.
18. *Policy H5 (New Housing the Countryside)* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
19. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
20. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
21. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
22. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
23. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
24. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new

dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

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

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

EMERGING POLICY:

27. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

28. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

29. *Policy 15 (Development on Unallocated Sites)* – States that development on unallocated sites will be permitted where development is appropriate in scale, design and location; does not result in the loss of a settlement's last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet criteria defined in Policy 35.

30. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.

31. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.

32. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity,

resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.

33. *Policy 44 (Historic Environment)* – Sets out that 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.
34. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
35. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *County Highways Authority* has not raised any objections to the proposed scheme.
37. *Environment Agency* has not raised any objections to the application.
38. *Northumbrian Water* have not objected to the proposal subject to a condition requiring the submission of details of foul and surface water discharge from the site.
39. *Shadforth Parish Council* has raised objections to the scheme.

INTERNAL CONSULTEE RESPONSES:

40. *Archaeology* has not raised any objections.
41. *Environmental Management* has not raised in objections in terms contamination, noise, light, smoke and dust.
42. *Sustainability Team* has not raised any objections.
43. *Ecology Team* has not raised any objections.
44. *Design and Conservation Team* has not raised any objections to the outline application.
45. *Landscape Team* has not raised any objection in principle.
46. *Tree Officer* has indicated that the trees on site should be retained.
47. *Spatial Planning Policy Team* has not raised any objections to the proposals.

PUBLIC RESPONSES:

48. A press notice was issued. Site notices were also posted. Neighbouring residents were notified individually of the proposed development. 28 letters of objection have been received as well as two letters of support.
49. One of the main areas of objection is with regards to the principle of development, in that it does not constitute infill development and would be the development of greenfield land which is in the Green Belt, situated beyond defined settlement boundaries. The proposal is considered to be contrary to the emerging County Durham Plan as well as saved policies in the City of Durham Local Plan. It has been noted that the Council's Strategic Housing Land Availability Assessment has indicated that sufficient land has been identified for housing in the County. Some residents have indicated that there is no demand or need for housing in the area whereas one comment states that social and affordable housing is required in the area. The application has also been described as being 'garden grabbing' and not sustainable development.
50. Another primary concern is the impact the development would have on highway issues. In particular the proposed access is considered dangerous and would compromise highway safety from the increase in traffic. The proposed parking is considered excessive by some objectors and others feel future residents would end up parking on the main road. There are also concerns that the proposed access has been specifically designed in order to provide access to the field to the rear of the site, which could lead to a further application for more houses.
51. Concerns have been raised with regards to the adverse impact the development would have on the village, in particular the Shadforth Conservation Area. Some residents have indicated that the site is within, or partly, within the conservation area, therefore a full planning application should be submitted. There are concerns that the layout, design and density proposed would not be in keeping with the area. The loss of trees and hedging is also considered to be unacceptable.
52. Local residents have raised issues with the impact the proposals would have on residential amenity. Concerns are raised with regards to overlooking, loss of privacy, overshadowing, increase in noise levels and potential for light pollution. Comments from residents have also objected concerned that the proposal would have an adverse impact on flooding and ecology in the area.
53. It has been noted that previous planning applications has restricted development on this land. Comments received indicates that there are no renewable provisions included within the development and the point is also made that Northumbrian Water are unable to comment on flooding as insufficient details are provided. Finally, one local resident has indicated that the consultation period was too short and there was insufficient time for residents to comment.

APPLICANTS STATEMENT:

54. This is a proposal that will reinforce the traditional linear form of this part of Shadforth in a cohesive manner. Its role will be conjunctive rather than disjunctive to the character and appearance of Shadforth. Indeed, it replicates to some extent previous development to the south where a row of new dwellings was successfully integrated into the existing settlement framework, and this proposal seeks to achieve the same kind of complementary consolidation. It is not errant, wayward or sporadic development that is being proposed, but something that will provide a robust strengthening of the village structure.

