



Area Planning Committee (Central and East)

Date Tuesday 21 October 2014
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 9 September 2014 (Pages 1 - 4)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/14/02104/FPA - Land to the north of Local Avenue and Front Street Sherburn Hill, County Durham (Pages 5 - 32)
Erection of 81 no. dwellings and associated access and landscaping works.
 - b) DM/14/02105/FPA - Land to the south of Oakfield Crescent, Bowburn (Pages 33 - 56)
Erection of 40 dwellings, associated access and landscaping works.
 - c) DM/14/00941/FPA - Village Farm, The Village, Murton, SR7 9RP (Pages 57 - 68)
Demolition of existing barns and development of 10 residential dwellings. Retention of existing farmhouse.
 - d) DM/14/02108/FPA - Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ (Pages 69 - 84)
Partial demolition of existing building, refurbishment and change of use to form 1 no. flats for use as a House in Multiple occupation, associated landscaping and car park.

- e) DM/14/02769/FPA - Unit 1, Durham City Retail Park, McIntyre Way, Durham (Pages 85 - 94)
External alterations to the existing retail unit and site, including removal of builders yard roof, ground works to builders yard, erection of lighting columns, trolley shelters, bollards, service yard gates and fire exit doors.
- f) DM/14/02309/FPA - Land to South of Crow Trees Lane, Bowburn (Pages 95 - 114)
Residential Development of 46 no. affordable homes including access.
- g) DM/14/02294/FPA - Land to rear of Wylam Terrace, Coxhoe (Pages 115 - 128)
Erection of 12no. bungalows with associated access road and landscaping.
- h) 4/13/00635/FPA - Magdalene Heights, Gilesgate, Durham (Pages 129 - 144)
Demolition of existing building in association with the erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping.

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
13 October 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

Contact: Jocasta Lawton

Tel: 03000 269707

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

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

Present:

Councillor P Taylor in the Chair

Members of the Committee:

Councillors G Bleasdale, J Clark, K Corrigan (substituting for Councillor B Moir), P Conway, M Davinson, D Freeman, S Iveson and K Shaw (substituting for Councillor R Lumsdon)

1 Apologies for Absence

Apologies for absence were received from Councillors K Dearden, C Kay, A Laing, J Lethbridge, R Lumsdon and B Moir.

2 Substitute Members

Councillor K Corrigan substituted for Councillor B Moir and Councillor K Shaw substituted for Councillor R Lumsdon.

3 Minutes

Councillor Clark highlighted that her name was spelled incorrectly within the Minutes of the Meeting held 3 July 2014.

With the amendment noted, the Minutes of the Special Meetings held on 3 and 22 July 2014 and the Ordinary Meeting held on 8 July 2014, were confirmed as correct records and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

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

5a PL/5/2012/0336 and PL/5/2012/0337 – Dalton Pumping Station, The Waterworks, Cold Hesledon, Murton, Durham

The Committee considered the report of the Senior Planning Officer regarding the part residential conversion into 6 dwellings, 2 new dwellings and 4 apartments at Dalton Pumping Station, The Waterworks, Cold Hesledon, Murton, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. The Senior Planning Officer highlighted that 2 applications were detailed for consideration as the proposal sought listed building consent as well as full planning permission.

In response to a query from Councillor J Clark, the Senior Planning Officer clarified where car parking was to be provided on the site.

Councillor Conway was very supportive of the application, particularly as it involved the renovating of a heritage asset. In response to a query from Councillor Conway, the Senior Planning Officer advised that as of yet, a charitable trust had not been established though the applicant had been making attempts to progress that aspect. Members were assured that in line with the S106 agreement, no development would commence until a charitable trust had been established.

Councillor Bleasdale queried whether all vehicles leaving the site would be exiting directly onto the B1432. The Senior Planning Officer confirmed that would be the case, however the heritage asset would only be open to the public for approximately 2 days per month. The Highways Officer clarified that the development was very small scale and highlighted that currently the existing access had no pedestrian access. Should the application be approved, the applicant would be improving the access to adoption standards, plus a footway would be developed and the 2 local bus stops would also be improved.

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

Resolved:- That the application be approved subject to the conditions and S106 Planning Obligation detailed within the report.

5b DM/14/01377/AD and DM/14/02115/AD – Various roundabout sites located in the former City of Durham Area and the former District of Easington Area

The Committee considered the report of the Planning Officer regarding the display of advertisements on various roundabouts located in the former City of Durham Area and the former District of Easington Area (for copy see file of minutes).

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

Members were advised that the application related to 26 roundabouts in the former City of Durham area and 29 roundabouts in the former District of Easington area, some of the adverts were new while others were already in place.

The Chair wished it to be noted that the Committee did not wish to see any future retrospective planning applications where the County Council was the applicant.

In response to a query from Councillor Freeman, the Highways Officer advised that as detailed within the 2011 Cabinet report relating to advertising on roundabouts, it was envisaged that each roundabout would generate approximately £8000 income per annum. As such, the 55 roundabouts brought to the Committee for consideration, would generate somewhere in the region of £440,000, which was actually a minimum target figure.

In response to queries from the Committee, the Highways Officer clarified that there was no evidence locally or nationally that there were increased road traffic collisions due to roundabout adverts. Indeed another regional authority had been allowing roundabout advertising for 15 years and had no evidence of any related incidents.

Further to a query from Councillor Iveson, the Policy and Asset Manager, on behalf of the Applicant, advised that the Council had a contract company who would manage the advertising boards, including erecting, repairing and maintaining them.

Councillor Conway noted that the main material planning consideration in respect of the Durham roundabouts, was the impact on heritage assets. Furthermore he raised concerns regarding the impact of the roundabout policy on enforcement of other unauthorised adverts. Whilst he did not support advertising on roundabouts, Councillor Conway felt he could not reasonably refuse the application.

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

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

5c DM/14/02182/FPA – 20 Dalton Heights, Seaham, SR7 8LB

The Committee considered the report of the Planning Officer regarding the erection of a single storey extension to the side of the existing dwelling at 20 Dalton Heights, Seaham, SR7 8LB (for copy see file of minutes).

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

Councillor Bleasdale advised that in her own time she had visited the site and confirmed that she could see no issues with the proposals.

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

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

5d DM/14/02175/FPA – 42 Halliday Grove, Langley Moor, Durham

The Committee considered the report of the Planning Officer regarding a first floor side extension and rear single storey extension at 42 Halliday Grove, Langley Moor, Durham (for copy see file of minutes).

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02104/FPA
FULL APPLICATION DESCRIPTION:	Erection of 81 no. dwellings and associated access and landscaping works
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land to the north of Local Avenue and Front Street Sherburn Hill, County Durham
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site comprises of 3.2 hectares of land located to the north of property on Local Avenue and Front Street in Sherburn Hill. The majority of land within the application site is not previously developed. The westernmost sections of the application site to the north of Local Avenue, West View and Bannerman Terrace comprise of areas of unmanaged and overgrown grassland with some hedging, fencing and residential outbuildings to site boundaries. Central and more eastern areas of the application site comprise of mown and managed grassland with areas of recreational and play facilities within the far eastern section of the site. To the rear of The Chimneys and 1 and 2 Old School on Front Street the application site includes areas of hardstanding upon which garages were previously sited. Sections of trees and hedges are located on the site most notably to the rear of Nos. 5 to 9 Front Street, to the north of the play/recreational facilities and to the north-east of Bannerman Terrace.
2. Adjacent to the application site to the west is an access track and beyond fields. To the north is a field and an allotment site, and to the east is recreational and open space land.
3. The majority of the application site is located beyond the settlement boundary of Sherburn Hill though sections of land where access would be provided and side roads off Front Street are situated are within the settlement boundary.

4. The application site contains no specific Local Plan land designations. The Sherburn Hill Local Wildlife Site is located to the south of Front Street and approximately 45m from the application site at its nearest point. Sherburn Hill and Crime Rigg Sites of Special Scientific Interest (SSSI) are located within relative close proximity to the site at a distance of 560m and 210m respectively. The Crime Rigg SSI is also the location of Crime Rigg Quarry.
5. Public Footpath No. 35 (Shadforth Parish) crosses the site adjacent to Bannerman Terrace with unregistered paths crossing the land to the north of Local Avenue and towards the allotment site.
6. With regards to heritage assets there are no listed buildings or conservation areas within Sherburn Hill itself with the nearest conservation areas being at neighbouring Sherburn, Shadforth and Hallgarth, with Sherburn being the closest at 850m from the site. The closest listed buildings to the site are again at Sherburn, Shadforth and Hallgarth with all being at least 1km from the site.

The Proposal:

7. Planning permission is sought for the erection of 81 no. dwellings with associated access and landscaping works.
8. A total of 9 housetypes are proposed ranging from 2 to 4 bed with detached, semi-detached and terraced properties proposed. All housetypes are two storey except for one, the 1011, a two and a half storey property containing a loft space bedroom with front dormer and rear rooflight of which 21 no. are proposed.
9. The site is effectively divided into two sections. The application site includes steeply sloping land with the lower western section of the site separated from the elevated eastern section by an area of open land to the north of Bannerman Terrace. Each section of the site would have a vehicular access point. The eastern section of the site to be accessed between Nos. 9 and 10 Front Street, and where upon entering the site the application proposes a communal tree lined square area.
10. The lower western section of the site would gain vehicular access to the east of No. 74 Local Avenue. Further highways improvements are proposed with a junction widening, the addition of a footpath adjacent to the "The Chimneys", and provision of a parking space on the rear lane at No. 9 Front Street. The creation of a public square would result this rear lane terminating at the rear of No. 9 Front Street. The provision of the access off Front Street would also necessitate the relocation of a bus stop, pedestrian crossing and movement of existing parking bay white lining.
11. With regards to pedestrian routes, the public footpath 35 would remain unaffected by the development crossing an area of open space. The proposed layout also retains the unregistered pedestrian link to the allotments and beyond.
12. An electricity substation is also proposed adjacent to plot 81, while in the far west of the site on the lowest lying land a balancing pond as part of a sustainable urban drainage system (SUDS) is proposed.
13. Whilst beyond the application site and not forming any part of the application the submitted plans indicatively show the community building proposed by Durham County Council which was recently granted planning permission. As the easternmost section of the site would redevelop part of an existing play/recreational area the plans again indicatively indicate the relocated equipment and recreational space. These works are to be undertaken separately by the County Council.

14. The application is being presented to the Central and East Planning Committee as it constitutes a major residential development.

PLANNING HISTORY

15. In September 2008 planning permission was granted on a section of the site for a community centre and associated access, parking, landscaping, recreational and play facilities and erection of a 15m high wind turbine.
16. In September 2014 outline planning permission with all detailed matters reserved for the erection of a community building and associated works was approved on land immediately adjacent to the planning application site.

PLANNING POLICY

NATIONAL POLICY

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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’.
18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
19. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
20. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
21. *NPPF Part 6 - Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
22. *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. Planning decisions must aim to ensure

developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

23. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
24. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
25. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
26. *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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

The City of Durham Local Plan (May 2004) (CDLP)

28. *Policy E5a – Open Spaces within Settlement Boundaries.* This policy does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
29. *Policy E7 – Development Outside of Settlement Limits.* This policy 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.

30. *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.
31. *Policy E15 – New Trees and Hedgerows.* Sets out that the Council will encourage tree and hedgerow planting
32. *Policy E16 – Nature Conservation – the natural environment.* Seeks to protect and enhance the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
33. *Policy E17 – Sites of Special Scientific Interest.* States that development that is likely to adversely affect such a site shall only be permitted in certain exceptional circumstances.
34. *Policy H3 – New Housing Development in the Villages.* This policy 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.
35. *Policy H5 – New Housing in the Countryside.* This policy 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.
36. *Policy H12 – Affordable Housing: Ensuring a Range of House Types.* This policy requires on residential schemes of 25 units or more, or of 1 ha or more, to provide a proportion of affordable housing where a local need exists.
37. *Policy H12A – Type and Size of Housing.* States that the type and size of dwellings will be monitored with where appropriate negotiation with developers to provide the right housing types and sizes to ensure balance.
38. *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.
39. *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.
40. *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.

41. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
42. *Policy T21– Walker’s Needs.* The Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
43. *Policy R1 - Provision of Open Space – Overall Standards.* This policy seeks to ensure that a minimum level of 2.4 ha of outdoor sports and play space per 1,000 population is maintained.
44. *Policy R2 – Recreational and Amenity Space in New Residential Developments.* 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.
45. *Policy R3 - Protection of Open Space used for Recreation.* Seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.
46. *Policy R11 - Public Rights of Way.* This policy states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
47. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
48. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
49. *Policy Q3 - External Parking Areas.* This policy 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.
50. *Policy Q4 – Pedestrian Areas.* This policy requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
51. *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 in its overall design and layout.
52. *Policy Q6 - Structural Landscaping.* This policy requires new development on the edge of settlements to incorporate peripheral structural landscaping.

53. *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.
54. *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.
55. *Policy U5 – Pollution Prevention – General.* States that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.
56. *Policy U7 - Pollution Prevention – Development Sensitive to Pollution.* States that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
57. *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.
58. *Policy U9 – Watercourses.* This policy states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.
59. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative less vulnerable areas are unavailable, that no unacceptable risk would result, that no unacceptable risk would result elsewhere, or that appropriate mitigation measures can be secured.
60. *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.
61. *Policy U12 - Development near Contaminated Land.* States that development will only be permitted within the vicinity of contaminated land where it can be demonstrated that measures can be undertaken to prevent any harmful effects of said contamination.
62. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY:

The County Durham Plan

63. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing 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). The following policies contained in the Submission Draft are considered relevant to the determination of the application.
64. *Policy 2 – Spatial Approach.* Sets out the spatial approach to development across the County with the main towns highlighted as being the principal focus for significant development followed by smaller towns and larger villages and then remaining settlements. In smaller communities and rural areas, appropriate levels of development will be permitted where it would serve their needs and to allow such communities to become more sustainable, resilient and to encourage social and economic vitality.
65. *Policy 3 – Quantity of New Development.* In order to meet the needs and aspirations of present and future residents at least 31,400 new homes of a mixed type, size and tenure are required in the County.
66. *Policy 4 – Distribution of Development.* To reflect the spatial approach the Plan allocates sufficient sites to provide for housing. In Central Durham the Plan allocates 8010 dwellings with 5220 within Durham City and 2790 in the smaller towns and larger villages.
67. *Policy 15 – Development on Unallocated Sites.* Sets out that development on unallocated sites will be permitted provided it is appropriate in scale and function, would not result in the loss of a settlement's last community facility, (unless exceptional circumstances are demonstrated) is compatible with adjacent land uses and would not involve development contrary to Policy 35.
68. *Policy 30 – Housing Land Allocations.* In order to meet the housing requirement and distribution set out in Policy 3 and 4 a number of sites are allocated for housing development.
69. *Policy 31 – Addressing Housing Need.* Requires all qualifying new housing to provide a percentage of affordable housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market.

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

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494> (City of Durham Local Plan)

<http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

70. *The Highway Authority* – Initially raised objections to elements of the layout and the access/junction arrangements at Front Street. However, revised plans have been submitted during the course of the application resolving previous concerns. Conditions to ensure the access and highways improvements at Front Street improvement to sections of rear lane and agreement of a travel plan would be necessary on any approval.
71. *The Environment Agency* – No objections are raised to the submitted flood risk assessment though a condition so as to restrict surface water run-off is recommended. A condition requiring the submission of a scheme to deal with the risks associated with contamination of the site is also recommended on any approval.
72. *Northumbrian Water* – Raise no objections to the proposed development provided that the development is carried out in accordance with the surface and foul water discharge details contained within the submitted flood risk assessment. Further comments are provided stating that a public sewer crosses the site and that discussions are required with the applicant with regards to any need for the diversion, relocation or protection measures with regards to this apparatus.

INTERNAL CONSULTEE RESPONSES:

73. *Spatial Policy* – Raise no objections to the development. The application site is located beyond the settlement boundary of Sherburn Hill and as a result is a departure from the CDLP. However, material considerations are considered to justify this departure including that; the development would provide an element of affordable housing; sections of open space are to be retained and the development has evolved in consultation with the community. Despite being located beyond the settlement boundary of Sherburn Hill the application site is considered well related to the built-up area of the village and the development would consolidate the village. The development is considered to bring in its own right regeneration benefits to a former coalfield village in need of regeneration. Sherburn Hill is considered to contain adequate services and access to public transport and it is also well related to the services at nearby Sherburn.
74. *Design and Conservation* – Raise no concerns with regards to the impact of the development upon heritage assets. With regards to the layout of the development the western section of the site is considered to work well with cascading streets and a character of streetscape. The layout of the eastern section of the site is considered far less successful with a lack of reference to the existing urban grain. The entrance to the site from Front Street and the village square is considered too suburban and rural in feel and revisions are recommended to improve how this would fully integrate. With regards to the proposed housetypes, generally they are considered acceptable though some are identified as less successful and substitution is recommended.
75. *Housing Development and Delivery* – Raise no objections to the development considering that the applicant has presented on viability grounds that the proposal is unable to deliver the 20% affordable housing requirements as detailed within the Strategic Housing Market Assessment. The 5 no. affordable units that are sought

are to be affordable rent and to be 2 bedroomed and this is considered reflective of market demand.

76. *Ecology* – No objections are raised to the submitted ecology report, the mitigation measures within the report should be conditioned on any approval, however.
77. *Landscape* – No objections are raised with regards to landscape impact of the development. Detailed queries and requests are made however, with regards to the design of the entrance square, tree protection and the proposed soft landscaping scheme submitted.
78. *Drainage and Coastal Protection* – Submitted initial comments stating that the application proposes to discharge the surface water to a balancing attenuation pond, however, it should be demonstrated that the hierarchy of preference for surface water disposal is adhered to. This hierarchy requires that surface water should be disposed of via soakaway or infiltration system, or where this is not reasonably practicable, to a watercourse (either open or closed) or where this is not reasonably practicable to a sewer. Following the receipt of infiltration results demonstrating that the soakaway is not a feasible option the pond and watercourse approach has been accepted. Concerns with regards to the final engineering design solution of the pond have been raised, however, and the proposed access route for maintenance purposes would require improvement.
79. *Environment, Health and Consumer Protection (Contamination)* – State that the submitted land contamination risk assessment and site investigation submissions do not provide adequate information to fully assess the impact of the development with regards to land contamination matters.
80. *Environment, Health and Consumer Protection (Noise, Dust, Light and Odour)* – Originally considered that inadequate information had been submitted with regards to the potential for noise to impact upon occupiers from the proposed community building and recreational space. Following the receipt of additional information with regards to predicted noise levels use of the playing fields and the use of the community centre no objections have been raised. Conditions are recommended for attachment on any approval with regards to street lighting and a construction management plan to reduce the potential for construction noise, smoke and dust impacts. A construction working hours condition is also proposed. No concerns are raised with regards to odours.
81. *Tree Officer* – No objections raised though the loss of some trees would occur through the development. The submitted arboricultural report is considered to be detailed though further details on the final works to trees are sought.
82. *Public Rights of Way* – Raise no objections to the development. The retention of public footpath 35 and an unregistered path is noted.
83. *Sustainability* – State that the site was considered as part of a sustainability appraisal as part of the Strategic Housing Land Availability Assessment (SHLAA) and it is considered that the application site performs averagely with regards to social and environmental determinants and poorly with regards to economic determinants. With regards to the embedded sustainability of the site following further details being submitted no objections have been raised to the low carbon report.
84. *Neighbourhoods (Street Scene Services)* – reference the Council's open space adoption policy and commuted sum requirements. Queries are raised with regards to detailed elements of the proposed hard and soft landscaping scheme and

requirements are outlined so as to ensure that future adequate maintenance can occur. Some concern is expressed that unauthorised parking could occur at the entrance square.

PUBLIC RESPONSES:

85. The application was advertised within the press and on site, and letters were sent to neighbouring properties. A total of 6 no. letters of representation have been received with 5 no. letters of objection and 1 no. letter of support.
86. Objection is raised to the loss of views of the countryside and open spaces. It is considered that other improvements should be occurring in the village such as modernising existing Council houses, building a new community centre, and providing more bungalows for the elderly and disabled. Concerns raised that the development proposes more open market housing that local residents may not be able to afford and will result in existing residents having to leave the village.
87. A resident objects to the lack of a landscape planting strip between properties on Local Avenue and the proposed development and the loss of the access to use the open space for residents. Concerns are raised as to how existing residents will maintain outbuildings sited on a boundary with the development.
88. Queries are raised with regards to the adequacy of the length of gardens proposed within the development. Concerns are raised with regards to the proper maintenance of the balancing pond and whether the pond will be fenced off.
89. Concerns are raised with regards to the adequacy and safety of access arrangements from Local Avenue with a number of queries raised on the design of the junction and whether the existing Local Avenue highway would be improved as part of the development. Concern is also raised with regards to whether construction access would be gained from Local Avenue. The difficult driving conditions of Local Avenue during winter are also raised.
90. Objection is raised to the impact of the additional vehicle movements upon the rear lane behind Front Street impact upon pedestrians and difficulty in vehicles passing. Queries are raised with regards to works proposed to existing rear lanes, distances from the development to neighbouring property and the nature of boundary treatments.
91. Affordable housing units are considered to be concentrated in one location and the development as a whole is considered to affect existing property values. Queries are raised as to whether there are expansion plans for the primary school or medical services.
92. General support to the development proposal is provided by the local business Sherburn Stone.

APPLICANTS STATEMENT:

93. The application is accompanied by a Design and Access Statement and Planning Statement in support of the application. This states that a scheme of high quality design and sustainability is sought which compliments the edge of settlement location. The development places an emphasis on family homes and includes affordable housing provision. The development has evolved in consultation with both the County Council and local residents and interest groups. The development is considered to contribute to the regeneration of a coalmining village.

94. The development would include a village square to provide an attractive arrival point and community asset. Green pedestrian routes and areas of landscaping have been retained in the layout.

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

<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N8X0NUGDHE300>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

96. The main issues relating the principle of the development are; the extent to which the proposed development accords with the existing CDLP; the extent to which the proposed development accords with the emerging CDP; and the extent to which the proposed development is consistent with Government guidance in relation to planning for housing and other policy objectives set out in the NPPF.
97. The proposed residential development is located beyond the settlement boundary of Sherburn Hill as defined within the CDLP. CDLP Policies E7 and H3 establish a general presumption against allowing housing development beyond a settlement boundary. Residential development fulfilling a rural employment role may be considered acceptable having regards to the content of CDLP Policy H5.
98. CDLP Policy H3 accepts the principle of residential development of previously developed land within the settlement boundaries. Exceptionally the limited development of greenfield sites within the coalfield villages most in need of regeneration can be accepted of which Sherburn Hill is an example.
99. The development of greenfield land beyond the settlement boundary of Sherburn Hill is therefore contrary to the provisions of Policies E7, H3 and H5 of the CDLP and constitutes a departure from the Local Plan.
100. Whilst the CDLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF, the NPPF further advises at paragraph 215 that LPAs are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The NPPF does not specifically advocate the use of settlement boundaries. In this context, settlement limits are not fully supported by the NPPF, which instead takes a more flexible approach to settlement growth and development. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by

car. The key matter in applying the NPPF relates to directing development to sustainable locations.

101. Despite the CDLP defining the application site as countryside, officers consider that the site is very well related to the built up area of Sherburn Hill. The application site immediately abuts the Front Street running through the village and the main recreational and play space of the village whilst the village school is located only 115m from the application boundary. A bus stop is located on the boundary of the application site and would require relocation with further bus stops adjacent to Local Avenue, therefore public transport access is convenient. Whilst the application site is located to the north of properties on Front Street and the settlement boundary that follows these properties, the village extends farther north still for example at nearby Kell Crescent and North and South View.
102. As a result whilst the development proposal is considered contrary to the CDLP, greater support for the scheme can be drawn from the NPPF.
103. At this stage only limited weight can be attributed to the emerging CDP. Contained within the submission CDP is the raft of housing sites which are earmarked as housing allocations for the next 16 years. There are no allocations proposed for the Sherburn Hill settlement. In light of this, the proposal does not draw support from Policy 30 (Housing Land Allocations).
104. To ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, the CDP contains Policy 15 to enable proposed development on unallocated sites within built up areas to be assessed on their merits and individual circumstances. This is a criteria based policy that is permissive of development provided that it is appropriate in scale, design and location to the character and function of the settlement.
105. Due to the strong relationship to the built form of the settlement and facilities and services it is considered that the development would remain appropriate to the character and function of the settlement in accordance with CDP Policy 15.
106. In addition the proposal is considered to deliver wider benefits. The CDLP identifies Sherburn Hill as a village in need of regeneration and it is considered that there is inherent regeneration value in a new housing development. The development would provide affordable housing, and although not the 20% affordable housing (equating to 16 units) required by the Strategic Housing Market Assessment (SHMA) the 5 no. units are proposed would still make a valuable contribution to affordable housing needs. The issue of affordable housing provision is discussed further elsewhere in the report.
107. Public consultation on the development proposal was undertaken prior to the submission of the planning application and limited opposition to the development was raised. This is also reflected in the results of the public consultation exercise on the formal planning application.
108. The application site encompasses a section of the existing playspace to the rear of Front Street. CDLP Policy R3 seeks to protect existing recreational and open space land from development. The play and recreational facilities partly within and partly adjacent to the application site would not be lost as a result of the development. The play equipment is to be relocated and the Council as land owner benefits from permitted development rights under Part 12 of the Town and Country (General Permitted Development) Order to undertake these works without the need for planning permission.

109. The maintained greenfield land making up much of the eastern sections of the site being open land and adjacent to the formal play and recreational space is, officers appreciate, likely utilised in an informal manner for some recreational and leisure pursuits. However, within the Open Space Needs Assessment (OSNA) the latest evidence base with regards to open and recreational space across the County, this land is not allocated as being a form of open space. As a result whilst the land would be lost to development officers consider that limited weight can be attributed to this bearing in mind its lack of status as recreational land.
110. As a result despite constituting a departure from the CDLP officers consider the development remains NPPF compliant. Whilst limited weight should be applied to the emerging CDP some support for the proposal can be drawn from Policy 15. The development would bring new development to the settlement with the degree of inherent regeneration that this would bring. A contribution to affordable housing need would occur. Officers do not raise objection to the loss of sections of the application site to development on the grounds that it may be utilised informally for recreational purposes. It is therefore considered that the principle of the development is acceptable.

Impacts upon the Character and Appearance of the Area

111. As the proposal is a major development and the application site is located in an edge of settlement location consideration must be had to the landscape impact of the development. The application site is located on steeply sloping land and the development would be visible in some distant views particularly to the north such as from Lady Piece Lane and Cookshold Lane. Due to the steep topography of sections of the site some substantial retaining walls including to the proposed SUDS pond would be required and this would to a degree add to the impact of the development.
112. The application site benefits from sections of existing mature landscaping, much of which would be retained within the development. The site is also divided into two by a steep landscaped parcel of land that is to remain and this section of land, retained trees and proposed landscaping would all contribute to the breaking up and softening of the development at the edge of settlement location.
113. Landscape Officers have raised no objections in terms of the impact of the development in medium and longer distance views.
114. Detailed queries and revision requests with regards to the more detailed elements of the proposed landscaping strategy and precise trees works are raised by Landscape, and Tree Officers and Neighbourhoods (Street Scene Services). It is considered that conditions can be imposed on any permission to adequately resolve these final details.
115. Officers therefore raised no objections to the general impact of the development upon the landscape having regards to CDLP Policies E7, E14, Q5 and Q6 and Part 11 of the NPPF.
116. With regards to the layout and design of the development itself officers acknowledge the comments and requests for some revisions raised by Landscape and Design and Conservation Officers, most notably with regards to the layout of eastern sections of the proposed estate, some housetypes and design of the public square.

117. However, officers consider that the layout of the development, square and design and vernacular of the dwellings themselves are acceptable and the development would adequately assimilate into the character of the locality. During the course of the application some additional planting has been agreed to be incorporated into the square providing a visual benefit but also so as to prevent the potential for vehicles parking on the hard surfaced areas of the square. However, the public square is proposed to be used for public events such as the erection of stalls and the like and therefore has been designed for the purpose of providing useable hard surfaced areas. Officers consider that the layout is therefore acceptable.
118. CDLP Policy E5a seeks to protect open spaces of value within settlement boundaries. A parcel of open space adjacent to no. 9 Front Street would be affected by the development with the access from Front Street dissecting it. However, open space would remain either side of the access and the impact upon the open space would not be detrimental.
119. Public comments received include objection to the loss of view of countryside land and open space, however, the loss of a private view such as this cannot be given material weight.
120. It is considered that the proposal would not adversely impact upon the character and appearance of the area and would accord with CDLP Policies E5a, E14, E15, H13, Q1, Q2, Q3, Q4, Q5, Q6 and Q8 and Parts 7 and 11 of the NPPF.

Impacts upon Residential Amenity

121. CDLP Policy Q8 provides advice on the layout of new residential development. This includes a requirement that adequate residential amenity for the occupiers of dwellings within a residential development and those who reside nearby to the development is retained and distance standards to ensure such amenity are detailed. This Policy is considered NPPF compliant with a core planning principle at paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.
122. The application site is adjacent to existing residential properties on Local Avenue, West View, Bannerman Terrace and Front Street.
123. The siting of the proposed dwellings within the layout all meet or exceed the separation distance guidance detailed within the justification to CDLP Policy Q8. The separation distances within Policy Q8 should be used as a guide but consideration must also be had to site specifics and this may mean that in some instances greater separation between properties is needed or indeed that reduced separation could be accepted.
124. The topography of the application site is steep particularly on the land to the rear of Local Avenue and as the land rises from west to east where the site is divided by the large area of open land that effectively splits the layout in two. As a result in some instances the proposed dwellings would be set on higher land than existing properties adjacent. The topography would also result in retaining walls requiring to be built.
125. The most significant impact of the changes in levels on site would be the relationship of plots 30-32 and properties adjacent at Bannerman Terrace and several plots adjacent to properties at Local Avenue most notably plots 55 and plots 67-69.

126. Submitted sections indicate show that the ridge of the proposed plot 32 dwelling for instance would be 5.4m higher than that at adjacent Bannerman Terrace. Despite this significant change in levels a separation distance of 32m would exist between the properties and an area of landscaping to be retained through the development would provide screening. The impact upon the living conditions of the properties at Bannerman Terrace is considered to remain acceptable as a result.
127. The plot 55 dwelling would be sited 20m from No.74 Local Avenue and the ridge of the property would be 4m higher. However, the proposed dwelling would not directly face No. 74 Local Avenue but be set at a more acute angle to the north-west reducing the potential for an invasion of privacy into the property and the potential for an overbearing impact. On the garden boundary between No. 74 Local Avenue and the proposed plot 55 there would be the need to construct a retaining wall of 1m in height whilst within the garden of the plot 55 dwelling a further retaining wall and fence enclosure of a total height of 3m would also be constructed within the proposed terraced garden of the proposed plot 55. However, these retaining features and enclosures are considered to create no overbearing impact upon the occupiers of No. 74.
128. Similarly the plot 69 dwelling would have a ridge height approximately 3.5m higher than No. 66 Local Avenue. However, a 32m separation distance would exist to reduce any overbearing impact and the flanking elevation at plot 69 would be a side elevation with only one window to a bathroom located within it.
129. Again there would be a need for retaining walls in areas to the rear of proposed plots to the north of Local Avenue. In the majority of cases these retaining walls would be constructed within the garden spaces of the proposed dwellings rather than on site boundaries creating terraced gardens for these properties. Retaining walls would be required on the boundary of the proposed plot 69 and No. 66 Local Avenue with a total height of 3.7m. Whilst this would create a significant boundary feature, the rear garden of No. 66 Local Avenue is of significant length easing the impact of the boundary upon the dwelling itself. In addition at present an outbuilding is located adjacent to the position of the proposed boundary and this would screen and reduce its impact.
130. On the eastern half of the site to the rear of Front Street the land is more level and existing properties would not be flanked by high retaining walls or dwellings set on higher ground. The proposed dwelling at plot 38 would have a side elevation 13m from the rear elevation at The Chimneys and this represents the most intimate relationship between the development and existing properties in this area. The justification to Policy Q8 recommends a 13m separation between windows and a blank gable. The gable at plot 38 would include one window but it would be to a bathroom not a main habitable room. As a result officers consider this relationship is acceptable.
131. A resident in Local Avenue queries the length of gardens proposed within the adjacent plots and why a landscaping strip is not provided between existing and proposed property. As officers consider the relationship between existing and proposed properties to the rear of Local Avenue is acceptable they do not object to the absence of a specific landscaping strip between properties. The CDLP does not prescribe specific garden sizes that proposed properties should be provided with. The garden areas proposed within the estate are considered to be acceptable. Concerns are raised with regard to the general loss of access to the land to the rear of Local Avenue. Officers acknowledge that at present residents will access land to the rear of Local Avenue potentially for walking dogs and the like. However, officers do not consider that objections should be raised to the loss of the land to

development on the grounds of the informal recreational activities that take place on what is essentially an unkempt area of land.

132. Public concerns have been raised over the future maintenance of outbuildings to the rear of Local Avenue. Ultimately matters of access onto land for maintenance purposes are civil matters to be resolved between parties. However, regardless a condition to agree the final boundary treatment to Local Avenue properties is proposed for attachment on any planning permission.
133. With regard to the relationships between properties within the proposed development itself, in many instances the separation between properties would again meet or exceed the distances stated within the justification to CDLP Policy Q8. However, there would be instances where distances would be reduced and below the recommended requirements. Instances include the separation between plots 3 and 52, 15 and 46 and 67/68 and 71. The relationship between the front elevations of plot 3 and 52 is the most intimate within the layout at 12.5m. However, the applicant has sought to overcome the privacy and amenity issues through removing the windows to the first floor habitable rooms within the relevant elevation at plot 52 and this would reduce the privacy concerns.
134. Despite such instances of separation being below the CDLP Policy recommendations it should be emphasised that these are relationships between prospective occupiers of the properties rather than existing occupiers. Future occupiers in the knowledge of the layout can consider if they are satisfied with the layout. Ultimately officers consider that the proposed layout result in adequate levels of privacy and amenity for future occupiers.
135. Matters of residential amenity aside from the layout and property relationships must also be considered.
136. The application is accompanied by a noise survey report assessing the impact of existing sources of noise upon the development namely vehicular traffic and the nearby Taylormade timber yard premises. The submitted noise report recommends that to mitigate the impact of noise from the timber yard and vehicular traffic acoustic fencing and the incorporation of acoustic ventilation to windows at certain properties would be required. The mitigation measures can be conditioned on any approval.
137. Environment, Health and Consumer Protection originally objected to the application considering that additional information was necessary to assess the impact of the recreational and playspace land and proposed community centre upon the development. Following the receipt of additional information in relation to predicted noise levels for use of the playing fields and use of the community centre Environment, Health and Consumer Protection have removed the objections. Conditions are recommended for attachment on any approval with regard to street lighting and a construction management plan to reduce the potential for construction noise, smoke and dust impacts. A construction working hours condition is also proposed. Officers consider that conditions can be attached to any approval although the condition regarding external lighting is not considered appropriate. Street lighting to adoptable standard would be necessary and this is standard on such a development.
138. In conclusion, officers raise no objections to the impact of the development upon residential amenity having regards to CDLP Policies H13, Q1, Q2, Q8, U5 and U7 and Parts 7, 8 and 11 of the NPPF.

139. The development would be served via two vehicular accesses one from the Front Street serving the eastern sections of the site and another from Local Avenue.
140. Public objections received include concerns with regards to the suitability of Local Avenue for access including construction access and whether highway improvements would occur on Local Avenue. The Highway Authority has raised no objections to the Local Avenue access considering it suitable for the access and egress of dwellings on this western section of the site. Construction access for the western section of the site would be via Local Avenue as a route from the eastern section of the site is not feasible. General highway improvements to Local Avenue would not be required and Local Avenue would continue to be maintained as part of the adopted highway network.
141. Amendments to the Front Street access and internal highway design and parking provision have been necessary during the course of the application. The access to Front Street would require the relocation of an existing bus shelter to the east of the proposed access. An existing pedestrian crossing island and associated tactile paving on footpath would also be relocated farther west. So as to ensure adequate visibility for the proposed Front Street access existing parking bay white lining to the front of No. 9 Front Street would be moved 5m west.
142. The Highway Authority has raised no objections to the final Front Street access design solution and whilst the loss of a parking space on Front Street would result it is considered that adequate parking would remain for use by properties and business customers. It should also be noted that an additional parking space is shown on plan as being created to the rear of No. 9 Front Street.
143. Within the proposed development whilst an under provision of visitor parking is shown within the layout an excess of in-curtilage parking compensates adequately for this.
144. Public concerns are raised with regards to the difficult driving conditions on Local Avenue during winter, however, officers do not consider that an objection can be raised to the development on these grounds.
145. A resident has raised concerns with regards access from their property (The Chimneys) as a result of the proximity of the development to the rear lane and impact of the development upon traffic on the rear lane. However, no objections in regards to this have been raised by the Highway Authority. With main accesses for the proposed development from Local Avenue and Front Street substantial increases in vehicular traffic on the rear lanes should not occur. Queries are also raised with regards to rear lane improvements and a surface improvement of a section of the rear lane from the east of The Chimneys to the rear of No. 9 Front Street is proposed to be ensured by way of condition on any approval.
146. Officers raise no objections to the development on the grounds of sustainable travel issues with a bus stop to be relocated immediately adjacent to the Front Street access and further bus stops located to the front of properties on Local Avenue. The application site immediately abuts the Front Street running through the village and the main recreational and play space of the village whilst the village school is located only 115m from the application boundary.
147. No objections have been received from Public Rights of Way with an existing public footpath and unregistered path retained, the public footpath would be completely

unaffected by the development and the unregistered path route remain through the eastern section of the site.

148. Overall no objections are raised to the development with regards to matters of highway safety or sustainable transport issues have regards to CDLP Policies T1, T10, T20, T21, R11, Q1, Q2, Q3, Q4 and Q8 and Part 4 of the NPPF.

Affordable Housing

149. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. Policy H12 of the CDLP requires a fair and proportionate level of affordable housing on sites over 1ha or 25 dwellings, and Policy H12A requires proposed housing to be of an appropriate type and size. The County Durham Strategic Housing Market Assessment (SHMA) update report was completed in July 2013 and supplies the evidence base for 20% affordable housing across the Central Delivery Area in which the site falls. The requirement reflects an up to date needs assessment and identifies a significant requirement of approximately 189 net affordable units per annum throughout the Central Delivery Area up to 2016/17. This shortfall is greatest for one and two bedroom properties (68 net per annum). On the basis of the SHMA evidence base, Policy 31 of the emerging plan identifies housing schemes of 15 dwellings or 0.5 ha or more, where such an affordable housing provision should apply and that 10% of housing should be appropriate for older people.
150. The applicant has submitted commercially sensitive viability appraisal information seeking to demonstrate that only a reduced amount of affordable housing can viably be delivered. Only 5 no. units (6%) as oppose to 16 no. units (20%) is proposed. Paragraph 173 of the NPPF emphasises the need to consider viability and deliverability in planning and advises that 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.
151. It is considered that the applicant has demonstrated that the development cannot viably deliver further affordable housing. Spatial Policy and Housing Development and Delivery both acknowledge the relatively low affordable housing provision. Nevertheless, it is considered that the development is still making a valuable contribution towards affordable housing need.
152. As a result, officers do not object to the proposal on the grounds of the reduced affordable housing offer the delivery of which would be secured via a S106 legal agreement.
153. A public objection relates to the considered concentration of the affordable housing units within one section of the application site. Officers raise no objection to the location of the affordable housing and the concerns expressed over potential impacts upon property values are not a material planning consideration.

Flood Risk and Drainage

154. The application site lies within flood risk zone 1, essentially the land least prone to flooding from rivers. The application is accompanied by a flood risk assessment as the proposal constitutes the development of land over 1 hectare. The Environment Agency has raised no objections with regards to the development and potential for flood risk.

155. The development proposes to dispose of foul water via the main sewer to which no objections have been received from Northumbrian Water.
156. Drainage and Coastal Protection originally raised objection to the application stating that it had not been demonstrated that the hierarchy in which surface water should be disposed of had not been demonstrated. The hierarchy requires that surface water is disposed of via soakaway or infiltration system, or where this is not reasonably practicable, to a watercourse (either open or closed) or where this is not reasonably practicable to a sewer. Northumbrian Water cannot accept the disposal of surface water to the main sewer due to the public sewer being at capacity.
157. The applicant has provided additional information seeking to demonstrate that due to ground conditions disposal via a soakaway or infiltration system is not possible. The application proposes disposal via a watercourse to the north of the application site and utilise a balancing SUDS pond which would be sited to the north of Local Avenue in the far west of the application site.
158. Drainage and Coastal Protection officers accept the conclusions of the flood risk assessment and supporting documentation and have removed the earlier objections to the use of a SUDS pond in principle. However, the final engineering solution of the pond is not agreed and conditions would be required on any approval to resolve the final engineering design solution of the SUDS pond. A small section of land upon which the SUDS pond would be constructed is beyond the application site, however, this land is owned by the County Council. Conditions should also be attached to any approval so as to ensure a restriction on surface water run-off and that mitigation measures proposed within the flood risk assessment with regards to the potential requirement for a bunded strip and land drainage provision are undertaken as necessary.
159. A public response queries whether the SUDS pond would be fenced off. The pond would be surrounded by sloping landscaped land and it is not understood that a fence would be necessary. However, final precise details of the pond would be resolved under a planning condition.
160. The land upon which the proposed balancing pond would be sited is Council owned and there is the need to ensure the future maintenance and management of the balancing pond and associated landscaping. As a result, it is proposed that such maintenance and management be ensured by way of a S106 legal agreement. A form of rent charge would apply against property occupiers of the development for the management, administration and maintenance of the pond. An access track to the immediate north of the proposed pond would be used to gain physical access for maintenance.
161. Officers raise no objections to the proposed development with regards to matters of flood risk and drainage subject to the attachment of conditions having regards to CDLP Policies U8a, U9 and U10 and Part 10 of the NPPF.

Ecology

162. The application is accompanied by an ecology report containing the results of a phase 1 habitats survey and protected species risk assessment. The site is within relative close proximity to both locally designated wildlife sites and two sites of special scientific interest (SSSI) (Sherburn Hill and Crime Rigg) and these are detailed within the ecology report.

163. The potential for protected species to be affected by the development is generally considered low within the submitted ecology report though potential impacts upon birds nests and disruption of foraging habitat of bats are considered possible.
164. Ecology officers have raised no objections to the content of the ecology report, impact upon protected species or impact upon the designated ecological sites within relative close proximity. It is however, recommended that mitigation measures within the ecology report are conditioned on any approval. Such measures include the provision of bat boxes and restrictions on the timing of works.
165. As protected species are not considered to be affected by the development there is no need to consider whether a protected species license would be granted having regards to the Conservation of Habitats and Species Regulations.
166. The application site includes land that contains the invasive plant species Japanese Knotweed. The application is accompanied by a report proposing eradication of the species through herbicidal treatment.
167. No objections are therefore raised in relation to ecology having regard to CDLP Policies E16, E17 and Part 11 of the NPPF.

Other Issues

168. Discussions have been held with the School Organisation Manager with regards to local school places and the impact of the development upon them. No concerns were expressed with regards to primary school place availability. The nearest secondary school is Belmont Community School which is full for the year 2015/2016. The Durham Free School in Gilesgate could provide school places although places for those between 11-16 years old would not be available for 4 years. Framwellgate School is also not at capacity although this school is more distant.
169. A cabinet report dating from June 2014 advises upon the impact of the County Durham Plan housing allocations and education infrastructure. Whilst this application site is not a proposed allocation within the County Durham Plan it is considered that the cabinet report remains of relevance with regards to advising upon housing and education infrastructure matters. The conclusion of this cabinet report is that where an identified need for education infrastructure is found then a contribution from the developer should be sought subject to viability evidence.
170. Commercially sensitive data has been supplied demonstrating the marginal viability of the development and the reduced affordable housing delivery as a result. In such a circumstance and coupled with the potential for secondary schools aside from the nearest school Belmont Community School to contribute to places it is considered that no financial contribution towards education infrastructure is necessary in this case.
171. Concerns have also been expressed over whether there are plans to improve medical facilities. Officers understand that there are no specific plans to improve medical facilities solely as a result of this development.
172. On the same viability grounds and seeking to maximise the affordable housing provision on site as far as possible officers also raise no objection to the absence of a specific public art contribution under CDLP Policy Q15.
173. With the existing play and recreational space to be relocated immediately adjacent to the proposed residential estate and with parcels of open space retained on site to

break up the development, officers raise no objections to the development having regards to matters of recreational and open space land having regards to CDLP Policies R1 and R2.

174. In relation to land contamination the application is accompanied by phase 1 desk top investigation report, a phase 2 site investigation report and ground gas report assessment report. Environment, Health and Consumer Protection (Contamination) officers consider that the submitted documents do not provide adequate information to fully assess the impact of the development with regards to land contamination matters and recommend a condition to be attached on any planning permission as a result. Similarly the Environment Agency considers that the submitted phase 2 report provides inadequate test results to fully characterise the conditions of the site or support the risk assessment in relation to potential risk from contamination to controlled waters. As a result the Environment Agency similarly recommends that conditions be attached on any planning permission. Such conditions can be attached having regards to CDLP Policies U11, U12 and having regards to Part 11 of the NPPF.
175. Officers raise no concerns with regards to the impact of the development upon heritage assets. There are no listed buildings or conservation areas within Sherburn Hill itself with the nearest conservation areas being at neighbouring Sherburn, Shadforth and Hallgarth, with Sherburn being the closest at 850m from the site. The closest listed buildings to the site are again at Sherburn, Shadforth and Hallgarth with all being at least 1km from the site. Officers do not consider that the development will affect these designated heritage assets. With regards to matters of archaeology, discussions have been held with the Council's Archaeology officer and with potential for archaeological assets to be low there was no requirement for the application to be accompanied by any archaeological investigative reports.
176. Remaining public objection to the development considers that other improvements to the village should occur rather than a residential development with modernising existing Council houses, building a new community centre, and providing more bungalows for the elderly and disabled. Concerns are also raised that the development proposes more open market housing that local residents may not be able to afford and will result in existing residents having to leave the village. Officers can only assess the application submitted on its own merits and cannot consider under this application matters such as improvements to existing housing stock. The development would provide a wider choice of homes within Sherburn Hill. A separate application for a new community centre was approved in September.
177. CDLP Policy U14 supported by Part 10 of the NPPF seeks to promote energy conservation in new development. Following the receipt of additional information DCC Sustainability have raised no objections to the submitted energy reduction report the content of which can be approved via condition.

CONCLUSION

178. The application constitutes a departure from the CDLP by proposing a residential development beyond an established settlement boundary and on a predominantly greenfield site. However, officers consider the development remains NPPF compliant. The development would bring new development to the settlement with the degree of inherent regeneration that this would bring. A contribution to affordable housing need would occur and public opposition to the development is limited. As a result officers do not raise objections to the principle of the development.

179. No harm upon the landscape or character and appearance of the settlement itself would result from the development. No harm to the residential amenity of existing neighbouring residents would result and adequate amenity would also be provided for prospective occupiers of the development.
180. No objections to the development have been raised by the Highway Authority with regards to matters of safety and sustainability.
181. Officers raise no objection with regards to other key material planning considerations including impacts upon ecology and flood risk.
182. The proposal has generated some public interest with representations reflecting the issues and concerns of local residents affected by the proposed development. Whilst mindful of the nature and weight of public concerns it is not considered that these are sufficient to outweigh the planning judgement in favour of the proposed scheme.
183. The proposed development is considered to broadly accord with the relevant policies of the City of Durham Local Plan, the direction of the Submitted County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 to secure the following:

- i) The provision of 5 no. affordable housing units
- ii) The maintenance and management of the SUDS balancing pond

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 and documents:

Plans:

Site Location Plan SL-01 received 18th July 2014

Proposed Streetscapes SS-01 received 18th July 2014

Proposed Site Layout SL-03F received 10th October 2014

External Finishes Plan EF-01D received 10th October 2014

Site Sections Sheet 1 received 1st October 2014

Site Sections Sheet 2 received 2nd October 2014

Site Section Sheet 3 received 1st October 2014

Site Sections Sheet 4 received 2nd October 2014

Proposed Rear Elevation Behind Local Avenue SEC-02 received 2nd October 2014

Housetype Booklet version 3 received 2nd October 2014

Access Arrangement Layout QD548-03-03 Revision B received 6th October 2014

Engineering Layout QD548-03-01 Revision B received 8th October 2014

Documents:

Noise Assessment dated September 2013 by Wardell Armstrong

Noise Assessment addendum dated 21st August 2014 by Wardell Armstrong

Flood Risk Assessment dated 6th September 2013 by Queensberry Design Ltd

Transport Statement dated 13th June 2013 by Queensberry Design Ltd

Ecology Report dated 26th April 2014 by Dendra Consulting Ltd

Eradication of Japanese knotweed report by Ebsford Environmental dated 14th August 2013

10% Planning Low or Zero Carbon (LZC) Technology Feasibility Study QD-SHER-LZCR-01 and accompanying SAP data from Anderson Goddard Ltd

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E5a, E7, E14, E15, E16, E17, H12a, H13, T1, T10, T20, T21, R1, R2, R3, R11, Q1, Q2, Q3, Q4, Q5, Q6, Q8, U5, U7, U8a, U9, U10, U11, U12, U14 of the City of Durham Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the NPPF.

3. Notwithstanding any details submitted with the application no development shall take place until precise details of all means of enclosure to be erected on and within curtilage boundaries at plots 55-56 and 59-69 (inclusive) have been first submitted to and then agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of defining the consent and having regards to residential amenity having regards to Policy Q8 of the City of Durham Local Plan.

4. No development shall take place until a detailed landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc.

A management plan regime for all planting extending from initial planting until 5 years after final completion of the development which should establish a maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area having regards to Policies Q5, Q6 and Q8 of the City of Durham Local Plan.

5. No development shall take place until details of the precise works to all trees and hedges (including felling) within the application site have been submitted to and agreed in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges agreed for retention, are protected by the erection of fencing comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS 5837:2012. Said fencing shall be placed as indicated on a tree protection plan to be first submitted to and approved by the Local Planning Authority and the fencing shall be retained in situ until the cessation of the development works.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area having regards to Policies E14 and Q5 of the City of Durham Local Plan.