55. In the history of planning new development is not an alien concept - it is a part of the natural evolution of settlements. Organic growth of this nature is what happens to our towns and villages. It is why many of those who now object are able to live in Shadforth - i.e. because over the decades the village (like many successful settlements) has been allowed to evolve incrementally in keeping with its scale, context and character, providing housing for those who wished to live there. Future generations should not be denied that same opportunity. Importantly the scale and context of this proposal is wholly in keeping with the evolution of Shadforth.

PLANNING CONSIDERATIONS AND ASSESSMENT

56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of residential development of the site; highway and access issues; impact on surrounding area; affordable housing and section 106 contributions; and other issues.

Principle of development

57. The scheme proposes housing development on greenfield land that is located outside of the existing settlement boundary for Shadforth. Sites located outside of the settlement boundaries are treated against countryside policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary. Consequently, the development of the site for housing would be in conflict with Policies H3, H4 and H5 of the local plan on account the proposal does not comprise previously-developed within the settlement, does not accord with the local plan definition of infill development, and does not have an agricultural workers requirement for the proposed housing. Therefore, there would need to be other material considerations to justify a departure from those policies.

58. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authorities are expected to boost significantly the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure.

59. Shadforth is recognised as a Small Village within the County Durham Settlement Study, in recognition that the village has some facilities but residents commonly need to travel to workplaces, schools and other facilities. There is a bus service which runs through Shadforth linking to nearby larger settlements including Durham City. The proposal would introduce new houses into Shadforth which could be considered a benefit as the houses would support existing facilities and services in the area as well as services in nearby villages. The NPPF promotes sustainable development in rural areas where housing is located would enhance or maintain the vitality of rural communities. In this respect it is considered that the proposed development can be classed as sustainable development, as the proposal would support the facilities and services within local community.

60. As previously stated, the application is considered to be contrary to policies H3, H4 and H5 of the local plan, as the site is located outside settlement boundaries and does not constitute infill development. In planning terms, it has generally been accepted that sites outside settlement boundaries are classed as being in the open countryside. The emerging County Durham Plan is aiming to remove settlement boundaries therefore to allow the acceptability of individual sites to be assessed on their own merits. Policy 15 of the emerging County Durham Plan relates to development on unallocated sites. Policy 15 states that all development on sites that are not allocated in the Plan will be permitted provided that the development is appropriate in scale, design and location to the character and function of the settlement; and would not involve development in the countryside.
61. This proposal is not development encroaching into the open countryside as the site does form part of the existing built up area of Shadforth village. The site and the immediate surrounding area does have a linear built form which has a built up frontage within the village of Shadforth. The proposed linear development would link up the existing linear built form of the adjacent properties providing an established street frontage which would not encroach into the open countryside. The proposed development is considered to be in accordance with Policy 15 of the emerging County Plan, as the scale, design and location would be appropriate to the character of the area; and the development would not lead to encroachment into the open countryside.
62. This proposal is finely balanced, given the development is contrary to policies H3, H4 and H5 of the local plan with the site being outside settlement boundaries and the development not constituting the policy H4 definition of infill development. The assessment of the proposal does need to be weighed against the benefits that the development would bring to the local community and the NPPF supports sustainable development where housing would enhance or maintain the vitality of rural communities. It is considered that the proposal would be in line with the sustainable principles of the NPPF. The proposal is also considered to be in accordance with the emerging County Durham Plan Policy 15 which permits development on unallocated sites, providing the scale, design and location is appropriate and the development would not involve development in the countryside. The development of the site is considered to be within the established linear built form of the village and would not constitute an encroachment into the open countryside.
63. On balance, given the proposal is considered to be in accordance with the sustainable principles of the NPPF and emerging policies in the Durham County Plan, the proposed development is considered acceptable in principle.