6. No development shall take place until precise engineering details of the proposed SUDS pond to be located in the west of the application site have been first submitted to and then approved in writing by the Local Planning Authority. The details shall include but shall not be restricted to;
 - i) Details of land and water levels
 - ii) Precise layout of the SUDS pond
 - iii) Details of a maintenance access track improvement scheme of the access track to west of site
 - iv) Landscaping Details

Thereafter the SUDS pond shall be implemented in accordance with the agreed details.

Reason: In the interests of providing satisfactory arrangements for the disposal of surface water discharges having regards to Policy U8a of the City of Durham Local Plan.

7. No other development hereby approved shall take place until the access and highway works as detailed on plan QD548-03-03 B Access Arrangement Layout have been first implemented.

Reason: In the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan.

8. No development shall take place until a construction management statement has been first submitted and then agreed in writing by the Local Planning Authority. Said management statement shall include details of the best practicable means to prevent noise and dust from the construction activities. The management statement shall establish that no burning of combustible material on site shall take place unless it is not practicable to dispose of material in any other manner. The development shall be implemented in accordance with the approved details.

Reason: So as to minimise the potential for a detrimental impact upon residential amenity having regards to Policy U5 of the City of Durham Local Plan and Part 11 of the NPPF.

9. The development shall not be occupied until a final travel plan, conforming to the National Specification for Workplace Travel Plans PAS 500:2008, bronze level, has been submitted to and approved in writing by the Local Planning Authority. Said travel plan must include details of the appointed travel plan coordinator. The development must thereafter be implemented in accordance with the approved travel plan for the lifetime of the development.

Reason: In order to encourage sustainable means of travel having regards to Part 4 of the NPPF.

10. No dwelling hereby approved shall be occupied until the sections of rear lane enclosed in the redline on drawing QD548-03-01 Revision B Engineering Layout have received a surface improvement the precise details of which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the surface improvements shall be implemented in accordance with the agreed details.

Reason: In the interests of highway safety and visual amenity having regards to Policies T1 and Q8 of the City of Durham Local Plan.

11. No development shall take place until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following;

Pre-Commencement

- a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No dwelling can be occupied until the remediation works have been undertaken. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

12. No construction activities including the use of plant, equipment and deliveries shall take place outside the hours of 8am and 6pm Monday to Friday, 8am and 1pm on a Saturday with no activities to take place on a Sunday or Bank Holiday.

Reason: So as to minimise the potential for a detrimental impact upon residential amenity having regards to Policy U5 of the City of Durham Local Plan and Part 11 of the NPPF.

13. No development shall take place unless in full accordance with the noise attenuation scheme detailed at section 5 and at figure 2 within the submitted Noise Assessment dated September 2013 by Wardell Armstrong.

Reason: In the interests of residential amenity having regards to Policies U5 and U7 of the City of Durham Local Plan and Part 11 of the NPPF.

14. No development shall take place unless in full accordance with the drainage solutions, discharge rates and mitigation measures detailed within the submitted Flood Risk Assessment dated 6th September 2013 by Queensberry Design Ltd.

Reason: In the interests of providing satisfactory arrangements for the disposal of surface and foul water discharges and in the interests of flood risk having regards to Policies U8a, U9 and U10 of the City of Durham Local Plan and having regards to Part 10 of the NPPF.

15. No development shall take place unless in full accordance with mitigation measures detailed at section 5 and the associated mitigation plan within the Ecology Report dated 26th April 2014 by Dendra Consulting Ltd.

Reason: In the interests of preserving protected species and their habitats having regards to Policy E16 of the City of Durham Local Plan and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT


The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance

- City of Durham Local Plan 2004
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>DM/14/02104/FPA</p> <p>Erection of 81 no. dwellings and associated access and landscaping works</p> <p>Land to the north of Local Avenue and Front Street Sherburn Hill, County Durham</p>		
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<table border="1"> <tr> <td data-bbox="922 1814 1091 1986">Date</td> <td data-bbox="1091 1814 1382 1986">21st October 2014</td> </tr> </table>	Date	21 st October 2014
Date	21 st October 2014		



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02105/FPA
FULL APPLICATION DESCRIPTION:	Erection of 40 dwellings, associated access and landscaping works
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land to the south of Oakfield Crescent, Bowburn
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Ann Rawlinson, Senior Planning Officer 03000 261393 ann.rawlinson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an undeveloped, triangular shaped field located to the south of Oakfield Crescent, on the east side of Bowburn. The site is Council owned land. It slopes gently from its north-east corner towards the south west. The site is approximately 1.12 hectares in size and is bound to the north by the rear of properties on Oakfield Crescent and trees. These properties consist of single and two storey dwellings within an established residential area. To the west is a palisade fence dividing the site from Bowburn Junior School playing field. The boundaries to the south and east consist of dense trees, hedges and shrubs. Beyond the hedge line to the east lies Crow Trees Lane that skirts around Bowburn between the built up area of the village and the A1 (M) which is located approximately 100m further to the east. Beyond the trees to the west lies the recreation ground. The application site is located within the settlement boundary of Bowburn. There are no ecological, landscape or heritage designations on the site. The Cassop Vale Site of Special Scientific Interest (SSSI) is located approximately 900m to the north east of the site.

The Proposal

2. The application seeks full planning permission for 40 dwellings (equating to a density of 35.5 dwellings per hectare), a new access and associated landscaping works by Durham Villages Regeneration Company, a partnership between the Council and Keepmoat Homes. Properties would be single and two stories in height. One house type would be 2 ½ storey with accommodation in the roof. A total of four 2 ½ storey units are proposed, sited to the north and west. These would incorporate a dormer window to the front elevation and rooflights to the rear elevation.

3. Properties would vary between 2, 3 and 4 bedrooms and would be arranged as a mixture of detached, semi-detached and terraced properties. Eight dwellings, located to the rear would be 'affordable', comprising 4 two bedroomed bungalows and four 2 and 3 bedroomed semi-detached properties.
4. The proposed vehicular access would be taken from Crow Trees Lane to the south east of the site extending northwards into the site to form a 'T' shaped hammerhead. The proposed layout would be open plan, sited around the access road. Each property would be served by parking spaces or parking spaces and garages incorporating, small front lawned and treed gardens and enclosed rear gardens. Three visitor parking spaces would be provided. A new stepped pedestrian link is proposed in the north east corner of the site extending to meet the footpath on Crow Trees Lane. A hammerhead sited to the north west of the site would allow vehicular access through a new gate into the adjacent school playing field. The existing palisade fence to this boundary would be retained.
5. Roads, footpaths and parking bays would be constructed of tarmac. Materials would comprise two colours of brick and two colours of roof tiles, to be approved via planning condition. White fascias, soffits and weatherboarding would be used. Various styles of canopies would be incorporated to the front of dwellings, as would art stone heads and cills. Front doors would be black. Bin storage would be provided to the rear of dwellings. A 1.8m high acoustic fence would be incorporated along the eastern boundary of the site adjacent Crow Trees Lane. 1.8m close board timber fencing or 0.9m high timber post and rail fencing would be erected to the rear of properties. The plans have been revised to reduce the extent of tree loss at the pedestrian access point to the north east of the site as well as improvements to the proposed landscaping scheme and highway improvements to the internal layout.
6. The application is reported to the Central and East Planning Committee as it represents major development.

PLANNING HISTORY

7. Planning permission for 43 dwellings was refused in July 2013 by the Council's Central and East Planning Committee. The reasons for refusal related to loss of residential amenity for existing residents, highway safety, potential for flooding and effects on surface water and sewage drainage. A subsequent appeal was dismissed in April 2014, with the Inspector concluding that the layout of the proposed dwellings to the northern boundary of the site would be harmful to the privacy of existing and future residents and would be overbearing upon residents of Oakfield Crescent.

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). 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. 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. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal:
10. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development. Planning decisions must ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character, create safe and accessible environments and be visually attractive.
14. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure 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.
15. *NPPF Part 11 – Conserving and enhancing the natural environment.* Planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. 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/unstable land.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (NPPF)
16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.
<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

17. *Policy E5a – Open Spaces within Settlement Boundaries.* Does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
18. *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.
19. *Policy E15 – New Trees and Hedgerows.* Sets out that the Council will encourage tree and hedgerow planting.
20. *Policy E16 – Nature Conservation – the natural environment.* Seeks to protect and enhance the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
21. *Policy H3 – New Housing Development in the Villages.* This policy allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
22. *Policy H12 – Affordable Housing: Ensuring a Range of House Types.* This policy requires on residential schemes of 25 units or more, or of 1 ha or more, to provide a proportion of affordable housing where a local need exists.
23. *Policy H12A – Type and Size of Housing.* States that the type and size of dwellings will be monitored with where appropriate negotiation with developers to provide the right housing types and sizes to ensure balance.
24. *Policy H13 - Residential Areas – Impact upon Character and Amenity.* States that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
25. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
26. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.

27. *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 in its overall design and layout.
28. *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.
29. *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.
30. *Policy R1 - Provision of Open Space – Overall Standards.* This policy seeks to ensure that a minimum level of 2.4 ha of outdoor sports and play space per 1,000 population is maintained.
31. *Policy R2 – Recreational and Amenity Space in New Residential Developments.* 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.
32. *Policy R3 - Protection of Open Space used for Recreation.* Seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.
33. *Policy T1 – Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
34. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
35. *Policy T21 – Walker's Needs.* The Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
36. *Policy U7 – Pollution Prevention.* Development Sensitive to Pollution states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
37. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. 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.

38. *Policy U11 – Development on Contaminated Land.* Development will only be permitted where the nature and extent of contamination is established, the development would not add to the level of contamination, proposals include remedial measures and that there is no detrimental effect on the environment.
39. *Policy U14 – Energy Conservation – General.* states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY:

40. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing 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). The following policies contained in the Submission Draft are considered relevant to the determination of the application.
41. *Policy 3 – Quantity of new Development.* In order to meet the needs and aspirations of present and future residents at least 31,400 new homes of mixed type, size and tenure are required in the County.
42. *Policy 4 – Distribution of Development.* To reflect the spatial approach the Plan allocates sufficient sites to provide for housing. In Central Durham the Plan allocates 8010 dwellings with 5220 in Durham City and 520 required in the smaller towns and larger villages.
43. *Policy 15 – Development of Unallocated sites.* Development on sites not allocated will be permitted provided that certain criteria are met including; that it would not involve development in the countryside and is appropriate in scale, design and location to the character and function of the settlement.
44. *Policy 30 – Housing Land allocations.* In order to meet the housing requirement and distribution set out in Policy 3 and 4 a number of sites are allocated for housing development. No sites are allocated for housing in Bowburn.
45. *Policy 31 – Addressing Housing Need.* Requires all qualifying new housing to provide a percentage of Affordable Housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494> (City of Durham Local Plan)

<http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

46. *Cassop Cum Quarrington Parish Council* – The Parish Council acknowledges that the Inspector dismissed all objections to the original planning application apart from residential amenity of existing properties located on Oakfield Crescent. However, the Parish Council resolved to object again upon other grounds. It recommends that houses overlooking the school playing fields should be single storey so as not to overlook a school which may be built there in the future. The Parish Council strongly maintains its view that the site should be kept for educational use. If the application is approved then an access should be constructed to the school field for future construction traffic. The existing school playing field should not be sterilised by drains etc. A local neighbourhood plan is currently being produced which would include a requirement that the site be set aside for a new school.
47. *Highways Authority* – Officers advise that the proposed access onto Crow Trees Lane is acceptable as is the proposed visibility splay. Advice was given regarding the internal layout and parking, including drive ways and visitor parking. These issues have been resolved and thus no objections are made.
48. *Environment Agency* – No objections are made. Advice is given regarding surface water management and foul drainage.
49. *Northumbrian Water* – Has raised no objections subject to the development being undertaken in accordance with the submitted FRA. A specific foul water discharge rate of 2 litres a second in manhole 9201 is also requested. Consideration should be given to discharge of surface water by soakaways or watercourse. If the sewer is the only option then Northumbrian Water advises that surface water should be restricted to 5 litres a second into manhole 8215.
50. *Natural England* – Advise that the site is in close proximity to the Cassop Vale SSSI. It is satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified. General advice regarding protected species, green infrastructure, local sites and biodiversity and landscape enhancements is given.
51. *Coal Authority* – Advise that within the site and surrounding area are coal mining features/hazards which should be considered. Part of the site is likely to have been subject to past coal mining, specifically a thick coal outcrop through the site that may have been historically worked. However, this is only located within the extreme southern part of the site and not within the part of the site where development is proposed. The site where development is proposed actually falls outside the defined Development High Risk Area. Therefore the Coal Authority does not consider that a Coal Mining Risk Assessment is necessary and do not object to the application.

INTERNAL CONSULTEE RESPONSES:

52. *Design and Historic Environment* – Officers advise that the layout is of average standard. It is highway dominated with few intimate spaces. Although the reduction in units provides an improvement to the space around houses. The bungalows to the rear have enhanced the street scene, as does the variation of property heights and introduction of different house types along the northern boundary, picking up references with the adjacent estate. It is considered that the materials, houses types,

style, character and materials provide a cohesive uniformity and that materials should pick up cues from the surrounding estate.

53. Concerns are raised regarding the loss of important hedgerow/trees to form the vehicular and pedestrian access which acts as an attractive visual screen. This should be retained as much as possible. The group of trees on the southern boundary may also come under pressure from residents to be removed. However, the retention of trees to the northern boundary would provide an instant, attractive screen. Hedges should be provided to front gardens in order to provide an attractive sense of enclosure, tie in with the site and surroundings and reduce hard surfacing. Pedestrian routes should be provided out of the site to increase permeability, without compromising trees. Permeable setts and coloured tarmac would provide an attractive space.
54. *Landscape* – Officers have expressed some concern at the removing and cutting back of existing tree/hedgerow belt along the main road and additional bushes to allow for necessary sightlines. A further 11m would be lost to accommodate a footpath link. The tree belt to the south would also come under pressure from residents who would wish for sun in their rear gardens. Officers advise that no walls should be placed in the RPA of trees. The removal and pruning back of trees should be undertaken, and the retained trees protected, in accordance with the submitted arboricultural report. Advice is also given regarding materials and the necessity of a re-planting scheme.
55. *Green Infrastructure* – The site was assessed in the SHLAA and found to be a logical extension to the settlement with low landscape impacts. The development could accommodate approximately 96 people which, according to OSNA standards, would lead to a requirement of 0.4992 ha of open space. Coxhoe Electoral Division has an undersupply of parks and gardens only and a slight undersupply of semi-natural open space. Bowburn itself has a rather limited supply of open space, most of which is amenity open space. There is a recreation ground which includes some elements of park and garden, and some sports pitches. The Playing Pitch Strategy for the area found that, overall there should be sufficient pitches to meet demand, although these could be of better quality. Clubs have reported that the quality of pitches is poor and that there is a shortage of junior football pitches.
56. The development incorporates a small amount of green infrastructure, which although welcomed, is quite minimal. The design provides a degree of pedestrian connectivity which is again welcomed. The development should entail a contribution to open spaces in the area commensurate with the OSNA recommendations. The priority for the village is to improve the range, connectivity and functionality of open spaces in the area.
57. *Ecology* – Officers confirm that they have no objections to the development of the site in principle. However, concern is raised regarding the loss of tree cover in the roadside shelterbelt. This group of trees should be retained as a buffer. The shelterbelt also provides an element of linear connectivity between other habitats along the roadside.
58. *Environmental Health (Noise)* – No objections are raised. Officers have considered the submitted noise assessment and advise that provided that the proposed noise mitigation measures are implemented they consider that there would not be adverse impact on future occupants from noise. Street lighting would be a reasonable distance from existing residents so would not adversely impact on their amenity. Officers recommend that a construction management plan, taking into account the effects of noise, smoke, dust and construction hours should be implemented.

59. *Environmental Health (Contaminated land)* – Officers have assessed the available information and historical maps with respect to land contamination. They advise that, whilst there are no historic industrial land uses, there is a scar on the aerial maps from 2000 and 2010 to the south west corner of the site. It is quite often the case that a site which has a road boundary can be affected by the road building development. However, due to the fact that the proposed development constitutes a change of use to a more sensitive receptor, the contaminated land condition should be applied.
60. *Sustainability and Climate Change* – Officers advise that the site is not within a short walking distance of a secondary school, FE/HE or a supermarket. However, there is a good level of bus service. Investment in cycle infrastructure should be considered. The level of bus provision should ensure access to regional employment. The site should incorporate green space, although residents would have access to green space in the surrounding area. Visual impacts should be low as the site is visually well contained. It is proposed to use solar PV to reduce energy use by 10%, which is welcomed.
61. *Access and Public Rights of Way* – Officers advise that there are no rights of way affected by the proposed development.
62. *School Places Manager* – Advise that no contributions towards additional classrooms are required on the basis of 40 new dwellings.
63. *Housing Development and Delivery Manager* – Officers advise that there is a clear commitment to deliver the required 20% affordable housing provision as defined within the Strategic Housing Market Assessment. Previous discussions held with the applicant have resulted in the application incorporating the required affordable housing which is of the right mix and type and would be distributed across the proposed development. Officers are thus supportive of the development.
64. *Neighbourhoods – Street Scene Services* – Advice is offered regarding landscaping, open space and future maintenance.
65. *Drainage* – Officers advise that the submitted FRA is adequate at this stage for planning purposes and planning permission should not be withheld due to drainage. However, full design information including plans and micro drainage calculations should be submitted for approval prior to commencement.

PUBLIC RESPONSES:

66. The application was advertised in the press, on site and in the locality. Letters were sent to neighbouring residents. Three letters of objection have been received. The main concerns and comments received from local residents are summarised as follows:
67. Residents fear that the proposed development would adversely affect any future provision for a new primary school for Bowburn. They consider it to be the only remaining site within the village for new a school and should be reserved for future school provision, especially given the age and conditions of the existing schools. The building of a new combined school on the existing Junior School playing field would be difficult, especially given required educational space standards and a growing population, taking into account new housing development. It is also considered that necessary infrastructure, including schools, should be adequately planned for, as set out in the emerging CDP and existing CDLP. Residents consider housing targets in the area have been met and that additional housing should not be provided without

additional necessary infrastructure such as a new school. Alternatively a compromise could be building fewer houses and leaving an access road through to the existing Junior School field for construction traffic to improve road safety in the area surrounding the existing school.

68. Concerns regarding loss of privacy and sky reception and affect on installed solar panels are also raised. A resident is concerned that a 2 storey property is proposed close to the rear of their bungalow. They feel victimised that proposed properties have been changed to bungalows opposite other bungalows on Oakfield Crescent, but not opposite their property. Concern is also expressed that two covenants extend over part of the site and that part of the site appears to be owned by the Department of Transport.

Non-statutory Representations

69. *Bowburn Infant and Junior School Governors* – Advise that they object to the proposed development. They are concerned that the construction of a single Primary School at Bowburn cannot satisfactorily be undertaken if this housing development is carried out. There may be insufficient space to construct a sufficiently large school on the existing Junior School playing fields. This view is based on unknown housing numbers and catchment areas and required educational space standrds. They consider that the Council should keep the land in their ownership for a future school. The construction access to the new school should be from the application site, given the problems with the existing school access and for the safety of pupils and amenity of residents. It is also considered that town houses should not overlook a school.
70. *Bowburn and Parkhill Community Partnership* – The Partnership advises that they wish to support the representations made by the Bowburn Infant and Junior School Governors and that the issues raised by the governors have been aired many times by the Partnership.

APPLICANTS STATEMENT:

71. The Inspector considering the appeal regarding the refusal of planning permission of our original application considered the Council's reasons for refusal and examined all the objections raised by local residents and other interested parties. The Inspector advised that the principle of housing development on the site is appropriate. He concluded that the sole reason for dismissing the appeal was that the layout along the northern boundary would cause significant harm to residential amenity for some existing and proposed residents due to the distances, in some instances, between existing properties on Oakfield Crescent and proposed new homes, and due to the scale of some of the proposed new homes.
72. We have worked with Council officers to ensure that our current application addresses those issues. By reducing the number of dwellings from 43-40 we have been able to increase the distances between the existing properties on Oakfield Crescent and the proposed new homes. We have also introduced single storey bungalows along the northern boundary of the site, principally to reduce the impact of the new homes on the existing, but also to create a more varied street scene. We note that the Councils Design and Conservation team consider that the proposal is acceptable in terms of both privacy distances and overbearing impact. We believe that our proposal accords with the NPPF's presumption in favour of sustainable development and accords with local plan policies. The proposal would provide much needed new homes, both affordable and for private sale.

PLANNING CONSIDERATIONS AND ASSESSMENT

73. 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 considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity, affordable housing, access, traffic and highway safety, landscape/visual impact, design and layout, ecology and nature conservation, flooding and drainage and other matters.

Principle of Development

74. The Inspector considered the principle of residential development on the site to be acceptable. In the intervening period since the appeal decision there has been no change in planning policy that would allow a different view to be taken, although greater weight can now be given to the emerging CDP given that it is currently the subject of an ongoing Examination in Public.
75. In terms of the development plan, the site is situated within the settlement boundary for Bowburn, defined by CDLP Policy H3. Housing development would normally be approved on previously-developed land where it lies inside of the boundary, to help contain settlements and prevent sprawl into the surrounding countryside. Therefore, the proposed development does draw some support from the Policy in locational terms, but less so in terms of the Greenfield nature of the site. However, whilst the CDLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF, the NPPF further advises at paragraph 215 that LPAs are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The NPPF does not specifically advocate the use of settlement boundaries, and takes a more flexible approach to settlement growth and development.
76. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. The key matter in applying the NPPF relates to directing development to sustainable locations.
77. The NPPF also encourages the re-use of Brownfield land, as stated at paragraph 17. However, though the development on Brownfield land is encouraged, the development of Greenfield land is not necessarily inappropriate as indicated by paragraph 52 of the NPPF which considers extensions to villages can be an appropriate means to deliver housing.

78. The application site is well located to in terms of its relationship with established residential areas, and is within walking distance of a range of services and employment opportunities, whilst a school is located adjacent the site. There is a recreation ground to the immediate south west, and a bus stop approximately 200 metres away to provide access to services and employment opportunities further afield. The site is therefore considered to be in a sustainable location, and accordingly, it is considered that the proposal would meet the NPPFs aspirations of boosting the supply of housing to create sustainable, inclusive and mixed communities.
79. In terms of the emerging plan, and to ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, Policy 15 sets out a criteria-based approach to development on unallocated sites. The Policy is permissive of development in built up areas provided that it is appropriate in scale, design and location to the character and function of the settlement; and would prejudice the development of adjacent land. The application site is considered to generally form part of the built-up area and would meet the broad tests in terms of location, scale and design, and is therefore appropriate to the character and function of Bowburn.
80. Policy E5A of the CDLP seeks to protect open space within settlements. Policy R3 seeks to protect areas of open space used for recreation and leisure. The latest evidence base with regards to availability and need for recreational space and open space is contained within the Open Space Needs Assessment (OSNA). The site is not identified or allocated within the OSNA (nor is it allocated for a purpose within the Local Plan proposals maps). Furthermore, the OSNA identifies that deficiencies in open space within the Coxhoe Electoral Division relate to parks and gardens, play space and allotments, of which the site is not considered to be. The site is used more informally, most likely by dog walkers. Land to the immediate south west at Bowburn Recreation Ground provides formal playing pitches.
81. The loss of the land on the grounds of its recreational value or potential is therefore accepted, although it is recognised that this presents some conflict with Policy E5A, and to a lesser extent Policy R3 of the CDLP. The provision, through a financial contribution towards improving existing sports/play/open space provision within the area, to be secured by legal agreement, would provide wider benefits to the local community.
82. Concerns raised regarding the proposed development potentially jeopardising any future expansion and redevelopment of the Bowburn schools have been considered. It is considered that in the future, should, there be a need for a new school to be constructed on the existing school playing field, a "playing field access" located in the north west corner of the site would enable access onto the school site. Despite the concerns and objections raised over a period of time regarding the need to retain the application site for potential future expansion of the school, no requirement to allocate this parcel of land for school redevelopment has emerged and officers do not consider that objection to the proposal on the grounds that this site may be required in the future is a material planning consideration of such weight that the application could be refused on this basis. Indeed, the Inspector gave this issue very little weight in the recent appeal decision.

83. In dismissing the planning appeal the only matter of harm identified by the Inspector was loss of privacy to, and unacceptable overbearing impact on, some residents in Oakfield Crescent, adjoining the northern boundary of the site. The Inspector considered that the layout of the northern part of the site would have affected the living conditions of some occupants living in Oakfield Crescent and that the proposed distances between existing and new dwellings were insufficient to ensure privacy. The Inspector considered that the shortest distances of 20.1m and 20.6m between the habitable windows of plots 15, 18, 19 and 20 and the bungalows at nos. 4, 5, 6 and 7 Oakfield Crescent was insufficient due to the nature and positioning of the proposed units, the types and designs of the dwellings (existing and proposed), the height of proposed dwellings, the levels between the houses and the fact that the proposed dwellings were also one continuous line of built form. He concluded that these factors would have resulted in an overbearing obtrusive effect on the existing dwellings. The Inspector considered that the development as proposed would not lead to a loss of daylight or sunlight to these dwellings.
84. The current application has sought to address the concerns of the Inspector. This has resulted in an amended layout to the northern boundary of the site adjacent the properties located on Oakfield Crescent. It was acknowledged by the Inspector that a 21m separation distance, although not a statutory requirement is a commonly used distance when considering window to window distances. This is the required distance which is set out in the Policy justification to Policy Q8 of the CDLP and to which the Inspector referred to as 'a fundamental part of Policy Q8'. Policy Q8 does not distinguish between different heights or types of dwellings. However, it is noted that the Inspector considered that the 21m dimension should not always be seen as being an absolute or minimum distance. In some cases a lesser dimension might be appropriate while in others over 21m might be necessary. Each case should be considered on its own merits and in relation to the specific relationship between dwellings.
85. The shortest separation distances now proposed would be 21.0m and 21.5m between nos. 15 and 14 Oakfield Crescent (both bungalows) and plots 26 and 25, also proposed to be bungalows. These are considered to be acceptable relationships. Whilst the bungalows of nos. 13 and 12 Oakfield Crescent are sited opposite proposed 2 storey dwellings, these proposed dwellings are set at a distance of 22.2m and 22.3m, respectively, and therefore beyond the required distance of 21m. In addition, they are offset and also have gaps either side of the pair of dwellings which has created more space around this pair of dwellings. These distances, changes to the siting of proposed dwellings and reduction in built development opposite existing dwellings would result in an acceptable relationship between existing single and proposed 2 storey dwellings. Between nos. 11 and 10 Oakfield Crescent (two storey dwellings) and plots 22 and 21 (2.5 storey dwellings) there are separation distances of 28.2m and 28.4m respectively. These are considered to be acceptable separation distance between the properties. It should also be noted that the roof lights to the rear elevation of the 2.5 storey properties are above head height and would prevent any overlooking. There would be a distance of 28.3m and 28.7m between nos. 9 and 8 Oakfield Crescent and plots 20 and 19 (2 storey dwellings), which is considered acceptable. Between the bungalows of nos. 7 and 6 Oakfield Crescent and plots 17 and 18 (both bungalows) are 21.5m and 22m, respectively. This is considered an appropriate relationship. Between nos. 5 and 4 Oakfield Crescent (both bungalows) and plots 16 and 15 are 26.8m and 26.9m. This latter distance is the distance between main windows, with a distance of 22.6m to a window in a garage conversion at no. 4 Oakfield Crescent. Again these relationships are considered appropriate.

86. It is considered that, the required distance of 21m between windows set out in the justification for Policy Q8 of the CDLP has been met and that further positive design and layout changes have been made to ensure the privacy and amenity of both existing and prospective occupiers. In particular, it is considered that the incorporation of bungalows on plots 17, 18, 25 and 26, to replace 2 storey dwellings, a reduction in the number of 2.5 storey dwellings along the northern boundary from four to two, as well as larger gaps between pairs of dwellings and low garage heights would result in a varied streetscape and an unobtrusive outlook for residents of Oakfield Crescent. These changes have addressed the previous 'wall of development' concern expressed by the Inspector. Retention of existing trees to the north of the site would also provide screening and assist in maintaining privacy and improve outlook.
87. It is thus considered that the positive changes to the layout, house type/design, height and separation distances between dwellings has addressed the concerns raised by the Inspector and thus would ensure a satisfactory outlook and safeguarding of privacy for both existing and future occupants. It is considered that the proposal meets the requirements of Policies Q8 and H13 of the CDLP.
88. The concerns regarding the siting of two and 2.5 storey properties adjacent the school playing field's eastern boundary are noted and have been considered. However, it is considered that even if a future school was constructed in this location, the siting of residential properties adjacent a school playing field or school buildings is not an unusual situation and is one that occurs adjacent many schools in residential areas.
89. It is accepted that there would be increased traffic, comings and goings and noise associated with a new housing development, albeit additional housing close to existing residential properties would rarely be deemed unacceptable from a residential amenity perspective. In order to ensure an appropriate level of amenity for existing residents and those who occupy dwellings in the earlier phases of development it is considered appropriate to require a construction management plan be developed and implemented to ensure appropriate management of such issues as operations, deliveries, noise, dust, mud, vibration and light so that the construction of the dwellings would not adversely affect the amenity of residents. Concerns raised regarding loss of Sky TV reception and impact on solar panels on existing properties are acknowledged but these objections are not evidenced or substantiated and are thus given little weight.
90. The implementation of noise mitigation measures as set out within the submitted noise assessment and addendum, to incorporate acoustic glazing/ventilation and acoustic fencing to the properties adjacent the access road, nearest the main road and thus closest to the A1 (M) would ensure that the amenity of future occupants is safeguarded, in accordance with the requirements of Policies Q8, U7 and H13 of the CDLP.

Affordable Housing

91. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. The County Durham Strategic Housing Market Assessment (SHMA) update report was completed in July 2013 and supplies the evidence base for 20% affordable housing across the Central Delivery Area in which the site falls. The requirement reflects an up to date needs assessment and identifies a significant requirement of approximately 189 net affordable units per annum

throughout the Central Delivery Area up to 2016/17. This shortfall is greatest for one and two bedroom properties (68 net per annum). On the basis of the SHMA evidence base, Policy 31 of the emerging CDP identifies that affordable housing requirements should apply to housing schemes of 15 dwellings or 0.5 ha. and that 10% of housing should be appropriate for older people.

92. In this particular case, the application proposes that on the basis of 40 dwellings being constructed, 20% would be affordable or 8 units overall, likely to be for affordable rent. This would also consist of four bungalows. The proposal would assist in the delivery of a wide choice of homes based on current and future demographics as set out at paragraph 50 of the NPPF.
93. Accordingly, it is considered that the proposals reflect the level of affordable housing recommended in the SHMA and as a consequence is consistent in Policy 31 of the emerging CDP and CDLP Policies H12 and H12A which require that affordable housing of the right size and type is provided where a local need exists. The affordable housing provision would be secured in perpetuity by way of a S106 legal agreement.

Access, Traffic and Highway Safety

94. In assessing traffic impacts, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. The anticipated number of vehicle trips a day arising from 40 dwellings could be safely accommodated within the existing highway network as required by CDLP Policy T1 and paragraph 32 of the NPPF.
95. The proposed access point from Crow Trees Lane and proposed visibility splays of 2.4m x 160m are considered to be acceptable in order to provide a safe access. It is noted that the access point is the same location as that found acceptable by the Inspector at the recent appeal, which was for a larger number of dwellings. Revisions to the internal layout have satisfied Highway Authority requirements with regards to emergency access, parking levels, including visitor parking, internal road and footpath layout, turning areas and drives and garages. A footpath link to the north eastern side of the site would provide a link to the footpath on Crow Trees Lane and thus provide a route to the nearest bus stop, in accordance with Policy T21 of the CDLP.
96. The proposed development is considered acceptable from a highways perspective and would thus comply with CDLP Policies T1, T10, Q2, Q4 and paragraph 32 of the NPPF which requires satisfactory access onto the road network and safe vehicle entrance, exit and manoeuvring as well as effective access for emergency vehicles. The location of the site is considered to accord with paragraph 34 of the NPPF which requires that development should be located where the need to travel would be minimised and the use of sustainable modes can be maximised.

Visual and Landscape Impact

97. The site itself, although clearly visible from properties on Oakfield Crescent and the school playing field is enclosed by dense trees to the south west adjacent the park and to the south east and east adjacent the road and thus not visible from these public vantage points. It is acknowledged that residential development would change the character of the site. This would though not be unattractive in itself, but would be different in character. The loss of views of the field to private properties cannot be given weight, although change in views from public vantage points is of greater importance as it affects the wider community and the character of the settlement.

98. The provision of the proposed vehicular access and pedestrian access would result in the loss of a 10m stretch of trees for the vehicular access and a 4m loss for the pedestrian access as well as cutting back of trees/hedge along the eastern boundary of the site. This would open up views into the site from these areas. However this would be relatively localised and would not affect the general character of the landscape to a substantial degree as the site would still be relatively well screened from the road and public park. Middle and long distance views would not be affected given the dense woodland to the east of Crow Trees Lane and landscaping either side of the A1 (M) to the east and south of the site, meaning views of the site would be restricted.
99. The loss of existing trees to provide access onto Crow Trees Lane is noted above. This would be exacerbated by the required access visibility splay which would result in the cutting back of trees over a length of approximately 135m and subsequently reduce the width of this tree belt by approximately 30% in a northerly direction and 20% in a southerly direction. Six trees would also be lost to the northern perimeter as well as two groups of trees to the south western boundary and one group to the south eastern boundary to accommodate the development. It is recognised that this would bring the scheme into conflict with Policies Q8 and E14 of the CDLP which seek to minimise tree and hedge loss. The proposed pedestrian access into the site has though been reduced in width to minimise significantly the tree loss in this particular area. Although a loss and thus subsequent change is acknowledged, it is considered that the remaining landscaping belt to all boundaries, when taken as a whole, is significantly robust enough so as not to significantly impact on the character of the site and surrounding area.
100. The provision of a comprehensive landscaping scheme which includes hedgerows and heavy standard trees to frontages, grassed lawns and ornamental shrubs assists in mitigating this loss and enables the scheme to comply with Policies Q5 and E15 of the CDLP. Hedges and street trees in would provide an attractive sense of enclosure to front gardens and complement the site. It is noted that trees to the rear northern boundary of the site would be retained outside the gardens of the proposed dwellings and be maintained by the owners of existing properties on Oakfield Crescent. This would provide an attractive instant screen for these properties. It is noted that the extent of tree loss is no more than the previous scheme to which the Inspector did not consider to have a significant adverse impact. Specifically the Inspector considered that development would not have an adverse impact, in terms of effect on the character and appearance of this part of Bowburn.

Design and Layout

101. The design and layout of the proposed development is fairly traditional, with a straight road leading to a hammerhead and cul-de-sacs with parking and driveways to the front of dwellings. The properties vary in type, height and size and are arranged in a mixture and thus would complement the residential estate to the north to which it would abut and enhance the streetscape. The character, style, materials and detail provide a cohesive uniformity. The reduction in density of the proposed scheme has improved the layout and space around the houses. The provision of a pedestrian route to the north eastern side of the site leading onto Crow Trees Lane for bus access would improve the permeability of the site. Materials should pick up cues from the surrounding estate which can be ensured by planning condition.

102. It is noted that the layout does not provide public open space, given the size of the site, and that all green space is incorporated into private front and rear gardens. The priority is though for the village to improve the range, connectivity and functionality of open spaces in the area. In this respect it is noted that the application proposes a financial contribution of £40,000 towards recreational and open space improvements and £29,000 towards public art initiatives and/or environmental improvements in the electoral division. These financial contributions would be secured by way of a S106 legal agreement.
103. The proposed design and layout is considered to largely accord with the principles set out within CDLP Policies R1, R2, Q1, Q2, Q8 and Q15 of the CDLP, notwithstanding the issues discussed above regarding the loss trees and hedgerows. It is noted that the Inspector considered the design of the dwellings to be acceptable, as well as most of the layout.

Ecology and Nature Conservation

104. There are no designated ecological sites on or within the immediate locality of the site. The application has been accompanied by an extended phase 1 habitat survey which concludes that the proposals are highly unlikely to affect protected species. However, trees and hedgerows have potential for nesting opportunities. As a result the proposed mitigation measures require that removal of trees and shrubs occur outside of the bird breeding season. Ecology officers have raised no objections to the development in principle, although have raised concerns regarding loss of tree cover as this provides a degree of linear connectivity between habitats along the roadside. However, it is the case that some tree belt and thus linear connectivity between habitats would still remain in this location.
105. It is considered that the proposed landscaping scheme would provide some biodiversity enhancements on the site and thus would meet the requirements of CDLP Policy E16 and Part 11 of the NPPF, in that it is considered there would not be significant impact on wildlife, habitats and protected species.

Flooding and Drainage

106. The site lies within flood zone one, the lowest level of flooding risk and where residential development is considered appropriate. The main consideration is the prevention of flooding elsewhere by ensuring the satisfactory disposal of surface water from the site. Surface water run-off from the houses and roads would connect to the public surface water sewer. Surface water from the remaining garden land would be drained by a soak away system. It is intended that foul water would connect to the public sewer.
107. The submitted Flood Risk Assessment's findings and recommendations, as well as surface and foul water drainage proposals, are accepted by Northumbrian Water and the Environment Agency. This is subject to appropriate planning conditions which restrict the amount and location of foul water and surface water discharge into the public sewer. The Council's Drainage Officer considers that an appropriate surface water management solution for the site can be achieved which can be controlled by a planning condition to enable a positive drainage strategy to be implemented. The objectives of CDLP Policy U8a and Part 10 of the NPPF are therefore considered to have been met. It is noted that drainage and potential flooding was considered by the Inspector who concluded that there was no reason why an appropriate surface water management scheme could not be implemented and controlled by planning condition.

Other Matters

108. It is proposed to implement solar PV to reduce energy use by 10% on the site. This is welcomed and thus meets the requirements of CDLP Policy U14 and the core principle of the NPPF of achieving sustainable development.
109. Environmental Health Officers have advised that whilst there are no historic industrial land uses associated with the site, there is a scar on the aerial maps from the south west corner of the site. They advise that it is often the case that a site which has a road boundary can be affected by the road building. However, due to residential development being proposed, they recommended that a Phase 2 site investigation is undertaken in order to identify, and if necessary, deal with any contamination, in order to ensure that the site is suitable for the proposed use, as required by Policy U11 of the CDLP.
110. The School Places Manager considers that there are sufficient surplus primary and secondary school places within the locality to accommodate the projected additional pupils as a result of this particular proposed development.
111. Representation has been received querying ownership of the site and the potential for covenants to be in place. However, any potential historical covenants are not material planning considerations to be given any weight. Furthermore, all the land is currently owned by the Council. It is understood that a Local Neighbourhood Plan is currently being drawn up by the Parish Council, although this is in its very early stages and thus carries no weight in the decision-making process at this time.

CONCLUSION

112. In dismissing the earlier appeal, the Inspector considered the principle of residential development on the site to be acceptable. It is acknowledged that development of Greenfield land would present some conflict with Policy H3 of the CDLP and the loss of open green space, performing some recreational function would conflict with Policies E5A and R2 of the CDLP. However, given that the site is well located to the existing residential area and in proximity to services and public transport, it is considered that the proposal conforms with the key sustainability principles of the NPPF. The scheme would assist in meeting housing needs, including the provision of eight affordable houses, four of which would be bungalows. The scheme would deliver other benefits including investment in sports/play provision and arts/community provision in the locality.
113. It is considered that the residential amenity of occupiers of neighbouring properties would not be significantly adversely affected, given the proposed revised layout, siting, height and design/type of dwellings located to the northern boundary, and that the Inspectors concerns have been addressed.
114. The development is considered acceptable in highway safety, access, parking and traffic terms. The proposals would have some localised visual and landscape impact in terms of loss of roadside trees, although this would not result in significant effects on the character of the landscape. It is considered that hedge and tree planting would assist in assimilating the development into its surroundings over time. The design and layout of the proposed scheme is appropriate to the character of the area. The proposed development is not considered to negatively affect protected species. Adequate drainage would be provided and flood risk would not be increased elsewhere, subject to conditions. Conditions would also ensure that the site is safe for development.

115. Careful consideration was given to the objections and concerns raised and these have been taken into account and addressed within the body of the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of the application.
116. It is considered that the scheme represents sustainable development and the key objective of boosting significantly the supply of a mix and type of new housing thus enabling the delivery of a wide choice of high quality homes as well as community benefits.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 to secure the following:

- A 20% affordable housing provision across the site, incorporating 100% affordable rent or 80% affordable rent and 20% intermediate housing, comprising of four bungalows suitable for older people and 2 two and 2 three bedroomed houses;
- Financial contribution of £40,000 towards additional and/or improved sports provision, equipped play provision, and parks/gardens provision/improvement in the Coxhoe Electoral Division;
- £29,000 financial contribution towards public art initiative and/or environmental improvements in the Coxhoe Electoral Division
- Targeted skills and employment opportunities.

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 only in accordance with the following approved plans and specifications:

Plans:

Soft Landscape Proposals. C-913-01 Rev. D. Received 11th September 2014.

External Finishes. QD617-95-01. Rev. H. October 2012.

Planning Layout . QD617-01-01. Rev. K. October 2012.

Proposed Streetscapes sht1. QD617-65-02. Rev. B. October 2012.

Proposed Streetscapes sht2. QD617-65-02. Rev. B. October 2012.

Proposed Site Section A-A. QD617-65-04. Rev. B. March 2013.

Unit Type 828 Traditional. QD-617-828-01. 14.12.12.

951 (RSL) Unit 3B 5P. QD-617-951-01. Received 18th July 2014.

Garage plans and Elevations. QD617-GD-01. July 2014.

869 (RSL/INT) Unit 2B 4P. QD617-RSL869-01. Received 18th July 2014.

Unit 1176 Traditional 4b7p. Rev. A. 1st April 2014.

Unit type 665 Mid 2b4p. QD617-665-01. Received 18th July 2014.

Unit Type 763B 3b5p. QD617-763B-01. Received 18th July 2014.

Unit Type B3 2b3p. QD617-B3-01. Received 18th July 2014.

Unit Type 836 3b5p. QD617-836-01. Received 18th July 2014.

Unit Type 858FE Traditional 3b5p. QD617-858FE-01. Received 18th July 2013.
Unit Type 999 Traditional 3b5p. QD617-999-01. Received 18th July 2014.
Unit type 1011 3b5p. QD617-1011 3b5p. Received 18th July 2014.
Location Plan. QD617-LP-01. July 2014.
External Works. QD617-04-01. July 2014.
Engineering Strategy. QD617-03-01. July 2014.
Boundary Details. QD617-95-02. Rev. A. June 2013.

Documents:

Revised Noise Assessment. Wardell Armstrong. July 2014.
Noise Assessment Addendum email from Nichola Dixon to Lewis Ray dated 11th July 2014.
Arboricultural Impact Assessment. KHL_Bowburn_AIA 1.4. 18th July 2014.
Ecology Report. KHL_Bowburn_Ecol. 2. 21st September 2014.
Geoenvironmental Assessment. 11688. Issue 1. 19.03.2012.
Flood Risk Assessment and Surface Water Management Plan. Queensbury Design Limited. 18th July 2014.
10% planning Low or Zero Carbon Technology Feasibility Study. Ref. QD-Bow-LZCR-03. 17th July 2014.
Addendum to Design, planning and Access Statement. Received 29th July 2014.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies E5a, E14, E15, E16, Q1, Q2, Q5, Q8, Q15, T1, T10, T21, H12, H12A, H13, R1, R2, R3, U8a, U11, U14 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application samples of the external walling and roofing materials of the dwellings should be submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant phase of the development to which the material relates. The development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies Q8 and H13 of the City of Durham Local Plan and Part 7 of the NPPF.

4. Development shall not commence until a construction working practices strategy that includes (but not exclusively) dust, noise, and light mitigation; compound location and traffic management shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter construction will take place in full accordance with that agreement.

Reason: In the interests of public health, highway safety and amenity, in accordance with the objectives of Policies T1, Q8 and H13 of the City of Durham Local Plan.

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

Reason: In the interests of the visual amenity and character of the area and to comply with Policies E15 of the City of Durham Local Plan.

6. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges agreed for retention, are protected by the erection of fencing comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS 5837:2012. The fencing shall be retained in situ until the cessation of the development works.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity and character of the area and to comply with Policy E14 of the City of Durham Local Plan.

7. No operations and deliveries associated with the construction phase of the development hereby approved shall be carried out outside the hours of:

Monday to Friday – 08:00 – 18:00 hours

Saturdays – 08:00 – 12:00 hours

Sundays – None

Public and Bank Holidays – None

Reason: In the interests of residential amenity in accordance with Policies Q8 and H13 of the City of Durham Local Plan and Part 11 of the NPPF.

8. The drainage of foul water from the site shall not exceed 2 litres per second and should discharge into the public sewer at manhole 9201. The drainage of surface water from the site shall not exceed 5 litres per second and should discharge into manhole 8215.

Reason: To comply with Policy U8A of the City of Durham Local Plan.

9. Notwithstanding any submitted details, no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of the development.

Reason: To ensure adequate drainage of the site in accordance with Policy U8A of the City of Durham Local Plan.

10. The development shall only take place in full accordance with the measures detailed in the noise assessment 'Wardell Armstrong NT110543 dated June 2013'. These measures shall be implemented before the occupation of the 1st dwelling and retained in perpetuity thereafter.

Reason: In the interests of residential amenity in accordance with Policies Q8 and H13 of the City of Durham Local Plan and Part 11 of the NPPF.

11. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No dwelling can be occupied until the remediation works have been undertaken. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- Planning application ref: 4/12/01048/FPA/HJ
- Appeal decision APP/X1355/A/14/2211956
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- City of Durham Local Plan 2004
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



Planning Services

DM/14/02105/FPA

Erection of 40 dwellings,
associated access and
landscaping works

Land to the south of Oakfield
Crescent, Bowburn

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Date

21st October 2014

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00941/FPA
FULL APPLICATION DESCRIPTION	DEMOLITION OF EXISTING BARNs AND DEVELOPMENT OF 10 RESIDENTIAL DWELLINGS. RETENTION OF EXISTING FARMHOUSE.
NAME OF APPLICANT	MR R THOMAS
SITE ADDRESS	VILLAGE FARM, THE VILLAGE, MURTON SR7 9RP
ELECTORAL DIVISION	MURTON
CASE OFFICER	Barry Gavillet 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 This site is located within the settlement boundary of Murton and comprises a former village farmstead and field. There are several agricultural buildings on the site along with the original farmhouse, which would be retained. To the north and east of the site there are residential properties, to the west of the site there is a nursing home and other residential dwellings and to the south is the village green and war memorial which is a listed building. There are a number of facilities within the proximity of the site including a post office, newsagents, bus stops and a school. The site area is 0.6 hectares.

Proposal:

- 2 This application proposes a residential development of 10 dwellings along with associated road improvement works. Access to the site would be off Gregson Terrace to the south of the site, it is proposed to upgrade this road to adoptable standards as part of the scheme. The detached dwellings would have generous front and rear garden areas and would all have off street parking. The density of the proposed housing would be 16 dwellings per hectare.
- 3 The application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

4. 14 Dwellings have previously been approved on the site (PL/5/2010/0497)

PLANNING POLICY

NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

7. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
8. *Part 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.
9. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *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.
12. *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.

13. *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

14. *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.
15. *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.
16. *Policy 24* - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.
17. *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.
18. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
20. *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.

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

EMERGING PLAN POLICY:

22. 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:
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.

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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. Northumbrian Water have no objections as a foul water scheme has been agreed with the applicant.
29. The Environment Agency has no objections subject to a contaminated land condition.

INTERNAL CONSULTEE RESPONSES:

30. Highways Officers initially raised concerns about some technical aspects of the drawings. However amended plans have since been received and Highways Officers now raise no objections.
31. Environmental Health Officers have no objections subject to a condition which deals with any potential contaminated land and restricts construction hours.
32. The Councils Tree Officer has no objections to the proposals subject to tree and hedgerow protection during construction.
33. Landscape Officers have no objections subject to a landscaping scheme being submitted and implemented.
34. Design Officers initially had concerns regarding the design and scale of the development. However, amended plans have since been received and officers are now supportive of the scheme.
35. Sustainability Officers have no objections subject to a condition requiring renewable energy or carbon reduction measures within the scheme.

PUBLIC RESPONSES:

36. The application has been advertised by way of a press notice, site notice and letters to surrounding residents. One letter has been received from a nearby resident who does not object to the proposals but requested clarification on some highways issues.

APPLICANTS STATEMENT:

37. The Village Farm scheme delivers 10 detached properties in a highly sustainable location in the centre of the village of Murton. These new dwellings, built on brownfield land, will have easy access to the amenities and services of the settlement. The applicant is providing a chance for purchasers of the units to be involved in a custom build project where they will be able to work with the developer to design the interior of their homes in the way they wish whilst ensuring the development is complimentary and respectful to the surrounding urban area by the use of an agreed material palette.
38. The applicant has worked with the Council to ensure that an agreeable scheme has been achieved, which will be of a high standard of design and fully compliant with local and national planning policy and guidance.
39. Built development for this site was the subject of a previous planning application which was approved by committee in 2011. This scheme looks to improve on the

design and layout of the previous scheme and also ensures that the development will come forward in the short term.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111394>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

40. As this application seeks full planning permission for residential development, therefore the main planning considerations are the principle of the development in terms of accordance with planning policy, the layout of the development and impact on surrounding occupiers and the street scene, highways issues, other site specific issues and public responses.

Principle of the development and planning policy

41. The proposed development is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within the National Planning Policy Framework which has a presumption in favour of sustainable development. In this instance this application relates to a site within a predominantly residential area, which is situated within the settlement boundary of Murton. There are good links to public transport and there are shops, healthcare facilities, schools and other community facilities in close proximity. The proposals are therefore considered to accord with the general principles of national planning guidance.
42. The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.
43. Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although the application site is part brownfield and part greenfield, policy officers consider the site to be in a sustainable location within the settlement boundary. It is therefore considered that the proposal satisfies these criteria and is considered to be in accordance with policy 67 of the Local Plan. It is also noted that the recent planning application for 14 dwellings on the site was approved on this basis and therefore the principle of development can be accepted.