Highway and access issues

64. Access into the site is proposed from Church Lane which leads to a parking area to the rear of the properties. 25 car parking spaces are proposed for the 10 properties which meets the highway parking standards. Given the access is supplying 10 properties, part of the access would be required to be formally adopted and this is shown on the proposed layout plan. The Highways Officer originally had concerns regarding the position of the access. Amended plans have been received showing the access relocated further north. This revised access position now provides adequate visibility splays to ensure that highway safety would not be adversely compromised. The Highways Officer is satisfied that the scheme is acceptable and that there is sufficient parking provision provided. There have been concerns raised by local residents, that the proposed access has been specifically designed to allow for future access into the field to the rear which could accommodate further housing. As previously stated, it is highway requirements that an adopted road is needed to

supply the proposed 10 properties. Any further proposals for housing to the rear of this site would require formal planning permission and would be subject of a separate application.

65. Overall, it is considered that sufficient parking provision is proposed and the access provides adequate visibility splays to ensure that highway safety would not be adversely compromised. The proposal is considered to be in accordance with policies T1 and T10 of the local plan.

Impact on surrounding area

66. Although this is an outline application, the applicant has requested that layout be considered at this stage and subsequently a site layout plan has been submitted with the application. The proposed layout shows a row of detached and semi-detached properties running parallel with the main road. The access would come off the main road intersecting two properties leading to a parking area to the rear of the properties.
67. The proposed layout is considered suitable as it would match the existing housing arrangement on Church Lane and Rectory View. Parking would be located to the rear of the properties which would be mostly screened by the houses. The site does sit within the Shadforth Conservation Area and the impact the development has on the setting of the conservation area is an important consideration. Full planning applications are usually considered when a site is located within a conservation area. The outline proposals in this application do include the layout to be considered and the submitted plans do show illustrative elevational drawings. It is considered that sufficient information has been provided within this outline application to make a suitable assessment of the impact on the conservation area. The general appearance of the built development in this part of Shadforth is a linear form with the properties stretched along Church Lane and Rectory View. The proposed development would reflect this linear form and it is not considered that this would adversely impact on the setting of the conservation area. The specific design and materials used in the proposed properties would be reserved for future consideration however it is considered that suitable properties could be constructed which would preserve the setting of the conservation area. The Design and Conservation Officer has assessed the acceptability of the proposal against the setting, character and appearance of the conservation area and no objections have been raised.
68. In terms of residential amenity, the layout plan provides each property which adequate amounts of useable garden space. Final window details and positioning would be confirmed through a reserved matters application however it is considered that the main outlook from the properties would face onto the main road and the fields to the rear. It is not considered that the proposed development would compromise residential amenity of neighbouring properties.
69. It is considered that the proposed layout is acceptable and the development would blend in well with the existing linear form of the immediate built environment. It is considered that the proposal would preserve the setting of the nearby conservation area. The proposal would be in accordance with policies E22, H13 and Q8 of the local plan.

Section 106 contributions

70. As the development is introducing 10 properties into the local community and because there is no open space incorporated into the proposed scheme, a financial contribution towards open space and recreational facilities in the area is required as

part of the application. The required contribution will be £1000 per house, therefore totalling an amount of £10,000. This contribution will be secured through a section 106 legal agreement. These contributions would help support and improve facilities within the surrounding locality for the benefit of occupiers of the proposed properties and also existing residents of the local community.