Layout, impact on surrounding occupiers and the street scene

44. The layout of the development is constrained by the shape of the site which is surrounded on all sides by other developments. The site is long and thin and therefore the layout of the proposed dwellings is guided by the need for adequate access, parking, amenity space and privacy distances. Although the design officer raises some concerns regarding the layout, it is considered that given the constraints of the site, the applicant has made best possible use of the site and that the layout is acceptable. The applicant has worked with the Councils Design and Conservation team to ensure that the design is acceptable, several amended plans have been

received as a result of discussions with officers who now considered the scheme to be of good quality.

45. It is noted that in all instances the privacy distances as set out in the Local Plan are met and that the size of private gardens is adequate. No existing dwellings outside of the development site would be adversely affected by the development in terms of loss of privacy, overshadowing or overbearing impact. In terms of impact on the street scene, it is considered that the proposal would enhance the street scene and surrounding area by creating a new frontage along the main road. It is also considered that the retention of the farmhouse would enhance the development and make the building more prominent. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving historic buildings or their setting. The design officer has confirmed that the proposal would have no significant adverse impact on the setting of the listed war memorial. As such, it is considered that the proposals are acceptable in terms of layout, the impact on the street scene and surrounding occupiers in accordance with saved local plan policy 35 and part 7 of the NPPF.

Highways Issues

46. The highways officer has advised that the means of access and level of car parking provision are acceptable. There were no objections in terms of an increase in traffic or parking congestion. It has been pointed out that the upgrading of Gregson Terrace to adoptable standards would need to be carried out in agreement with the Council's highways officers. In summary, the proposals are considered acceptable in terms of access and parking and therefore are in accordance with saved policies 36 and 37 of the local plan.

Site specific issues

47. In terms of childrens play space, saved policy 66 of the local plan states that "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". As such, the applicant would need to enter into a Section 106 legal agreement to secure a financial contribution of £5000 for the provision or improvement of off-site play areas.

CONCLUSION

48. In conclusion, it is considered that the proposal is in accordance with the relevant national, regional and local planning policies. The location of the proposed development is considered sustainable as it has good access to facilities such as shops, a post office, a school and bus stops. There would not be any adverse impact on the street scene including the listed war memorial or surrounding occupiers, all privacy distances both within the site and to surrounding properties are adequate. The layout of the proposal is considered acceptable given the constrained shape of the site, adequate amenity space has been provided and the highways officers have considered parking and access to be acceptable.

RECOMMENDATION

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

- i. £5000 towards play and recreation in the Electoral Division of Murton

Conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References: 0200-0314 House Type B1 (Plot 10) Proposed Elevations Rev F, 0200-0326 House Type B1 & B2, C1 & C2 Proposed Sections (Plot 06 – 10) Rev A, 0200 – 0100 Application Boundary Drawing Rev C, 0200 – 0200 Demolition Plan Rev B, 0200 – 0312 House Type A2 (Plot 01) Proposed Elevations Rev F, 0200 – 0325 House Type A5 (Plot 02) Proposed Elevations Rev C, 0200-0311 House Type A1 Handed (Plot 04) Proposed Elevations Rev D, 0200 – 0319 House Type D1 (Plot 05) Proposed Elevations Rev E, 0200 – 0317 House Type C2 (Plot 07) Proposed Elevations Rev G, 0200 – 0316 House Type C1 (Plot 08) Proposed Elevations Rev F, 0200 – 0315 House Type B2 (Plot 09) Proposed Elevations Rev E, 0200 – 0320 Proposed Site Plan Rev K, 0200 – 0303 House Type A2 (Plot 1) Proposed Floor Plans Rev C, 0200 – 0302 House Type A1 Handed (Plot 4) Proposed Floor Plans Rev B, 0200 – 0307 House Type C2 (Plot 7) Proposed Floor Plans Rev H, 0200 – 0309 House Type D2 (Plot 03 & 05) Proposed Floor Plans (Rev B), 0200 – 0319 House Type D2 Handed (Plot 03 & 05) Proposed Elevations Rev F, 0200 – 0306 House Type C1 (Plot 06 & 08) Proposed Floor Plans Rev G, 0200 – 0316 House Type C1 (Plot 06 & 08) Proposed Elevations Rev G, 0200 – 0305 House Type B1 & B2 (Plot 09 & 10) Proposed Floor Plans Rev F, 0200 – 0324 House Type (Plot 02) Proposed Floor Plans Rev A

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

3. 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 visual amenity of the area and to comply with saved Policies 1 and 35 of the District of Easington Local Plan.

4. No development shall 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

4. No development shall be commenced until details of trees and hedgerows which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details throughout the construction of the development and those trees identified for retention shall be retained throughout the lifetime of the development.

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

5. 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.

6. No development works (including demolition) shall be undertaken outside the hours of 8.30am and 6.30 pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

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

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

7. No development shall take place unless in accordance with the mitigation detailed within Section E of the protected species report 'A wildlife survey of Village Farm Murton' carried out by E3 Ecology Ltd, received on 14th April 2014.

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

8. No development shall commence until an agreed programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within 6 months of the date of completion of the scheme hereby approved by this permission. The strategy shall include details of the following:

- i) the proper identification and evaluation of the extent, character and significance of possible archaeological remains within the application area as identified on the geophysical survey.
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;

- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

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

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
- Emerging County Durham Plan
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

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Proposed 10 Dwellings at Village Farm, Murton, County Durham

Comments

Date October 2014

Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	DM/14/02108/FPA
FULL APPLICATION DESCRIPTION	Partial demolition of existing building, refurbishment and change of use to form 1 no. flats for use as a House in Multiple occupation, associated landscaping and car park.
NAME OF APPLICANT	Angel Homes
SITE ADDRESS	Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ
ELECTORAL DIVISION	Nevilles Cross
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS**The Site**

1. This application site is located within the Electoral Division of Nevilles Cross. It is also in Durham City Centre and within the Durham City Conservation Area, both as defined in the City of Durham Local Plan.
2. The proposed site for redevelopment is a prominent plot and is situated on the junction of Crossgate Peth and Newcastle Road on one of the main routes into the main City Centre area approximately one mile to the west and is currently occupied by the Neville's Cross Social Club building.
3. The site has frontages on Crossgate Peth, George Street and Cross View House. The surrounding area comprises a number of different uses, predominantly residential but there are also light industrial, commercial and retail uses near the site. The scheduled monument of Nevilles Cross is adjacent the site to the east. Some redevelopment of the site has already been carried out at the developers risk including internal conversion, works to window and door openings and cleaning and repointing of brickwork.
4. The existing building is made of red facing brickwork with the majority being a later addition in a 1960's modern style but of little architectural merit. The building which is

the subject of this application is constructed from red facing brickwork and a slate roof and is an attractive example of a traditional Victorian villa.

The Proposal

5. This application proposes the change of use of the ground floor of the original building and conversion to C4 use class (house in multiple occupation) plus the addition of a first floor dormer window to the south east elevation. The majority of the conversion work to the first floor has already been carried out, although this did not require planning permission due to the previous use as a residential unit (Residential Use Class C3 to HMO Use Class C4 is permitted development). The application also includes the use of a first floor corridor/store room which was not previously used for residential purposes.
6. The proposed new building would be use class C4 (Houses in multiple occupation) and would comprise a large 6 bedroomed flat. No new buildings or extensions are proposed with this application. Each residential unit would be a self-contained apartment with shared kitchen/ lounge, all of the bedrooms would have en-suite facilities. Access to the proposed ground floor accommodation would be via the existing door entrance off the main car park. This door would also provide the access via a stairwell to the apartments on the first and second floors. The existing function room and bar would be reinstated to a drinking establishment. Overall the building would result in 3 flats comprising 15 bedrooms over 3 floors.
7. Only minor alteration work is proposed to the existing historic portion of the building including alteration works to existing doors and windows. An additional level has been added to the existing bay window and the proposed works are to include refurbishment of the existing building fabric which would include repairs and making good to the existing facing brickwork, existing roof/gutters and opening features.
8. The existing hard standing/car park to the front of the site would be retained and would be used for resident parking. The landscaping would be limited to the formation of an internal courtyard to the rear which would be hard paved. The existing boundary treatment would be retained and renovated. A bin store would be provided in the former beer cellar.
9. No changes to pedestrian or vehicle access are proposed with this application. The existing vehicular access is off Crossgate Peth/Neville's Cross Bank and pedestrian access is via the same point and also off George Street.
10. Vehicle parking provisions are incorporated within the proposed scheme in the form of 9 car parking spaces including a disabled space which would be located on the existing hard standing/car park area which would be re-surfaced.
11. An enclosed cycle store unit is proposed and located within the enclosed rear amenity space. This unit would house 8 no. cycles with external access provided through to the rear yard area.
12. This application is being referred to Committee at the request of local members.

PLANNING HISTORY

13. In 2011 an application was received for the part change of use of the social club building to retail, to allow the sale of wines, beers and spirits with external alterations involving provision of new single storey entrance extensions, smoking shelter, disabled access ramps, replacement of section of roof, elevational cladding and fenestration. This was withdrawn (ref: 4/11/00515/FPA)
14. In 2013 an application was received for the partial demolition and redevelopment of public house to create 21 no. apartments for student accommodation, this was also withdrawn (ref: CE/13/00897/FPA)
15. In June 2014 planning permission was refused by the Central and East Planning committee for the redevelopment of Nevilles Cross Club to provide student accommodation which involved the creation of 33 bedrooms. This is currently the subject of an appeal to the Secretary of State. (DM/14/00264/FPA).

PLANNING POLICY

NATIONAL POLICY

16. 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.
17. 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;

18. *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.
19. *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.
20. *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.

21. *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.
22. *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.
23. *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.
24. *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.
25. *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 2004)

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

27. *Policy E21 - (Conservation and Enhancement of the Historic Environment)* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
28. *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.
29. *Policy H7 – (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
30. *Policy H9 – (Multiple Occupation/Student Households)* – The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that sufficient parking is provided, there are no adverse impacts on residential amenity, it is in scale and character with its surroundings, it would not result in concentrations of sub-divided dwellings to the detriment of the local housing stock and it would not be out of character with the original building.
31. *Policy H13 – (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
32. *Policy H16 – (Residential Institutions and Student Halls of Residence)* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
33. *Policy T1 – (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
34. *Policy T10 – (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
35. *Policy T20 – (Cycle Facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
36. *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.
37. *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 areas of surface, street and rooftop parking are not considered appropriate.
38. *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.

39. *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.
40. *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.

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

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

EMERGING POLICY:

41. 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:
42. *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.
43. *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.
44. *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 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 licenced 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.
45. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity,

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. Northumbrian Water have no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

49. Contaminated Land officers have no objections to the proposals.
50. The Design and Conservation Officer supports the application, commenting that the proposal is excellent in terms of design, saving an important building in the conservation area and would provide an important focal point at a gateway into the city centre.
51. Highways Officers have no objections to the proposals and state that the applicant is proposing to upgrade this access which is welcomed. It is also stated that the site is sustainable location for residential development and the proposed level of car parking provision and cycle parking are acceptable.
52. Landscape officers have no objections subject to additional soft landscaping being provided on the George Street and Crossgate Peth boundaries.
53. The Councils Noise Action Team have objected to the proposals on the basis that the function room and bar area is to remain and this would be in close proximity to existing and future residents. The applicant has been asked to provide a Noise Impact Assessment in this regard but this has not been forthcoming.

PUBLIC RESPONSES:

54. The application has been advertised by way of a site notice, press notice and letters to individual residents.
55. A letter of objection has been received from Roberta Blackman-Woods MP. The letter states that there is a great deal of concern from constituents regarding the

proposals and goes on to state that the current planning application is in contravention of a number of local and national planning policies.

56. The letter states that “In relation to the National Planning Policy Framework (NPPF), this application contravenes Paragraph 123, which states planning decisions should “avoid noise giving rise to significant adverse impacts on...quality of life as a result of new development”. I note that Durham County Council’s Environment, Health and Consumer Protection Team have indicated that there is insufficient information supplied by the applicant on the effects of noise on both the residents of the proposed scheme, and those currently living in the area. They particularly highlight the lack of information around increased vehicle activity to the site, and the renewed activity from the bar.
57. The NPPF (paragraph 58) also states that planning decisions should aim to ensure developments “...do not undermine quality of life or community cohesion...” A number of constituents have contacted me to share their experiences of when this building previously operated as a drinking establishment, and many have indicated that this site has been the cause of some anti-social behaviour in the past. Residents are also apprehensive about the effect that deliveries to the site would have on the local community should the bar be brought back into use, and the reintroduction of licensed premises into what is a compact residential area will undoubtedly change the nature of that community.
58. Furthermore, this application contravenes saved 2004 Local Plan Policies H9, H13 and H16. These policies all state that development will not be permitted if it detracts from the character of the area, or the amenity enjoyed by local residents. Given the residential nature of the surrounding streets, developing student rooms and a drinking establishment on this site would clearly impact on the amenity currently enjoyed by people living in the vicinity of this site.
59. This application is also in contravention of Policy 18 (Local Amenity) of the emerging County Durham Plan. This policy states that in order to protect the amenity of people living 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; odour...” Policy 19 (Air Quality, Light and Noise Pollution) goes on to say the assessment of noise, light and air pollution impact should relate to all stages of the development. Given the previously outlined concerns of Durham County Council’s Environment, Health and Consumer Protection Team, it is clear that the potential effects of this development on the local area have not been adequately assessed.
60. In addition to the letter from the MP, 23 letters of objection have been received from 21 addresses in the vicinity of the site.
61. The main reasons for objection are that this part of Durham City is predominantly a family area and that this proposal would result in noise and anti-social behaviour due to the large student population. In addition to this there are concerns that the proposals would result in traffic congestion, and that there is a lack of parking in the area. In terms of the building itself, it is considered that the proposals would result in overdevelopment which would lead to loss of light and privacy. The most frequently noted concern is that the applicant intends to retain the function room and bar area which would lead to significant noise and disturbance to residents in the vicinity.

APPLICANTS STATEMENT:

62. An applicant's statement has been requested; however this has not been received to date.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

63. 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, impact upon the character and appearance of the conservation area, impacts on residential amenity and highway safety.

The Principle of the Development

64. In officers opinion, the considerations relating to the principle of the development remain the same as the previous application for student accommodation although the current proposal is significantly different in that it is proposed to retain the drinking establishment adjacent to the residential properties.
65. The application proposes the change of use of the ground floor for conversion to C4 use class which would involve the redevelopment of a previously developed parcel of land within Durham City Centre as defined in the City of Durham Local Plan. The proposal therefore seeks development which demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of sustainable development in the National Planning Policy Framework.
66. The Local Plan has specific saved policies, H9, H13 and H16, which relate to Houses in Multiple Occupation and student halls of residence, residential areas and forms of residential institutions.
67. Policy H9 of the Durham City Local Plan states that the sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that sufficient parking is provided, there are no adverse impacts on residential amenity, it is in scale and character with its surroundings, it would not result in concentrations of sub-divided dwellings to the detriment of the local housing stock and it would not be out of character with the original building.
68. Policy H13 states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
68. 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.

69. 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.
70. The proposal is considered contrary to Policy H9, H13 and H16 as the applicant has not provided any evidence, such as a noise impact assessment, which would ensure that there would be no adverse impacts in terms of noise and disturbance to future occupiers of the building and nearby existing residents as a result of the adjoining drinking establishment.
71. 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 are acceptable arrangements for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. The proposals are considered to be in accordance with these criteria. However, there are also criteria which state that proposals within 50 metres of a postcode area where more than 10% of properties are HMO's or student accommodation will not be permitted. 25% of properties within this postcode area would fall into this category and therefore the proposals would be contrary to policy 32 of the Emerging County Durham Plan. It should be noted however that this policy can be given only limited weight at this stage.
72. The NPPF has a presumption in favour of sustainable development and specifically states that residential developments should be guided toward sustainable locations where there are good links to public transport, community facilities, shops, healthcare and education. The application site is located in close proximity to infrastructure such as this and therefore is considered to be in a sustainable location for residential development.
73. Notwithstanding the above, paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. In addition, decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
74. Given that no noise impact assessment has been carried out and, unlike the previous application it is proposed to retain the drinking establishment adjoining the residential uses, officers consider that insufficient information has been provided with the application in terms of the impacts of noise and disturbance from the retained drinking establishment on future and existing residents. Therefore in this instance the proposals are considered to be in conflict with the aims of the aforementioned policies and therefore the principle of the development cannot be accepted in this instance.

Impacts upon the Character and Appearance of the Conservation Area

75. The application site lies within the Durham City Centre Conservation Area. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a

conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.

76. The Council's Design and Conservation Officers have no objection to the principles of this development or the larger scheme which is currently subject of an appeal which were subject to considerable pre-application advice with regard to the scale, design and layout of the development.
77. As with the previous application, officers consider that the proposed design of the former Victorian Villa conversion has been carried out sympathetically, restoring original features and reinstating timber windows and doors to an appropriate design. The proposed fenestration patterns are well balanced and window and door details are sympathetic to the original villa frontage and overall character of the Conservation Area. Accordingly, the proposals are considered to enhance the Appearance of the Conservation Area in accordance with saved policies E21 & E22 of the Durham City Local Plan, Part 12 of the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
78. Overall this proposal is considered excellent in terms of the design of the proposed buildings, and in addition the proposals would restore an important building in the Conservation Area and provide good quality design at a busy gateway into the city centre. The proposals are therefore considered to accord with saved policies E21 and E22 of the Durham City Local Plan and part 12 of the NPPF.

Impacts upon Residential Amenity

79. 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 a concentration of students but also with regards to the impact of the adjoining drinking establishment.
80. Policy H9 and H16 of the Local Plan state that HMO's and student developments that would result in a concentration of students or 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.
81. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances between elevations and windows serving habitable rooms. Policy Q8 considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable. In order to maintain privacy 21m should remain between main windows serving habitable rooms. There are new openings proposed to the ground floor rear (north east) elevation which serve a stairwell, kitchen and bedroom, however these do not face any existing windows and would also be obscured by a boundary wall.
82. 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.

83. 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. Dense residential developments such as this will bring with them increased activity, however in this instance it is considered that this would be exacerbated by the reinstatement of the drinking establishment which adjoins the proposed residential units. The impacts of which have not been assessed by the applicant.
84. Environmental Health have significant concerns and have objected to the proposals. Officers have previously requested a noise assessment to be undertaken by the applicant and submitted in order that an assessment can be made on the impact of this development on the occupiers of the proposed building, as well as considering the impact this development would have on the existing residential properties within the area, especially the outside courtyard area, function room and bar. The potential noise issues include noise from loud music from the function room and the bar, noise from customers using the outside courtyard area as well as customers arriving and leaving the premises. In addition any plant/machinery associated with the use e.g. air conditioning units has the potential to cause noise disturbance. The noise associated with these activities needs to be assessed in terms of the impact on residents within the proposed flats as well as residents within the surrounding area. This assessment would determine whether this use is suitable within this location and also whether any noise mitigation measures would be required.
85. The noise assessment has not been undertaken and for this reason Environmental Health Officers have significant concerns regarding the potential for the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990.
86. In conclusion, insufficient information has been provided in order for noise impacts to be fully assessed and therefore the development is considered unacceptable and is in conflict with policies H9, H13 and H16 of the Local Plan.

Highways Issues

87. The development stands alongside roads to the east and north that are not adopted highways and access to the car park is poor due to poor surface of the lane to the east of the club. The applicant is proposing to upgrade this access and this is welcomed.
88. The site sits in close proximity to good transport links, to local facilities and University establishments and as such can be considered as a sustainable location for residential development.
89. The proposed level of car parking provision and cycle parking are acceptable, research shows that student car ownership is likely to be approximately 15%. The development stands alongside George Street and St Johns Street which form part of the Controlled Parking Zone, where parking is controlled with permits and Pay and Display meters. No parking permits would be issued to residents of the new development and visitors unable to take advantage of the onsite parking would need to use the Pay and Display facilities between 8am – 6pm.
90. Highways have some concerns regarding servicing and deliveries, and how they would access the site. It is assumed that they would access the premises from the

back of the development via the unnamed access road onto George Street with no need to reverse or access the car park. Should the application be approved, highways officers request a condition requiring details of servicing and deliveries to be submitted and agreed before the drinking establishment is brought back into use.

91. Highways Officers have no objections to the proposals and therefore the development is considered to accord with Policy Q1, Q2, T1, T10 and T21 of the Local Plan seeking to ensure that all development is acceptable in terms of highway safety and limiting parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also supports the application seeking to promote sustainable transport choices.

CONCLUSION

92. This application proposes the redevelopment and conversion of the ground floor of a Victorian villa within the settlement boundary of Durham close to the city centre. Aside from being within the bounds of the Conservation Area, the application site is undesignated land within the Local Plan proposals maps and is not therefore allocated for a particular development. Officers consider that this proposal is of a very high standard in terms of its design and would result in an enhancement to the conservation area in what is a very prominent gateway point into the city centre.
93. Previously, officers did not raise objections to the proposed redevelopment of the site for the use as student accommodation in principle; however it was not proposed to retain the drinking establishment at that time.
94. Objections have been received during the course of this application and the previous submission regarding a host of issues but mainly regarding the considered harmful impact that the imposition of students would have on the area in terms of parking and traffic congestion and the amenities of residents within the area. As discussed above, Highways Officers consider the scheme acceptable from a highways perspective. However, insufficient information has been provided to assess the potential impacts of noise arising from the development and Environmental Health Officers have objected on this basis.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

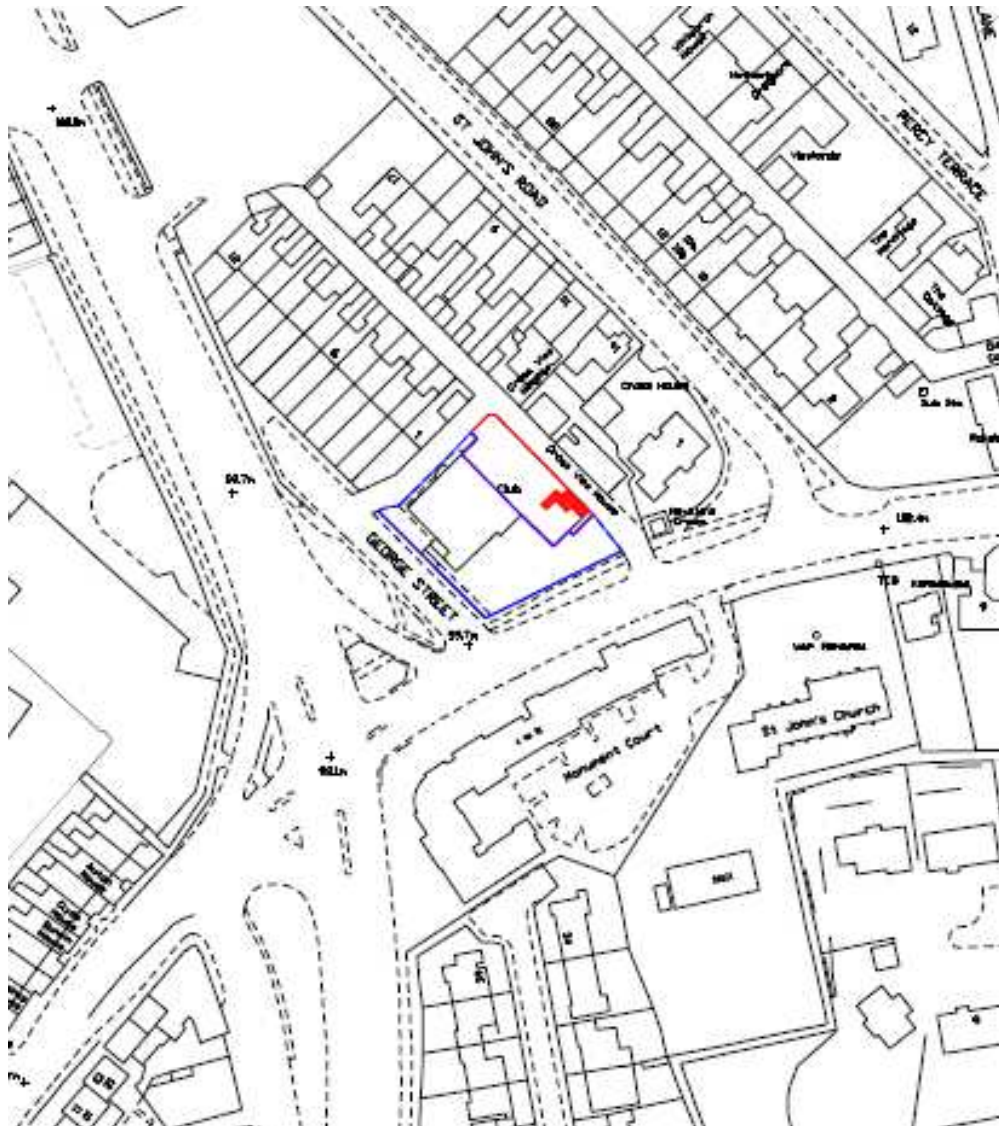
1. Insufficient information has been provided to determine the impact of the drinking establishment on future and existing residents in terms of noise and disturbance, contrary to saved policies H9, H13 and H16 of the City of Durham Local Plan and paragraph 123 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in an attempt to seek solutions to problems arising during the application process. The decision has been made in compliance with the requirements of the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
County Durham Plan Submission Draft
National Planning Policy Framework
Internal consultee responses
Public responses
External consultee responses



Planning Services

Partial demolition of existing building, refurbishment and change of use to form 1 no. flats for use as a House in Multiple occupation, associated landscaping and car park.

Nevilles Cross Club, Durham

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Date October 2014

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02769/FPA
FULL APPLICATION DESCRIPTION	EXTERNAL ALTERATIONS TO THE EXISTING RETAIL UNIT AND SITE, INCLUDING REMOVAL OF BUILDERS YARD ROOF, GROUND WORKS TO BUILDERS YARD, ERECTION OF LIGHTING COLUMNS, TROLLEY SHELTERS, BOLLARDS, SERVICE YARD GATES AND FIRE EXIT DOORS.
NAME OF APPLICANT	B&Q AND MORRISON SUPERMARKETS
SITE ADDRESS	UNIT 1, DURHAM CITY RETAIL PARK, MCINTYRE WAY, DURHAM
ELECTORAL DIVISION	BELMONT
CASE OFFICER	Barry Gavillet 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 This application site lies within the Durham City Retail Park on the part of the Dragonville Industrial Estate. The unit is currently occupied by B&Q Warehouse and is surrounded by other retail stores selling non-food goods. The Durham City Local Plan designated this area under policy S8 for retail warehousing units. The policy specifically allowed for the sale of DIY home improvement goods, general building merchandise, furniture, bedding, floor coverings, office equipment, electrical goods, motor accessories, pet products and garden centre products.

Proposal:

- 2 This application has been submitted by B&Q plc (who currently occupy the site) and Wm Morrison Supermarkets plc for external alterations to the existing retail unit and site, including removal of the builders yard roof, ground works to builders yard, erection of new lighting columns, trolley shelters, bollards, service yard gates and new fire exit doors on the building's northern elevation.
3. The alterations to the retail unit and the site sought by this planning application will enable the creation of a new format B&Q DIY store of 5,268 square metres, securing approximately 115 existing jobs. A new Morrisons foodstore of 6,098 square metres,

creating approximately 300 new jobs and a shared car park of 536 spaces including the provision of 26 disabled and 26 parent and toddler spaces.

4. No additional retail floorspace is proposed as part of this application; only the range of goods to be sold will differ.
5. The application is being reported to committee at the request of a local member.

PLANNING HISTORY

6. Planning permission for the retail park was granted on appeal in December 2003. The condition attached to this permission which controlled the type of goods which are sold on the retail park was varied in 2004. This permission has been implemented by Argos who occupy Unit 6 on the site.
7. In 2012 a lawful development certificate was granted for unrestricted A1 Use at Unit 4, currently occupied by PC World which allowed the sale of food.
8. In August 2014 a Certificate of Lawfulness was granted confirming that the proposed use of the land and buildings for retail purposes within Class A1 (without restriction on the types of goods that can be sold) was lawful for Unit 1 which is currently occupied by B&Q.

PLANNING POLICY

NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

11. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 2*- Ensuring the vitality of Town Centres Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
13. *NPPF Part 4* - Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable

transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

15. *Policy Q1 - General Principles - Designing for People* - Requires all new development to take into account the requirements of users in respect of layout and design.
16. *Policy Q2 - General Principles - Designing for Accessibility* - Expects account to be taken of sustainability.
17. *Policy Q4 - Pedestrian Areas* - Pedestrian areas should be laid and designed with good quality materials.
18. *Policy Q5 - Landscaping - General Provision* - A high standard of landscaping should be incorporated in the design and layout of new development.
19. *Policy Q7 - Layout and Design - Industrial and Business Development* - Requires high standards of layout and design and regard to the character of surroundings.
20. *Policy Q11 - Shop fronts- Provision of New* - New shop fronts should respect the scale, proportion, materials and character of the building and area in which they are located.
21. *Policy S1A - Retail Hierarchy* - Identifies Durham City Centre at the top of the local retail hierarchy in terms of the protection of vitality and viability, followed by District Centres at Dragon Ville and the Arnison Centre, then designated Local Centres.
22. *Policy S8 – New retail warehouse development, selling DIY and home improvement goods, general building merchandise, furniture, bedding, floor coverings, office equipment, electrical goods, motor accessories, pet products and garden centre products* will be permitted on Dragonville Industrial Estate.
23. *Policy T1 - Traffic Generation - General* - Resists development that would lead to traffic generation levels prejudicial to highway safety.
24. *Policy T10 - General Provision* - Promotes sustainable transport choices by limiting off street parking provision.

EMERGING PLAN POLICY:

25. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
26. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
27. *Policy 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 26 (Retail Hierarchy and Development in Commercial Centres)* – The Council will protect and enhance the following hierarchy of sub regional, main town, small town, district and local retail centres in the County.
29. *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.

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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. Belmont Parish Council do not object to the proposals but have some concerns relating to the potential increase in traffic and the potential for disturbance to residents of Eden Terrace due to service delivery vehicles.

INTERNAL CONSULTEE RESPONSES:

30. Highways Officers have no objections to the proposals but have offered informal advice to the applicant. They have also requested a condition relating to electric car charging points.
31. Environmental Health Officers have no objections to the proposals as the delivery times would remain the same and therefore there would be no additional impacts in

terms of noise. In addition, it is noted that the proposed lighting is a considerable distance from residential properties.

PUBLIC RESPONSES:

32. The application has been advertised by way of a press notice, site notice and letters to surrounding residents. No correspondence has been received as a result of this consultation.

APPLICANTS STATEMENT:

33. This Statement is submitted in support of a full planning application (LPA ref: DM/14/02769/FPA) by B&Q plc and Wm Morrison Supermarkets plc ('Morrisons') for external alterations to the existing retail unit (Unit 1 Durham City Retail Park) and site, including removal of builders yard roof, ground works to builders yard, erection of new lighting columns, trolley shelters, bollards, service yard gates and new fire exit doors on the building's northern elevation.
34. No additional retail floorspace is proposed as part of this application and a Certificate of Lawfulness was granted on 04 August 2014 that confirms that the proposed use of the land and buildings for retail purposes within Class A1 (without restriction on the type of goods that can be sold) is lawful (LPA ref: DM/14/01588/COL).
35. The application site is currently occupied by a large B&Q DIY Warehouse store, but following a nationwide review of its properties, B&Q has taken a business decision that the current size of the existing store at Durham City Retail Park is no longer viable as a retail operation. It is therefore necessary for B&Q to 'Right Size' its operations and find an alternative retail use for the remainder of the store.
36. There would be numerous benefits associated with the proposed development that would be enabled by the granting of the planning application that this Statement has been submitted in support of. The benefits include, job retention (circa 115 jobs) and creation (circa 300 jobs), enhanced consumer choice and maintenance of B&Q's presence at Durham City Retail Park.
37. B&Q is taking proactive steps to address the issue of surplus floorspace within the business, which roughly equates to Waitrose's entire estate. Its intention is to make the business estate fit for the future, securing existing jobs and maintaining customer service and choice.
38. None of B&Q's colleagues employed at the Durham City Retail Park store (in both full and part time roles) are at threat of redundancy as a result of the proposals. However, B&Q would have no choice but to review all other options for the store if the current application is refused.
39. Accordingly, we respectfully request that this application is approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111394>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

40. As this application seeks full planning permission for external alterations to an existing retail unit, the main planning considerations are the principle of the development, the layout of the development and impact on surrounding occupiers and highways issues.

Principle of the development

41. Firstly, it should be noted that this application is purely for the external alterations noted above and should not be confused with an application for a new Morrisons foodstore. The Local Planning Authority have recently issued a certificate of lawful use to confirm that Unit 1 does not require planning permission for the sale of food. Fundamentally this planning application is submitted to provide alterations to the existing building and site that will enable B&Q to continue trading at Durham City Retail Park in the long term. The DIY market has suffered due to the economic downturn and as such a strategic business response is necessary to ensure that B&Q can continue to remain within the city and trade in a successful and viable manner to meet both current and future customer's needs.
42. Following a nationwide review of its properties, B&Q has taken a business decision that the current size of the existing store at Durham City Retail Park is no longer viable as a retail operation. The existing store is a product of its time and over the last few years the DIY market as a whole has moved on with the combined impact of the recession and changing customer shopping habits. It is a market-wide issue that has been evidenced by Focus DIY going into administration in 2011, plus the ongoing Homebase store closure programme. It is therefore necessary for B&Q to 'downsize' its operations and find an alternative use for the remainder of its store at Durham City Retail Park.
43. Although as noted above, this application is for external alterations and not for a new food store, approval would facilitate the opening of the store which would create approximately 300 new jobs as well as retaining the 115 staff currently employed by B&Q.
44. Part 1 of the National Planning Policy Framework seeks to ensure that the planning system creates a strong, competitive economy and advises that local planning authorities should operate to encourage and be proactive to meet the development needs of businesses. This theme is reflected in saved policy S1a of the Durham City Local Plan which states that the Council will seek to protect and promote the vitality and viability of all centres within the local retail hierarchy of the City of Durham Area. Finally, the overarching priority of the Council is to improve the economic performance of the County Durham, this is a priority which is strongly reflected in the Emerging County Durham Plan. On this basis it is considered that the proposal would facilitate the creation and retention of a significant number of jobs in accordance with the aims of planning policy and guidance and therefore the principle of the development can be accepted.

Layout, impact on surrounding occupiers

45. Environmental Health and Pollution Control Officers have been consulted as part of the application process and have commented that on the basis that the delivery times have not changed the proposed alterations will not cause any adverse noise impact to the nearest residential properties on Eden Terrace. In addition the proposed lighting is a considerable distance from residential premises therefore this would not cause any adverse light impact to these occupiers. Officers confirm that it

is unlikely that the development has the potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990. On this basis it is considered that the proposals are in accordance with part 11 of the National Planning Policy Framework.

Highways Issues

46. Highways Officers have considered these proposals on the correct basis in that the impact of a new Morrisons store is not being assessed but simply the external alterations to the existing building and car parking area. Officers have no objections to the proposals but have offered informal advice relating to minor alterations to the car park which would improve traffic flows, the applicant has agreed to incorporate these amendments. In addition, Highways Officers have requested the installation of electric vehicle charging points which would be secured by an appropriate planning condition. Overall, it is considered that the proposals are acceptable from a highways perspective and are in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

CONCLUSION

47. It is considered that the approval of this application would be in accordance with the aims of both National and Local Plan Policy which aim to secure a prosperous economy and improve the economic performance of the County. The proposals both would facilitate the opening of a new foodstore, creating approximately 300 jobs and retaining 115 jobs at the existing B&Q store. The principle of the development has been accepted and there are no amenity or highways issues that would warrant refusal of planning permission.

RECOMMENDATION

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

Conditions:

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

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

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

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

3. No development shall begin until a scheme for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority. The charging points approved shall be available for use prior to the

additional car parking spaces hereby approved being brought into use and shall be maintained throughout the lifetime of the development.

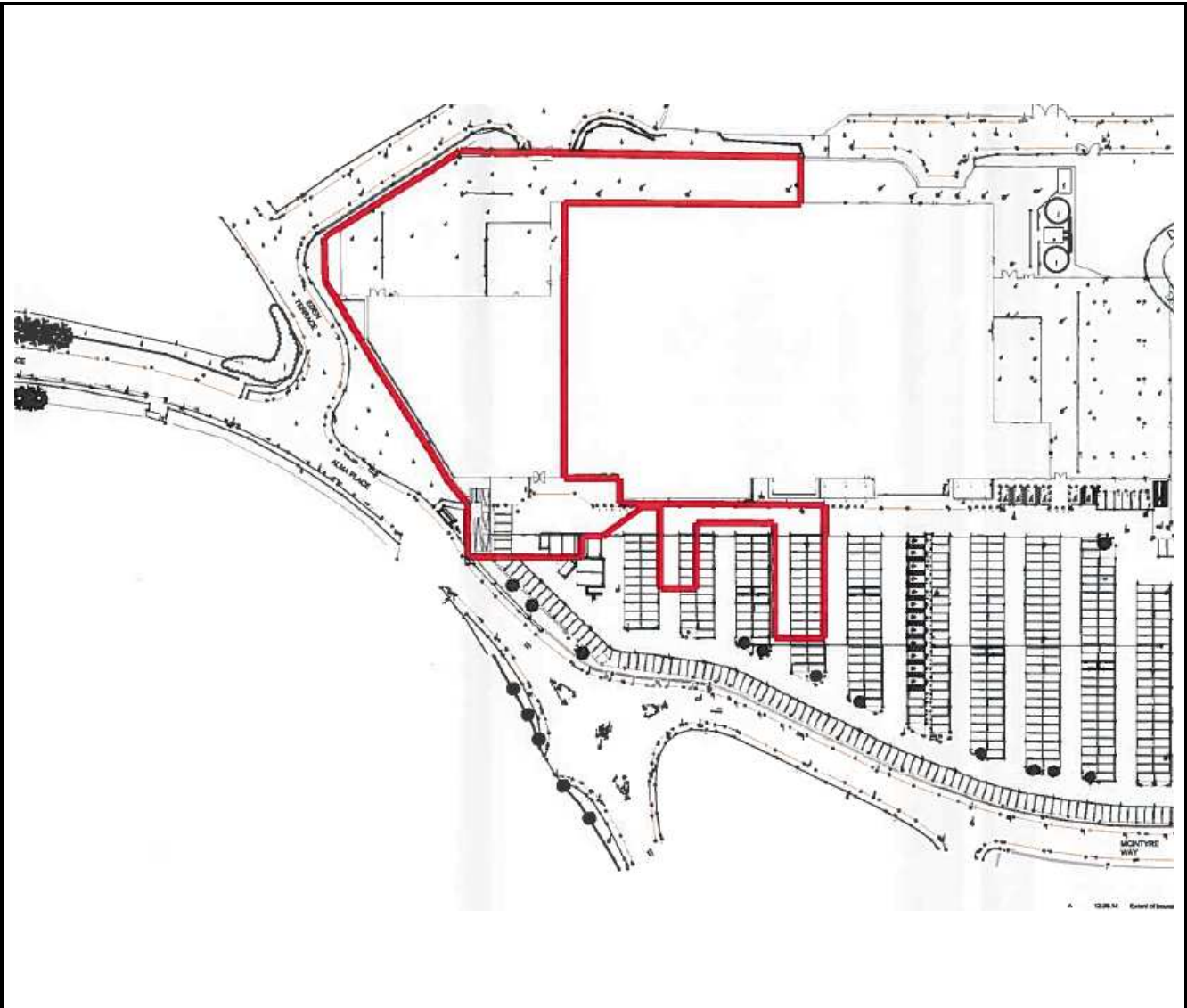
Reason: In order to encourage sustainable means of travel in accordance with part 4 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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



Planning Services

EXTERNAL ALTERATIONS TO THE EXISTING RETAIL UNIT AND SITE, INCLUDING REMOVAL OF BUILDERS YARD ROOF, GROUND WORKS TO BUILDERS YARD, ERECTION OF LIGHTING COLUMNS, TROLLEY SHELTERS, BOLLARDS, SERVICE YARD GATES AND FIRE EXIT DOORS.

B&Q – DURHAM CITY RETAIL PARK

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Comments

Date October 2014

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02309/FPA
FULL APPLICATION DESCRIPTION:	Residential Development of 46no. Affordable Homes Including Access
NAME OF APPLICANT:	Partner Construction Ltd
ADDRESS:	Land to South of Crow Trees Lane, Bowburn
ELECTORAL DIVISION:	Coxhoe
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 on land to the south of Crow Trees Lane in Bowburn. The site is measured at 1.11 hectares in size and is agricultural land which has been used on an informal basis for horse grazing. The adopted highway bounds the north of the site with Bowburn Infants and Nursery School located beyond. The residential properties of Heath Close, Cambridge Terrace and Oxford Terrace along with Durham Road (A177) are situated to the west of the site. The south boundary comprises of an area of tree plantation and a further undeveloped area to the east, with the A1(M) beyond. The site also adjoins the boundary of the Bowburn Conservation Area which is located to the north of the site.

The Proposal

2. Full planning permission is sought for residential development of 46no. affordable units. The proposal includes a mix of 2, 3 and 4 bedroom units with 6 of the units being bungalows and the remaining 40 units being two storey houses. The site is to be accessed directly off Crow Trees Lane. The estate road has a main spine road running in a north south trajectory with residential properties situated either side of the spine road. The proposal retains an area of open land to the north of the site. There are pedestrian footpath links proposed onto Crow Trees Lane and onto Durham Road to the west. The proposed development includes parking spaces distributed throughout the site. Parking includes individual driveways, court yard parking areas and visitor parking.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. There is no planning history for this site which is relevant to the determination of this proposed development.

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 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.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *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.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, 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

14. *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.
15. *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.
16. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
17. *Policy E22 (Conservation Areas)* states that the Council will seek to preserve or enhance the character or appearance of the conservation areas.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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

24. *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.
25. *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:

26. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public (EiP) which will commence in October 2014. 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:
27. *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.
28. *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.
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 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.
32. *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.
33. *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:

34. *Environment Agency* has not raised any objections to the proposed development.
35. *Highways Agency* has not raised any objections to the proposed development.
36. *Natural England* has not raised any objections to the proposed development.
37. *Durham County Highways Authority* has confirmed that the layout and proposed parking provision for the scheme is acceptable. The proposed access provides adequate visibility however a condition is recommended for double kerbing to be installed at the access which would ensure no vehicles park which would obstruct visibility.
38. *The Coal Authority* has not raised any objections to the proposed development.
39. *Police Architectural Liaison Officer* has not raised any objections but has provided advice in relation to the design of the scheme.
40. *Cassop-cum-Quarrington Parish Council* acknowledge that the developers arranged a well publicised event for residents and the Parish Council and they appear to have tried to address issues raised. Concerns and objections are raised however in relation to highway and wildlife issues.

INTERNAL CONSULTEE RESPONSES:

41. *County Housing Development and Delivery Team* has not raised any objections to the proposed scheme. The proposal being presented is to deliver a scheme of 100% affordable housing and as such there must be evidence to suggest that this level of affordable housing in this specific location meets local need.
42. *County Spatial Policy Team* has not raised any objections to the proposed development.

43. *County Landscape Team* has raised concerns indicating that the relatively elevated nature of the A1(M) and slip road expose vehicles that may be seen, as well as heard, through trees from viewpoints within the site. Concerns are also raised with regards to some of the steep rear garden areas may not be useable as amenity space. It is also noted that the hawthorn on site provides rich habitat for birds and insects.
44. *County Tree Officer* has not raised any objections to the proposal.
45. *Design and Conservation Officer* has not raised any objections to the proposed scheme. Design amendments have been suggested in relation to the proposed layout, open spaces and landscaping of the site.
46. *County Environmental Health (Noise, dust and light)* has no objections in principle however in order to minimise the environmental impact some conditions are recommended.
47. *County Environmental Health (Contaminated land)* has not raised any objections subject to the imposition of a condition.
48. *County Archaeology Section* has not raised any objections. Conditions are recommended for further archaeological works to be undertaken prior to development commencing.
49. *County Ecology Section* has confirmed that the ecology reports submitted with the application are acceptable.
50. *County Drainage Officer* has not raised any objections to the proposed development. Full details of the proposed surface water system for the site should be submitted.
51. *County Education Section* has indicated that there are no contributions required for additional school places in respect of this development.
52. *County Sustainability Team* has no objections in principle to the proposed development providing noise impacts can be mitigated and pedestrian access can be obtained onto the A177.
53. *Green Infrastructure Officer* has not objected to the application however has stated that the scheme should have pedestrian and cycle connectivity with Oxford Terrace and Durham Road. A contribution should also be made towards green infrastructure. The priority for the village is to improve the range and quality of its public open space.

PUBLIC RESPONSES:

54. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 7 letters of representation have been received on the application.
55. The main concern raised by local residents relate to the impacts the development would have on highway issues. There is considered to be parking issues in the area and associated with the nearby school. The proposed access is considered unsuitable. It is also noted that there is no visitor parking proposed within the site.

56. Issues surrounding the principle of development have been raised by local residents, in particular the weight which should be offered to the current local plan and the emerging County Durham Plan (CDP). It is noted that the site is outside the settlement limits and is not allocated in the CDP as a housing site. It is considered that there is sufficient affordable housing provision provided for through the CDP. The site should be considered by the Planning Inspector through the Examination in Public for the CDP. There is also considered to be sufficient housing in Bowburn with no demand for additional properties.
57. Local residents have raised concerns with regards to noise issues, security issues, anti-social behaviour, devaluation of existing properties and the loss of green space. Residents consider that the creation of a walkway from the site through Cambridge Street would be unacceptable. There is a shortage of shops and school places in the area, and the medical centre is considered to be at capacity. There are concerns in relation to ecology and wildlife on the site and it has been stated that newts are present on the site. It is also considered that a bat and nesting bird survey should be undertaken. Finally some of the local residents have indicated that there are inaccuracies and incorrect information within the design and access statement.
58. Bowburn and Parkhill Community Partnership have commented on the application and whilst they do not oppose the principle of development some concerns have been raised which are similar to those concerns raised above. Highway safety issues have been raised in particular concerns with parking in relation to the school and also poor proposed access. A traffic survey on this section of road has been requested. There are worries regarding the capacity of the school. Concerns are also raised with regards to drainage and flooding as well as ecology issues.

APPLICANTS STATEMENT:

59. Partner Construction and Thirteen have presented a scheme to deliver a total of 46no. new homes with a significant emphasis on delivering affordable housing for local needs. The proposed development is a departure to the adopted Local Plan although the site is confirmed as being 'suitable' for residential development within the most recent SHLAA. It is the delivery of a significant proportion of affordable housing for local needs which differentiates this site from many other sites brought forward out of the plan. Thirteen has already secured HCA grant allocation (supported by the Council's housing officers) for the first 20 properties to be delivered as affordable rent homes, with rents capped at 80% of market rents. The remaining units are likely to comprise a mixture of affordable typologies delivered under Thirteen's 'flexible tenure' model.
60. The scheme includes a mixture of 2, 3 and 4 bedroom homes and will contribute towards reducing the significant affordable housing requirements in the County. It has been demonstrated through the planning submission that with all emerging site allocations and existing permissions, there is still a demonstrable shortage of affordable housing supply in all areas of the County. In addition to the variety of property sizes, the scheme also includes a number of bungalows which are in short supply and will ensure the development is accessible to a wide cross-section of society.
61. Whilst there are significant social benefits to the delivery of much needed housing, the scheme will also deliver a wide variety of economic benefits, including New Homes Bonus (including the further uplift secured through

affordable housing development) and job creation directly related to the construction of the proposed dwellings.

62. Finally, environmental considerations are central to the success of the development which includes the re-provision of hedging lost as part of the development and commitments to ensure the development does not materially harm other areas of habitat importance. Within the scheme the environmental quality of the development for future residents is also maximised, with the development having been orientated to ensure it meets the Council's design and privacy standards.
63. Overall, it is considered the development will make a positive and meaningful contribution Bowburn and the wider area. It will deliver much needed local housing which is accessible and will secure a variety of social, economic and environmental benefits.

PLANNING CONSIDERATIONS AND ASSESSMENT

64. 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; ecology and drainage; and other issues.

Principle of residential development

65. The site is located outside of the existing settlement boundary for Bowburn and comprises greenfield land. There are no specific landscape or site designations relevant to the site. Saved Policy H3 of the local plan specifies that new housing development on sites which are located within the defined settlement boundary will only be permitted in instances where it involves the development of previously-developed land. 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. Consequently, the development of the site for housing would be in conflict with local plan policy H3 and there would need to be other 'material considerations' to justify a departure from that policy.
66. 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. To accord with the NPPF new housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure (health, education, leisure and open space). New development should be located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.

67. 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. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.
68. Bowburn is recognised as a smaller town/larger village (2nd tier in the County Durham Settlement Study) in the County and is a focus for growth within the plan. In terms of the issue of settlement limits, the CDP proposes to remove them altogether and introduce a criterion based policy, against which proposals would be assessed. To ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, the CDP contains policies 15 (Development on Unallocated Sites) and 35 (Development in the Countryside) to enable proposed development on unallocated sites to be assessed on their merits and individual circumstances. These policies are permissive of development provided that it is appropriate in scale, design and location to the character and function of the settlement; and it would not involve development in the countryside. To aid clarity in applying these policies, the submission version of the CDP contains a definition of the built up area. It is considered that the proposed development would accord with the definition of built up area in this instance. It is against this definition that a proposal to develop housing on land to the south of Crow Trees Lane would be assessed. Whilst the application site represents land on the edge of the settlement, it can be viewed as well contained on account it is bound by perimeter planting on the eastern boundary which separates the site from the A1(M). Development of the site would not result in encroachment into the countryside. This interpretation largely reflects the assessment of the site within the SHLAA which concluded that the site would present a logical extension to the settlement.
69. It is important to address how much weight can be attributed to the emerging CDP at this stage. Para 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in its preparation, the greater the weight that may be given. Allied to this, the fewer and less significant the objections to the plan, the greater the weight that may be given. Although this proposal is considered to be broadly consistent with Policies 15 & 35 of the emerging plan, as both policies have unresolved objections which will be debated at the EiP, it reduces the weight can be applied to them at the current time. Recent appeal decisions have attributed limited and little weight to emerging Plans in recognition that they could be subject to further amendments in order to resolve issues likely to be discussed at the EiP. Whilst some weight can be attached to the emerging policies, they should not be a factor of decisive weight in appraising this application.
70. Development within Bowburn and this particular site broadly complies with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The NPPF is more up-to-date than the local plan and therefore more weight should be attached to its aims and objectives. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within Durham. Furthermore the provision of 100% affordable housing will deliver clear benefits to the area which aligns with sustainability objectives and will deliver housing which will meet the affordable needs of the settlement in the short-term.