Other Issues

71. The County Ecologist has assessed the proposal in terms of potential impacts on protected species and has not raised any objections. The Ecologist has further indicated that if the developer wishes to route surface water in to Shadforth Beck, then a Water Vole Survey of the stream would be required as the outfalls installations could impact on water voles. A condition is therefore recommended for a Water Vole Survey to be submitted at reserved matter stage to ensure that water voles would not be adversely compromised. It is noted that a condition is usually not recommended to safeguard protected species, however in this instance given the impact would only occur if drainage is to be directed towards the Beck it is considered an acceptable approach.
72. Some local residents have stated that the application site is within, or partly, within the application site and therefore a full application should be submitted. The application site does lie within Shadforth Conservation Area and the impacts the proposals would have on the setting of the conservation area are considered to be acceptable and these issues have been discussed in paragraph 67.
73. Concerns have been raised from residents with regards to flooding and drainage from the site. The Environment Agency and Northumbrian Water have been consulted on the application and no objections have been raised. A condition has been requested requiring details of foul and surface water drainage to be submitted and this condition is recommended. It is not considered that the proposed development would create any adverse flooding or drainage issues in the area.
74. Residents have raised issues that the proposal does not include any renewable provisions. As this is only an outline application it is not necessary for renewable details to be submitted. A condition is recommended for details of renewable and energy efficiencies to be submitted prior to works commencing.

CONCLUSION

75. The proposal is finely balanced, given the development is contrary to policies H3, H4 and H5 of the local plan with the site being outside settlement boundaries and the development not constituting the policy H4 definition of infill development. The assessment of the proposal does need to be weighed against the benefits that the development would bring to the local community and the NPPF supports sustainable development where housing would enhance or maintain the vitality of rural communities. It is considered that the proposal would be in line with the sustainable principles of the NPPF. The proposal is also considered to be in accordance with the emerging County Durham Plan Policy 15 which permits development on unallocated sites, providing the scale, design and location is appropriate and the development would not involve development in the countryside. The development of the site is considered to be within the established linear built form of the village and would not constitute an encroachment into the open countryside.

76. Sufficient parking provision is proposed and the access provides adequate visibility splays to ensure that highway safety would not be adversely compromised. The proposal is considered to be in accordance with policies T1 and T10 of the local plan.
77. It is considered that the proposed layout is acceptable and the development would blend in well with the existing linear form of the immediate built environment. It is considered that the proposal would preserve the setting of the conservation area. The proposal would be in accordance with policies E22, H13 and Q8 of the local plan.
78. A contribution of £1000 per house totalling £10,000 from the developer would be secured through a Section 106 legal agreement. These contributions would help support and improve facilities within the surrounding locality for the benefit of occupiers of the proposed properties and also existing residents of the local community.
79. It is not considered that protected species and their habitats would be compromised as a result of the propose development. Northumbrian Water and the Environment Agency have not raised any objections and it is considered the site would not be compromised in terms of flooding or drainage issues.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality; and subject to the following conditions;

1. Approval of the details of appearance, landscaping and scale (hereinafter called “the reserved matters”) for the development shall be obtained from the local planning authority before the development is commenced.

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

2. Application for approval of reserved matters for the development must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

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

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

Plan Ref No.	Description	Date Received
	Site location plan	22/04/2014
01 B	Proposed Site Layout Plan	07/07/2014

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

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 policy H13 of the City of Durham Local Plan.

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

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

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

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

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

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

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

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

9. Should surface and foul water from the site be discharged into Shadforth Beck, no development shall take place until a water vole survey of the Shadforth Beck detailing mitigation measures has been submitted to and approved in writing by the local planning authority. The development and the mitigation measures shall be undertaken in accordance with the approved details.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

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

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

11. Prior to the commencement of the development a scheme to minimise energy consumption arising from the occupation/operation of the development 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 efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation.