71. The proposal for residential development is considered acceptable in principle and would be in line with the sustainable objectives of the NPPF and also policies within the emerging CDP.

Residential amenity

72. The nearest neighbouring properties are those located on Heath Close, Cambridge Terrace and Oxford Terrace to the north west boundary of the site. The gable elevation of these neighbouring properties face on to the site with no primary windows located in the gables. Along the north west boundary the developer is proposing to erect bungalows which would reduce the impact upon the existing residential dwellings. It is not considered that the proposed bungalows would have an adverse impact on existing properties in terms of overbearing and overshadowing impacts. There is a two storey property proposed on the north boundary adjacent to properties on Heath Close however there is adequate separation distance to ensure no overshadowing is created to the detriment of neighbouring amenity. There are no primary windows proposed in the bungalows or the two storey property along the north west boundary which would directly overlook neighbouring habitable windows and it is considered that adequate levels of privacy would be maintained. Some residents have raised concerns over security issues and possible anti-social behaviour. There is a concern from residents that there will be an access from the site through Cambridge Terrace. The proposed plans indicate that the existing wall and railings which bound the site to the north west with the existing properties are to be retained, therefore there will be no pedestrian or vehicular access from the site through Cambridge Terrace. The only vehicular access is to be taken from Crow Trees Lane. Pedestrian accesses will be from Crow Trees Lane as well as a link south onto Durham Road. It is therefore considered that the residential amenities of neighbouring properties would not be adversely affected.
73. 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. Each property proposed would have individual rear garden amenity areas for the future occupiers. Whilst the majority of these garden areas provide ample amenity space, there are several which could be considered substandard as they are small areas. The smaller garden areas are mainly associated with the smaller two bedroom properties and are therefore considered acceptable in this instance.
74. It is noted that the proposed site is directly adjacent to the A1(M) and roundabout junction 51. The north bound entry slip road from the roundabout junction onto the A1(M) abuts the east boundary of the site, and therefore there is the potential for noise disturbance to prospective buyers of the proposed properties. 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. The Council's Environmental Health Noise Officer has assessed the details submitted and has indicated that internal noise levels within the proposed properties would be to an acceptable standard. External noise levels in garden amenity areas after the proposed mitigation measures are in place would however be over the recommended noise threshold by 8dB. The main impact would be on properties 1 to 11 which have their rear gardens along the east boundary adjacent to the A1(M) and its slip road. Whilst it is noted that the noise level would be over the recommended threshold it is also noted that this noise is already present and any prospective homeowners would be aware of the

situation when purchasing a property. Allowing residential properties to be situated adjacent to the A1(M) is also not uncommon and there are examples nearby in Bowburn, Carrville and Belmont where properties have been allowed directly adjacent to the A1(M) some much closer than the properties proposed in this scheme. On balance, it is acknowledged that the external noise levels would be over the recommended threshold. However in this instance it is considered that prospective buyers would be aware of the noise issue when purchasing properties in this location, therefore it is not considered that residential amenity of future occupiers would be adversely compromised. The Council's Environmental Health Noise Officer also notes that the economic benefits of developing on this site can override the noise levels issue in this instance. A number of conditions has been recommended by the Environmental Health Officer in respect of noise, lighting, dust suppression and development construction methods. The majority of these issues would be covered through separate Environmental Health legislation and it not considered relevant to be imposed as planning conditions. It is noted that the mitigation noise methods detailed in the submitted noise survey are essential, and therefore a condition is recommended ensuring these methods are put in place.

75. 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

76. The layout of the proposal is fairly standard with the primary road swinging round into the site forming a straight road leading to a turning head, with houses facing directly onto the road giving a strong building line. The layout is considered to be well conceived creating a sequence of spaces with clusters of houses grouped around courtyards and parking courts, with planting and shared surfacing incorporated. The estate is also not car and highway dominated, as there are no integral garages and few driveways directly in front of houses with parking generally tucked away at the side of properties or in parking courtyards. The Council's Design Officer had recommended some alterations to the layout of the properties on to the north boundary. Amended plans have been submitted showing the properties re-orientated which now gives a significantly improved frontage to the development. The amended plans also create pedestrian connectivity to the local community by introducing footpaths linking the site with Crow Trees Lane as well as Durham Road to the south.
77. There is a good mix of house types on the site with semi-detached houses, linked properties and bungalows proposed. The design of the proposed properties is a simple built form that picks up fairly successively the distinctive character of the built terrace form of the Victorian terraces in the nearby conservation area. Housing details such as steep pitched roofs, porch canopies, and sills and heads also contribute to good design. In terms of finished building materials a red multi facing brick is proposed as well as grey slate roof tiles which are both considered acceptable and would be in keeping with the surrounding area.
78. The site is currently agricultural land, and the County Landscape Officer has indicated that this development would erode the farmland pasture and breathing space between the village and the A1(M). In spatial planning terms however, given the site is sandwiched between the existing village, residential properties and the A1(M), this site is considered to be a natural site for the village to expand. It is noted that the proposal would result in the loss of extensive and dense

hawthorn scrub within the site as well as some of the hedging along the north boundary to provide adequate visibility splays for the access. The majority of the woodland areas surrounding the site would however be retained. The proposed landscape plan also proposes to mitigate the loss of the Hawthorn hedgerow by replanting further hedgerow along the boundary of the site. Overall, it is considered that the proposed development would not have an adverse impact on the landscape of the immediate area.

79. Although the site is not within a conservation area, it is noted that it is directly adjacent to the Bowburn Conservation Area. Therefore it is deemed necessary to assess the impact of the proposal on the conservation area. This conservation area is primarily made up of terraced properties with the inclusion of a couple of commercial buildings as well as the school buildings. The proposed development is considered acceptable in design terms and would complement the properties within the conservation area. It is considered that the proposed development would preserve the character and appearance of the Bowburn Conservation Area.
80. Overall, it is considered that the layout, design and appearance of the proposed development would be acceptable. The visual amenity of the surrounding area would not be compromised and the character and appearance of the nearby conservation area would be preserved. The proposal is considered to be in accordance with policies E14, E15, E22, H13, Q5 and Q8 of the local plan.

Highway and access issues

81. The proposed development is to be accessed directly from Crow Tree Lane to the north of the site. The Highways Officer has confirmed that visibility from this access is acceptable when there is no parking on Crow Tree Lane. During school pick up/drop off times there is evidence that vehicles park on this part of the road which could significantly reduce visibility from the proposed access. To overcome this issue, it is recommended that double kerbing is installed along both sides of the proposed access which would prevent parking and therefore ensuring visibility from the access is acceptable. A condition is therefore recommended to ensure double kerbing is installed.
82. The proposed layout of the estate is considered acceptable from a highways perspective and there is sufficient parking provision which would be in compliance with the Durham County Council's Residential Car Parking Standards.
83. As the application site is within close distance to the A1(M), the Highways Agency has been consulted on the proposals. They have not raised any concerns to the proposed development.
84. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham 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, NPPF, Policy H12 of the local plan and draft Policy 31 of the CDP therefore provide the justification for seeking affordable housing provision on this site. The applicant's planning and affordable housing statement advises that the scheme is solely for affordable housing, which exceeds the percentage requirements under Policy 31. The first 20 of the 46 dwellings to be constructed will receive grant from the HCA, and following completion of the development, these properties will be managed by a housing association. The remaining 26 units are proposed to be a mix of 70% affordable rented housing and 30% intermediate housing.
87. Whilst 100% affordable provision is proposed, it is noted that current planning policy only requires 20% of the site to be affordable. This therefore has to be reflected in a legal agreement. The Housing Development and Delivery Team have not objected to the application but they have indicated that a housing needs survey would need to be produced so HCA funding can be attributed to this site without compromising other affordable housing schemes. The process of authorising HCA funding is a function for the Housing Development and Delivery Team and is separate from the planning process. A housing needs survey for the site may need to be produced for HCA funding purposes however this is not required as part of this planning application.
88. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £46,000, based on the sum of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development. In this instance a contribution towards public art can be made and secured through a Section 106 legal agreement.
89. 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 contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

Ecology and drainage

90. A flood risk assessment has been submitted as part of the planning application for the proposed development. The available surface water connection is the sewer which crosses the site which would be utilised as the outfall connection to watercourse. The Environment Agency and the Council's Drainage Officer have been consulted on the details which have been submitted and no objections have been raised. The Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly.
91. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

92. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
93. As the green field nature of the site could mean that a protected species may be disturbed by the proposed development, the applicant has submitted a habitat survey, along with a Great Crested Newt and Water Vole survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
94. There is a wetland area situated on the adjacent field to the south east of the application site. Ecology Officers have concerns that as a result of this development the wetland area would dry up therefore resulting in the loss of a habitat area. It is also noted that as part of the scheme a section of Hawthorn hedging is to be removed which is also considered to be an important habitat. As part of the landscape plan, the developer is proposing to mitigate the loss of the Hawthorn habitat by replanting substantial hedgerow along the boundary of the site. The NPPF indicates that when determining planning applications the aim should be to conserve and enhance biodiversity and any loss of habitat areas should be adequately mitigated. The NPPF further indicates that if the removal of habitat areas cannot be avoided then compensation can be made for improvements to other habitat areas in the near locality. The Council's Countryside Management Team has indicated that there are number of habitat areas in the near locality which would benefit from investment. The developer has stated that they would provide a financial contribution towards the enhancement of biodiversity in the near vicinity to compensate against the loss of the wetland habitat. It is therefore considered that the enhancements to habitat areas in the area would be considered acceptable and the loss of the habitat area associated with the development site would be acceptable and in accordance with paragraph 118 of the NPPF. The financial contribution towards biodiversity enhancements would be secured through a Section 106 legal agreement.
95. Overall it is considered that the proposed development would not have an adverse impact on drainage in and around the site; and the ecology and habitat areas of the site would be adequately accommodated. The proposal would be in accordance with part 11 of the NPPF.

Other issues

96. The Council's Archaeology Officer and Contamination Officer have been consulted on the proposed development. No objections have been raised however further investigation works has been requested from each Officer prior to works commencing on site. Conditions are therefore recommended accordingly. It is considered that the proposed development would not adversely impact on archaeology or contamination issues.

97. The Coal Authority and Natural England were consulted on the proposals and they have not raised any objections to the scheme. The Council's Education Section was also consulted and they have indicated that there are no requirements for contributions to education within the locality.
98. There has been some local objection to the proposed scheme as well as concerns from the Parish Council and also the Bowburn and Parkhill Community Partnership. The majority of the concerns have been discussed in the paragraphs above. There were some concerns that were inaccuracies and incorrect information within the submitted application details including the design and access statement. It is considered that the information submitted with the application is sufficient to allow for a true assessment of the proposal against relevant planning policy. There are also concerns that the proposed development would result in the devaluation of adjacent neighbouring properties. The valuation of residential properties is not a material planning consideration and cannot be used as a reason to refuse planning permission.

CONCLUSION

99. The proposed development would not strictly accord with existing local plan policy H3. It is considered that the development would accord with policies 15 and 35 of the CDP, however given objections have been received on these policies through the recent consultation it is considered that little weight can be afforded to these emerging policies. Development within Bowburn and this particular site does comply with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The proposal for residential development is therefore considered acceptable in principle and would be in line with the sustainable objectives of the NPPF and also policies within the emerging CDP.
100. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Whilst the Environmental Health Noise Officer has accepted that noise levels from the A1(M) would be over the normal threshold for external areas, it is accepted in this instance that the benefits which the scheme provides can outweigh the increased noise levels. It is also noted that it would be for prospective house buyers to decide on whether the noise levels from the A1(M) is acceptable when they are purchasing the properties. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
101. The proposed scheme would introduce a typical modern housing estate with the properties built from traditional materials that would not appear out of place within the local area. The proposal would complement the buildings located in the adjacent conservation area and it is therefore considered that the character and appearance of the conservation area would be preserved. The majority of the boundary woodland areas are to be retained and it is considered that the proposed development would not have an adverse impact on the surrounding

landscape. The proposals are considered to be in accordance with policies E14, E15, E22, H13, Q5 and Q8 of the City of Durham Local Plan.

102. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. The proposed internal layout arrangement is acceptable and sufficient parking is provided. 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.
103. The development is proposing 100% affordable housing on the site which far exceeds the normal 20% requirement for the area. The first 20 of the 46 dwellings to be constructed will receive grant from the HCA, and following completion of the development, these properties will be managed by a housing association. The remaining 26 units are proposed to be a mix of 70% affordable rented housing and 30% intermediate housing. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality as well as contributions towards public art.
104. A flood risk assessment has been submitted with the application which details the flooding issues and drainage across the site. The Environment Agency and the Council's Drainage Officer has been consulted and they have not raised any objections to the submitted flood risk assessment. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
105. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The loss of the Hawthorn hedgerow has been adequately mitigated with the planting of new hedgerow, and a financial contribution will be secured through a Section 106 legal agreement to compensate for the loss of the wetland, therefore the site retains habitat areas in the locality.
106. It is acknowledged that the proposal has generated some opposition from local residents which live close to the site. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of 20% affordable housing; and a financial contribution towards green infrastructure in the locality; enhancement of biodiversity in the locality and public art contribution; 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
SD00.00	Location Plan	04/08/2014
SD100.01 E	Proposed Layout	09/10/2014
SD100.02 F	Boundary treatments	09/10/2014
SD100.03 D	External Finishes	09/10/2014
SD100.04 A	Adoption Plan	09/10/2014
R/1607/1A	Landscape Masterplan	10/10/2014
PD10-RSL: F112-1	House type F112 Plan and Elevations	04/08/2014
PD10-RSL: F104-1	House type F114 Plan and Elevations	04/08/2014
PD10-RSL: F119-1	House type F119 Plan and Elevations	04/08/2014
PD10-RSL: F113-1	House type F113 Plan and Elevations	04/08/2014
PD10-RSL: F114-1	House type F114 Plan and Elevations	04/08/2014
CfSH-SD. ENE8-02	ENE8 Cycle storage	04/08/2014
CfSH-SD. ENE8-04	ENE8 Cycle storage – Hoop	04/08/2014
BT/Sheet 05	Boundary Close Boarded Fence	04/08/2014
BT/Sheet 14	1500 Close Boarded Fence Details	04/08/2014
BT/Sheet 15	2000 Close Boarded Fence Details	04/08/2014
BT/Sheet 19	Boundary Party Fence Details	04/08/2014

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

3. No development shall take place until a detailed scheme for the kerb improvements along Crow Trees Lane has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

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

4. No development approved by this permission shall be commenced until:
- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
 - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
 - c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

- 5. 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.

- 6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
 - i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii) Post fieldwork methodologies for assessment and analyses.
 - iv) Report content and arrangements for dissemination, and publication proposals.
 - v) Archive preparation and deposition with recognised repositories.
 - vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

- 7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: to comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

- 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 E3 Ecology Ltd dated August 2014, the Great Crested Newt Survey prepared by Penn Associates dated May 2014 and the Water Vole Survey

prepared by Penn Associates dated March 2014.

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

9. 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 AMEC report Number 14242i2 dated July 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.

10. 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
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



Planning Services

**Residential Development of 46no.
Affordable Homes Including Access at
Land to South of Crowtrees Lane,
Bowburn
Ref: DM/14/02309/FPA**

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Date 21st October 2014

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02294/FPA
FULL APPLICATION DESCRIPTION:	Erection of 12no. bungalows with associated access road and landscaping
NAME OF APPLICANT:	Moordale (North East) Ltd
ADDRESS:	Land to rear of Wylam Terrace, Coxhoe
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The application site is an area of land which is situated within the settlement boundary of Parkhill which sits in between Bowburn and Coxhoe to the south east of Durham City. To the north east of the site sits residential property at Wylam Terrace. Further north sits St Marys Terrace. To the north west sit dwellings on Holmfield Villas. Immediately to the south east of the site sits a detached residential bungalow at 8 Westlands, further to the south east sit terraced properties at Clarence Street. To the south of the site across the road sit detached dwellings on Westlands. Access to the site would be taken from the estate road which is currently adopted to the junction of Holmfield Villas. The remainder of the access to the site is currently un-adopted, requiring works to bring it up to an adoptable standard. The site has been cleared with the land appearing to show earth that has been banked up towards the south east of the site. Prior to this the site appeared to form green space hosting a variety of garden style structures, grass and trees.

PROPOSAL

2. The application seeks planning approval for the erection of 12 no. bungalows with an associated access road and landscaping to be provided. Five dwellings would be placed fronting onto Westlands. One of these bungalows would be detached, two would be linked detached and a pair of semi-detached bungalows would be provided. 4 no. semi-detached dwellings would be provided along the north east side of the site along with two detached dwellings. One detached dwelling would be provided towards the head of the access road which is proposed to be taken into the site from Westlands. Garages would be provided to some bungalows, mostly attached to the dwellings with a detached garage block to the north west side of the site. The design of the bungalows would be relatively simple, with a mixture of brickwork and render proposed with a variety of gable and hipped roofs finished with concrete tiles.

3. The application is being referred to committee as it constitutes major development.

PLANNING HISTORY

4. Outline planning approval was granted on part of the site in 2004 for 4 no. residential dwellings. Planning approval was refused in 2006 for the erection of 13 dwellings. Approval was granted for 12 no. dwellings in 2007. The time limit to extend the period to implement this consent was applied for in 2011 and granted in July 2012. This means that there is currently an extant planning approval for 12 dwellings on the site. This application, although at the same number of dwellings represents a revised scheme from that previously approved in terms of design and layout.

PLANNING POLICY

NATIONAL POLICY

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

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

The following elements are considered relevant to this proposal:

7. NPPF Part 1 – Building a Strong 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.

8. 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.

9. 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.

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 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.

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. 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.

LOCAL PLAN POLICY:

14. 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.

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

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

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

18. Policy E24 – Scheduled Ancient Monuments and Archaeological Remains- seeks investigation of Archaeological remains on development site.

19. Policy H3 - New Housing Development within the Villages. This policy encourages residential development within the villages to use previously developed land or convert existing buildings. It does permit the limited development of small greenfield sites where there are clear and quantifiable regeneration benefits which could not be achieved through the development of previously developed land or conversions of existing buildings.

20. 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.
21. 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.
22. 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.
23. Policy T21 Walking – This Policy states that the Council will seek to safeguard the needs of walkers.
24. 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.
25. Policy R11 – Public Rights of Way and other paths states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative route could be provided.
26. 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.
27. 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.
28. 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.
29. 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.
30. Policy U5 - Pollution Prevention seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
31. 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.

32. 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.

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

EMERGING POLICY:

34. The emerging County Durham Plan was submitted in April 2014 and is currently being examined in public. In accordance with paragraph 216 of the NPPF, decision takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application: Policy 29 which relates to existing housing commitments is relevant. This Policy states that housing development will be approved on sites where an existing planning permission lapses during the Plan period providing that the proposal accords with relevant policies of the County Durham Local Plan and that there has been no material change in circumstances that precludes development. Policy 17, relating to sustainable design in the built environment would also be applicable along with Policy 18 which relates to local amenity.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. Highways Development Management: no objection subject to highways upgrade

36. Coal Authority: No objection.

38. Environment Agency: No objection.

39. NHS: No response.

40. Northumbrian Water: No objection.

CONSULTEE RESPONSES:

41. Affordable Housing: No objection, scheme too small for affordable housing commitment.

42. Archaeology: No objection subject to inclusion of condition.

43. Design and Historic Environment: Minor design changes suggested.

44. Landscape: No response.

45. Landscape Trees: No objection.
46. Economic Development: No response.
47. Northumbrian Water: No objection.
48. Environmental Health: No objection.
49. Contaminated Land: Phase 2 assessment required.
50. Public Rights of Way: No objection
51. Sustainability: No objection, sustainability statement required.
52. Planning Policy: No response.
53. School Organisation Manager: No objection.

PUBLIC RESPONSES:

54. Letters of objection have been received from 4 addresses in relation to the development. One letter of concern has been received. A letter of objection has been received from Bowburn and Parkhill Community Partnership while a letter of concern has been received from Cassop-cum-Quarrington Parish Council. Concerns and objections are put forward on various grounds and are summarised below.

- Loss of privacy for properties on Wylam Terrace and Holmfield Villas
- Concerns over positioning of access, unadopted nature of access route and increased traffic and parking in the area, four spaces for visitors not sufficient
- There are no clear quantifiable regeneration benefits brought about by the scheme
- The development would detract from the character of the site and settlement particularly in relation to its previous green appearance
- There is no open space provision
- The site has Archaeological Interest and further ground investigation is required
- Concern over capacity of NWL network to accept flows from development
- Concern over presence of wooden pylons on the site

APPLICANTS STATEMENT:

55. The development Site at Wylam Terrace has been vacant for a number of years partially due to the economic downturn in the economy.

56. The site currently has the benefit of a Planning Permission for residential development which could be implemented before its expiry date next year.

57. However, we feel the revised application is a much stronger proposal offering a first class quality product providing much needed bungalow accommodation to the Local Community.

58. It is the intention to source as much material and labour locally securing income and much needed jobs to the immediate area.

59. We feel that the proposal will enhance the area, offer a welcome addition to the current housing stock in the area and provide a well thought out development for the future.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F14%2F02294%2FFP

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 the development at the site, impact upon character and amenity and highways issues.

The Principle of the development

61. Policy H3 of the City of Durham Local Plan 2004 primarily supports the provision of new housing comprising of windfall development of previously developed land and conversion within the Villages of the former Durham City District. The original approval suggested that the site had a substantial brownfield element and could be considered partly previously developed. Officers do however concede that an argument could also have been made that the site at the time may have been considered on balance a Greenfield site.

62. It would seem most appropriate to make an up to date assessment on the site. The NPPF states that the definition of previously developed land excludes land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. Given that any built development has since been cleared from the land and previous site clearance has blended into the landscape, Officers do not consider that the site currently represents previously developed land. The application is therefore not in accordance with Policy H3 of the City of Durham Local Plan and has been advertised as a departure.

63. The site is included as a housing site with extant approval within the emerging local plan although this can only be afforded limited weight at this stage.

64. One of the key aspects to the principle of development in this location is that there is currently an extant planning approval for a similar scheme at the site. This is a matter to which officers give significant weight in the decision making process.

65. Further, Officers' consider that the site is sustainable in accordance with National Planning Policy Framework guidance. It is well related to other residential property and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities within Coxhoe and Bowburn. Public transport links are available nearby. The development of a modestly scaled housing development would relate well to the existing settlement, forming a natural continuation of development that surrounds the site offering bungalow accommodation that would be appealing for purchase.

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

67. Officers consider that the development is appropriate in these terms. The layout of the development is well thought out, with some properties set on Westlands and some dwellings accessed from the cul de sac that would serve the site. Appropriate parking and garaging would be incorporated with dwellings provided with small front garden areas and modest rear gardens. The outside space is considered acceptable and of a level appropriate to 2 bedroom bungalows within a well built up urban setting.

68. The development, while making the most of the site does not appear overly dense. The scale and form of the development would be appropriate to the site. The bungalow development would be set down slightly from development to the north east and north west of the site and would provide a good bridge from these areas to the existing bungalow development to the south on Holmfield Villas. Materials proposed are brick and render with concrete tiles. These materials would be acceptable to the area which exhibits a wide range of building materials.

69. In relation to Policy E5a, Officers do not consider the Open Space as it stands possesses important functional, visual or environmental attributes contributing to the settlement's character or to the small scale character of the area. It is acknowledged that the current undeveloped site offers a more open outlook to existing residents and acknowledge that the land does have some visual and functional attributes in this respect. However the land is not of sufficient importance to justify refusal of planning permission, particularly given that there is an extant permission that could still be implemented.

Impact upon character and amenity

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

71. Concern has been expressed relating to impact upon the character and appearance of the area, while further concern has been expressed that the development would not respect the privacy and amenity of surrounding residential occupiers at Wylam Terrace and Holmfield Villas.

72. Officers do consider that the proposed arrangement would be acceptable in relation to privacy and amenity to existing surrounding dwellings. The bungalows would be slightly set down from surrounding development, which would if anything mean that surrounding development at Holmfield Villas and Wylam Terrace would be overlooking the development site. Further, the fact that bungalows are proposed is significant. It would be possible to remove direct window to window overlooking through providing robust fencing at the site (a 1.8mtr fence is proposed at the slightly higher of the two land levels at the boundary with the rear lane of Wylam Terrace). The relationship that would then remain would be one of ground floor window to first floor windows. This relationship would be most apparent between plot 6 and the rear upper floor windows of 7 Holmfield Villas where a separation distance of approximately 16mtrs would exist. There may also be instances of the odd similar separation distances between the rear of plots 9-12 and upper rear windows on off shots on Wylam Terrace, although it is likely that some of these windows would be bathrooms for example and classed as non habitable rooms. There would be an

approximate 18-20 mtr separation distance to the main rear elevations of these properties and the relatively deep two storey off shots would restrict any significant impact on privacy.