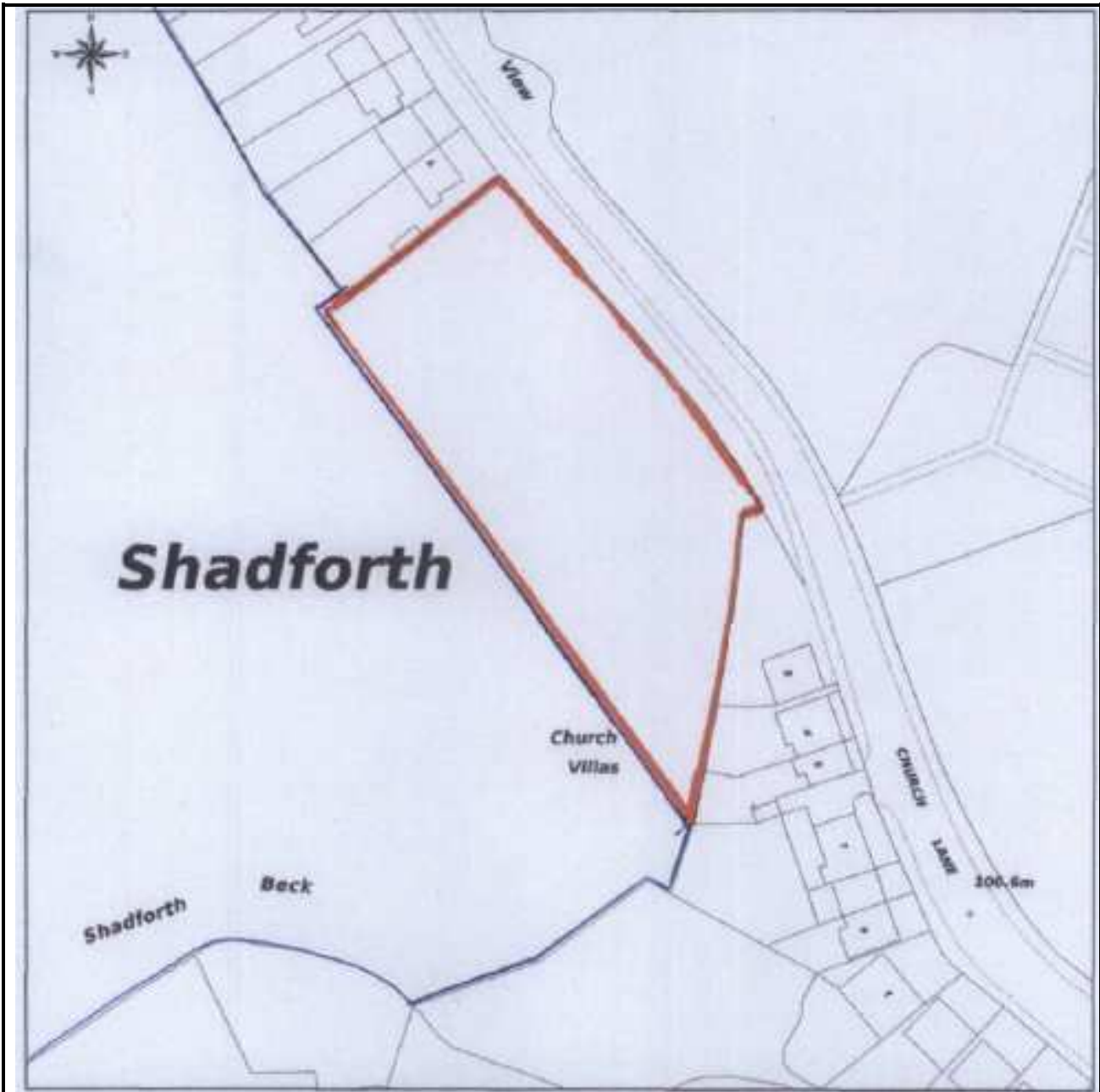
Reason: In the interests of sustainable construction and energy generation in accordance with the aims Policy U14 of the City of Durham Local Plan and Part 10 of the NPPF.


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.

BACKGROUND PAPERS

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



 <p>Durham County Council</p> <p>Planning Services</p>	<p>10no. residential units (outline) at Land between 3 Church Villas and 7 Rectory View, Shadforth, 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>	<table border="1"> <tr> <td data-bbox="869 1608 1189 1765"> <p>Date 22nd July 2014</p> </td> <td data-bbox="1189 1608 1449 1765"></td> </tr> </table>	<p>Date 22nd July 2014</p>	
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