73. The supporting text of Policy Q8 states that window to window separation distances should be 21mtrs. However in Officers' experience while this guideline can generally be fully achieved when designing a new residential scheme on a large site, it is sometimes difficult to apply to residential areas where the urban grain has evolved over a period of time. The guidance does not, however, deal specifically with every set of possible circumstances, and does not adequately deal with the relationship between existing two storey and proposed single storey development as in this case, where opportunity for significant and harmful overlooking is reduced.

74. Officers acknowledge specific concerns from the occupier of Solway House, 2 Wylam Terrace, who has a conservatory which has been built abutting the rear lane. However it is considered that this conservatory essentially borrows views over this rear lane. While it would undoubtedly reduce some view and outlook to this conservatory the 1.8mtr fence proposed would mean that there would be little or no loss of privacy from this part of the dwelling. Potential impact on the conservatory and the small number of sub-standard privacy distances are not considered sufficient to justify refusal of planning permission.

Highways Issues

75. Highways Development Management has offered no objections from a highways aspect to the principle of the development. Highways Officers have noted that with some improvement the access road would be suitable for adoption and request that the access road be upgraded to adoptable standard as a condition of planning approval. The road and footways within the site would have shared surfaces.

Other issues

76. The Coal Authority has offered no objections to the development following an analysis of ground testing results that has been submitted

77. Housing development and delivery have confirmed that the size of the development falls below the threshold for an affordable housing requirement.

78. A Green Infrastructure response suggested the inclusion of a pedestrian and cycle route through the site to Wylam Terrace. However, Officers do not consider this necessary as it is possible to quickly access the B6291 via Clarence Street immediately to the east and the suggested route was not popular in consultation responses.

79. Contaminated land have requested a phase two assessment relating to the site as further analysis is needed of soil in the existing mound at the site to ensure that it would be suitable for topsoil garden use.

80. Northumbrian Water has offered no objections to the application. They have confirmed that the relevant sewage pumping station in the area has now been upgraded and can accept additional flows.

81. An ecological assessment has been submitted with the main risk identified being to nesting birds. Ecology Officers have considered the submitted report and have offered no objections to the development subject to adherence to working methods outlined within the report which require that any clearance works take place outside of the bird nesting season.

82. Drainage and Coastal Protection Officers have requested the submission of a full drainage plan relating to the site.

83. Archaeology Officers have noted that topsoil has been stripped from the site potentially affecting archaeological interest. A condition is included however to carry out monitoring during the initial groundworks and site clearance.

84. Officers understand that the developer has agreement with Northern Power Grid to replace the wooden posts with metal ones which would remove the need for stays within garden areas.

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

86. Policy R2 of the Local Plan relates to recreational and amenity space in new major residential developments. Given the reasonably compact nature of the application site, the provision of onsite play facilities would not appear feasible. To satisfy Policy R2 a contribution towards off site play provision has been sought which could be spent on the improvement or provision of play facilities within the local area of £12,000. The parish council have suggested this money could be used towards the upkeep/maintenance/improvement of Parkhill play area.

87. The application would also be of a level where a contribution towards public art would be required.. As such a condition requesting a feature or scheme is included, and a scheme will be discussed further between the applicant and Officers.

CONCLUSION

88. Officers consider that the principle of the development is acceptable as there is an extant planning approval on the site and as it would represent residential development in a sustainable location with good access to a range of services in line with the National Planning Policy Framework. Officers consider that the site is capable of playing host to the proposed housing development while no significant adverse impacts upon the character or amenity of the area or the amenities of residents have been identified. The development is considered appropriate in relation to highways safety.

89. Taking all relevant planning considerations into account, Officers consider the application to meet the requirements of the National Planning Policy Framework Parts 1, 4, 6, 7, 10, 11 & 12 and Policies E5A, E14, E16, H3, H13, T1, T21, T10, R2, R11, Q1, Q2, Q5 Q8, Q15, U5, U8A, U11 and U13 of the City of Durham Local Plan 2004.

RECOMMENDATION

That the application be **APPROVED** subject to completion of a Section 106 legal agreement to secure off-site open space/play facilities, and 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 and documents.

Dwg 10-064 P-100, 10-064 P104, 10-064 P103 received 08th August 2014. Dwg 10-064 P-101 A, Dwg 10-64 P104 A, Levels Layout C-GA-02, Drainage Plan C-GA-03 received 23rd September 2014.

Ecological Assessment August 2014 by TEP received 26th August 2014.
Phase 1 Contaminated Land Report by Intersoil Ltd received 01st August 2014.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with the National Planning Policy Framework Parts 1, 4, 6, 7, 10, 11 & 12 and Policies E5A, E14, E16, E24, H3, H13, T1, T21, T10, R2, R11, Q1, Q2, Q5, Q8, Q15, U5, U8A, U11, U13 and U14 of the City of Durham Local Plan 2004.

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

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

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

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

5. No development shall commence until the access road to the development has been upgraded to an adoptable standard from the junction with Holmfield Villas to the entrance to the development site. Details of this scheme shall be submitted to and approved in writing by the Local Planning Authority. The access road upgrade shall be completed in accordance with the approved details before any of the dwellings hereby approved is first occupied.

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

6. No development shall commence until a scheme for the provision of public art has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the timings within the approved public art scheme.

Reason: In the interests of the appearance and visual amenity of the area, in accordance with saved Policy Q15 of the City of Durham Local Plan 2004.

7. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

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

8. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

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

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

10. No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Postfieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with policy E24 of the City of Durham Local Plan because the site is of archaeological interest.

11. Prior to the development being first occupied, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: to comply with paragraph 141 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible.

12. No development shall take place until an intrusive site investigation (Phase 2) has been carried out relating to potential contamination of the site. The site investigation methodology shall be agreed in writing with the local planning authority prior to commencement of the site investigation. The results of the site investigation shall be submitted as a report and approved in writing by the local planning authority.

The site investigation report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

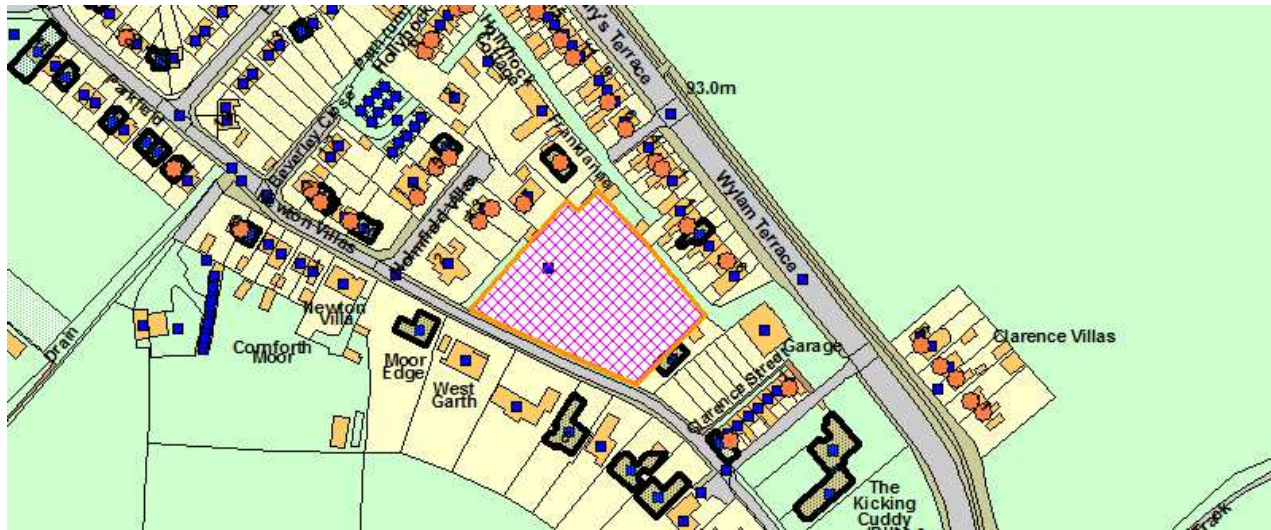
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority.

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

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
City of Durham Local Plan 2004
Consultation responses
Emerging County Durham Plan



Planning Services

Erection of 12no. bungalows with associated access road and landscaping

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Date 21st October 2014

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00635/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing building in association with the erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping.
NAME OF APPLICANT:	Mrs Franks
ADDRESS:	Magdalene Heights, Gilesgate, Durham.
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Susan Hyde. Planning Officer 03000 263961 susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. This application relates to an existing L shaped residential building forming 4 residential units located in a prominent hill top location. The existing dwellings are modern and constructed of painted render with a concrete tiled roof and the building is one and a half storeys in height. The land to the north of the dwelling falls away steeply and the property has clear views over the surrounding countryside. To the east is open land with trees that lies within the green belt. The building is within the Durham (City Centre) Conservation Area and within the settlement boundary. Magdalene Heights is located in an elevated and prominent position rising high above the River Wear valley to the north. The site is on the edge of a residential area and settlement boundary, bordering the Green Belt to the north and east. An Ancient Monument the Chapel of St Mary Magdalene lies to the east. This setting in the Conservation Area makes the application site an important and conspicuous redevelopment site.

Proposal:

2. The application proposes the demolition of the existing dwellings and the replacement with a two to three storey block which is proposed to form 10 apartments. The apartments are constructed out of brick with a tile or slate roof, timber windows and timber doors and designed to look like two properties from the front and rear elevations. Ten car parking spaces are proposed to be located to the west of the site. This is a resubmission of a planning application that was approved in 2008 but the time limit has now expired for the development. The application is referred to committee as a major development.

PLANNING HISTORY

3. In 1999 planning permission was granted for a detached pitched roof double garage

4. In 2002 planning permission was refused for the erection of second storey pitched roof extension to existing dwelling and provision of 5 no. dormers and 1 no. rooflight to provide 6 bedroom student accommodation annexe
5. A further application was approved for a second storey pitched roof extension to existing dwelling with a reduction in the number of dormers to 4 and 2 no. velux windows to provide 6 bedroomed student annex.
6. In 2007 planning permission was granted for a two storey pitched roof extension to allow conversion of existing building of 4 no. residential units to provide 5 no. residential dwellings with subdivision of existing garden and associated parking and access
7. In 2008 planning permission and conservation area consent was granted for ten apartments on the site but the application was never implemented. The current application is a resubmission of this 2008 planning consent that was never implemented.
8. To the east of the application site, planning permission has been recently approved subject to the successful completion of a legal agreement for the erection of a 198 bedroom student halls of residence.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. The following elements are considered relevant to this proposal;
12. 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.
13. 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.
14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. NPPF Part 12 – Conserving and Enhancing the Historic Environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

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

LOCAL PLAN POLICY:

CITY OF DURHAM LOCAL PLAN

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 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.

23. Policy H2 New Housing within Durham City states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

24. Policy H7 (City Centre Housing) seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.

25. 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.

26. 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.

27. 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.

28. Policy T20 (Cycle facilities) seeks to encourage appropriately located, secure parking provision for cyclists

29. 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.

30. Policy R11 - Public Rights of Way states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

31. 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.

32. 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.

33. 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.

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 U13 (Development on Unstable Land) will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.

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 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.

41. 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.

42. 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.

43. 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.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. The County Highways Officer has raised no objections to the development.

INTERNAL CONSULTEE RESPONSES:

45. Ecology – Bat report submitted with the application found no evidence of bats in the building and the area of low conservation value. As such the mitigation strategy identified in the submitted report is considered satisfactory.

46. Design and Conservation – Resubmission of earlier approval and the design, materials and siting are acceptable, The height and scale of the building is similar to the main building and so the long range views of the building are similar to the existing building. Support the application subject to conditions.

47. Tree Officer – Individual trees do not warrant tree protection orders. Hedges could be retained to prevent views of Magdalene Heights to the west and Orchard Drive to the north.

48. Drainage – Conditions to require sustainable drainage required.

49. Landscape Architect – The landscape conditions on the earlier consent should be retained.

50. Environment Agency – No comment

51. Northumbrian Water – No comment

52. Sustainable Development – The applicant has expressed a desire to meet Code Level 4 of the Lifetime Homes standard. This approach is supported but the applicant has not demonstrated that this can be achieved.

53. Archaeology - Awaited

PUBLIC RESPONSES:

54. The application was advertised by letters being sent to local residents, a site notice was erected and a notice appeared in the local press.

55. A total of 4 no. letters of objection and 2 letters of support have been received with the following comments:

Objections:

56. The 10 parking spaces are considered to be inadequate and will lead to on street parking in an area where the streets are narrow and no additional parking is available.

57. An increase of vehicles on the existing access which may be dangerous on an almost single track road.

58. Concern that the apartments will be for student accommodation which in addition to the recently approved student accommodation for 198 students will detrimentally affect the residential amenity and value of residents' houses.

59. Concern that there is no barrier before the hedge to the rear of 1 – 4 Magdalene Heights and whether the hedge is an adequate boundary treatment for the parking area.

60. Concern about the structural stability of the land and whether this will have any impact on neighbours.

Support

61. Two letters of support presented by the applicant from people interested in purchasing the apartments as they like the location and design of the properties.

APPLICANTS STATEMENT: (SUMMARISED BY PLANNING OFFICERS)

62. As existing, the application site comprises of a large residential property that has been extended beyond recognition over the years with a mishmash of additions. The building constitutes a family home for the Franks family and three attached dedicated student accommodation units with 6, 2 and 2 bedroom configurations. The building is L-shaped and one and a half storeys high when viewed from the road, and two/three storeys from the rear. The building is rendered and painted white and is covered with grey / black concrete tiles. It is of no architectural merit and of no benefit to the conservation area. Moreover the existing building could be viewed as a detriment to the quality of the conservation area in that vicinity.

63. The student accommodation element will be completely removed and replaced with a two to three storey block which will form 10 luxury apartments. The form of these as high square footage two and three bed apartments are aimed at retirement couples or young professionals and simply don't lend themselves to a student form. The new proposal has a more appropriate building form and vernacular, the proposed development fits within its environment and brings a contemporary element whilst retaining existing details already present on the building and surrounding properties. The building is dynamic in shape and creates a welcoming space.

64. Soft and hard landscaping will play a major role in this development and trees and shrubs will wrap the building along the northern and eastern boundaries. This will continue the existing green area adjoining the site within the conservation area. Landscaping is also present at the front of the property on the southern side. Along the western boundary, existing trees have been retained and will not be disturbed during the construction of the new parking area.

65. The severe slope on this site has permitted the creation of the parking area, off the access road, on the lowest level of the site. It will be screened from the road by trees and shrubs. A provision of 100% parking has been allocated but walking and cycling to the town centre will be encouraged. An ample secure cycle store has been provided under the link bridge at the lower level

66. The new proposal will also relate closely with the architectural features and development pattern of the recent development on the southern side of the road and close to Magdalene Heights at Ashwood Terrace a residential development of 9 no. terraced houses. The proposal should also be viewed in context with the large recent approved student accommodation unit to the north. We feel when viewed in context to this development our proposal looks positively diminutive and a sensitive proposal.

67. We feel the building makes a successful attempt to reflect the character of the arts and crafts movement and responds to difficult site topography. The interesting configuration of the floor plan combined with the broken up roof formation provides a lively building that has a sense of rhythm and form. This combined with the correct detailing for the roof, eaves, windows, doors and balconies we believe works quite successfully in the townscape.

68. The design therefore represents an improvement on the existing development and does both preserve and enhance the character and appearance of the Conservation Area.

PLANNING CONSIDERATIONS AND ASSESSMENT

69. 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 relate to the principle of development, impact upon the character and appearance of the Conservation Area, impacts on residential amenity, impacts on highway safety, landscape and trees, ecology and other issues.

The Principle of the Development

70. The site is within the settlement boundaries of the City of Durham. Policy H2 of the Local Plan states that new housing development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City. The NPPF emphasises the importance of redevelopment of brownfield land within a settlement boundary on a clearly defined site, close to schools, services and public transport links and therefore has good sustainability credentials.

71. The development proposes less than 15 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard legal agreement to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 would also be addressed in a proposed legal agreement.

72. As a result the principle of the development can be accepted to be in accordance with Policy H2 of the Local Plan and the NPPF.

Impacts on the Character and Appearance of the Conservation Area

73. Policy E22 of the local plan requires new development to preserve or enhance the Conservation Area. This reflects the same requirement under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies Q8 and H13 provide the principal Local Plan advice on the design and layout of residential development within a predominantly residential area. Policies E14 and E15 relate to tree retention and provision whilst Policy Q5 relates to landscaping. Part 7 of the NPPF advises on the importance of good design within development proposals, and Part 12 emphasises the importance of conserving and enhancing the historic environment.

74. As existing, the application site comprises of a large residential property that has been extended beyond recognition over the years. The building is L-shaped and one and a half storeys high when viewed from the road, and two/three storeys from the rear. The building is rendered and painted white and is covered with grey / black concrete tiles. It is of no architectural merit.

75. As the existing building is of no historical or architectural merit there is no objection in principle to the redevelopment of this site. Indeed Officers consider that this site provides an exciting opportunity to enhance the Conservation Area with a good quality contemporary or traditional development. To achieve such a scheme Officers consider the height of the new development should be a similar height to the existing development so that the impact of the redevelopment on the surrounding area would not be increased. The land allocated as green belt that lies to the east should be protected in accordance with Policy E1. Additionally the land to the north of the existing residential buildings which steeply falls in level should be retained.

76. The application consists of the demolition of the original residential property to be replaced by ten apartments and associated parking. The density of the development is approximately 57 dwellings/ha. which is within the usual urban density range in the City. The height of the new development is similar to the existing building with the buildings being subdivided into two blocks with one being the same height as the existing building and one being 0.85 metres higher.

77. The proposed materials of a multi red brick and tiles or artificial slates are considered acceptable in this location and the application is conditioned accordingly.

78. With regard to the design of the apartments a traditional design is proposed which replicates the arts and crafts movement of the 1920's and 1930's. The gabled roof form was used to break up the bulk of the building both on the street and in the distant views of the building from Newton Hall. The design characteristics of this period which are present on this development are:

- Fairly steep gables, however the ridge does not rise unduly above the existing building.
- Strong and heavy overhanging eaves.
- Attractive bargeboards, soffits and finials.
- Solid chimneys to break up the roof line.
- Attractive lead work and detailing to half dormers.
- Timber mullion windows with casement windows well recessed in the openings
- Solid timber doors with attractive timber designed canopies and lead work.
- Attractive timber balconies, fairly traditional and robust in design
- The floor layout broken up to provide a more domestic scale and some relief to the elevations.

79. It is considered by Officers that the building makes a fairly successful attempt to reflect the character of the arts and crafts movement. In addition the interesting configuration of the floor plan combined with the broken up roof formation provides a lively building that has a sense of rhythm and sculptural form. This combined with the correct detailing for the roof, eaves, windows, doors and balconies work quite successfully in the townscape.

80. Officers consider that the design and materials of brick, tile or slate for the roof and timber for the windows and doors are an improvement on the existing development and that they do preserve or enhance the Conservation Area. As such, the proposals are considered

to be in accordance with national and local policies, including compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

81. Policy Q8 of the Local Plan provides specific guidance on residential development to ensure adequate privacy and amenity for all. Similarly Policy H13 of the Local Plan also seeks to protect the amenity of existing residents from new developments.

82. With regard to the impact on the neighbouring properties there are detached and terraced dwellings to the west of the site. A distance of 21 metres is provided from these properties to any habitable room windows. As previously mentioned the topography leads to the development being elevated above the detached properties to the north on Orchard Drive. The minimum 21 metre distance specified in the Local Plan policy Q8 is met apart from the distance between the rear elevation of 59 Orchard Drive and the apartment block to apartments 2, 5 and 8 where a reduced distance of 20 metres is achieved. The relationship between these properties is at off set angles leading to little material loss of residential amenity. Officers therefore assess the impact of the development on residential amenity to be acceptable. Balconies are positioned on the apartments and generally achieve a distance of 21 metres except to property 59 Orchard Drive as previously mentioned. This is similarly considered to be an acceptable relationship.

83. A small communal garden is available to the north of the site on an area that is steeply sloping. Access to this area is via steps and the suitability for use is considered to be limited. Small decked areas are proposed with two ground floor apartments, and balconies on the remainder of the apartments. Although the provision of amenity space is limited it is considered to be in accordance with Local Plan policy Q8.

84. Overall officers consider that the development is acceptable in terms of its impacts upon residential amenity for both existing and prospective occupiers.

Highways Issues

85. Matters regarding parking and highway safety have been a concern within the public responses to the application.

86. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF seeks to promote sustainable transport choices. With regards to plans and decisions paragraph 32 of the NPPF advises that safe and suitable access to a site should be achieved for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

87. The County Highways Officer has carefully considered the application and has raised no objection to the application. The car parking to the west of the application site provides a parking layout for ten vehicles which the County Highway Officer considers is a satisfactory number in this location for the ten residential units. The layout provides sufficient space for cars to turn round within the car park and considers the access from a minor residential road leading from Carrville Link Road is satisfactory.

88. As such the proposed development is considered to be acceptable from a highway perspective.

Landscape and Trees

89. Policy E14 states that the Council will require development proposals to retain areas of woodland and trees where possible and will require a tree survey to accompany planning applications when development would affect trees. The applicant has submitted an arboricultural survey. It states that 6 trees will be lost by the development and 6 will be affected by landscape work. The Council's Landscape Architect has considered the application and does not object to the proposed work. A planting scheme is proposed to compensate for the loss of the trees and shrubs and a condition is proposed to ensure this is undertaken and maintained for 5 years.

Ecology

90. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through Part 11 of the NPPF most notably at paragraphs 118 and 119. A bat risk assessment was submitted with the application which did not find any evidence of bats and this finding was accepted by the County Council's Ecologist.

Other Issues

91. The development proposes less than 15 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard legal agreement to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 would also be addressed in a proposed legal agreement.

92. Residents have raised concerns that the apartments may be occupied by students. The proposed apartments are two and three bedroom apartments which have a smaller number of bedrooms and a larger floor space than the usual private market student accommodation. The agent has clarified that the apartments are intended to provide accommodation for the applicant and retired people or young professional couples and not provide student accommodation. The planning consent would be for a dwelling which would allow the apartments to be occupied by residents living together with shared facilities.

93. Residents have also raised concerns about the stability of the site which the agent has responded to with the following comment 'The site currently holds a dwelling without subsidence issues. Stabilising the new proposal on the land is a simple technical issue that will be dealt with by the building regulation application. A site investigation report will be commissioned to assess ground conditions and then foundation solution designed by a qualified structural engineer.' In accordance with the advice in the NPPF it is the developer's responsibility to ensure the development is structurally secure.

CONCLUSION

94. The proposed development seeks the development of 10 apartments to replace an existing residential development within the settlement boundary in an existing residential area and in the Conservation Area. Such a development is in principle considered to be in accordance with the provisions of the Local Plan and having regards to the aims of sustainable development running through the NPPF.

95. Officers recommend approval for the application for 10 apartments. The design, materials, and siting of the development are considered acceptable in this elevated location. The height of the building has been kept generally the same as the existing building and the development is considered to preserve or enhance the Conservation Area.

The positioning of the habitable room windows is not considered to be detrimental to the residential amenity of the area and the impact on the trees and landscaping is generally considered acceptable subject to the landscaping condition proposed.

96. As a result approval of the application is recommended subject to the successful completion of a Legal Agreement to secure money for % for art and the provision of recreational amenity space.

RECOMMENDATION

That the application be **approved** subject to the successful completion of a legal agreement that secures:

A scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of the buildings, open spaces or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.

A financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.

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 and details:

Site Plan 7305 A2-51 Rev E validated 11th June 2014
Site Plan 7305 A2-52 Rev E validated 11th June 2014
Site Plan and Car Parking Layout 7305 A2-100 Ref F validated 11th June 2014
Lower Level Site Plan 7305 A2-101 Rev F validated 11th June 2014
Lower Level Site Plan 7305 A2 – 105 Rev D validated 11th June 2014
Ground Floor Plan 7305 A2 – 106 Rev D validated 11th June 2014
First Floor Plan 7305 A2 – 107 Rev D Validated 11th June 2014
South and East Elevation 7305 A2 – 201 Rev B validated 11th June 2014
North and West Elevation 7305 A2 – 202 Rev B validated 11th June 2014
Sections EE, FF, and GG 7305 A1 – 203 Rev A validated 11th June 2014
Footprint of existing and new buildings 7305 A2- 500 validated 11th June 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to relevant Policies E14, E15, E16, E22, H2, H13, T1, T10, T21, Q1, Q2, Q5, Q8 and U8A of the City of Durham Local Plan 2004

3. Notwithstanding any details of materials submitted within the application no development shall commence until full details of the make, colour and texture of all walling, roofing and hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

4. Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

5. Details of any fences, railings, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

6. Notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and sill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme. This must include in particular construction and elevational details of the proposed dormer windows.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

7. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal from the exterior elevation of the building.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

8. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

9. Notwithstanding the information shown on the submitted application details of all external lighting, including type, position, size, elevation and level of illumination shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the appearance of the area having regards to Policies E22, Q8 and H13 of the City of Durham Local Plan.

10. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. Surface water drainage should be developed through the 'Hierarchy of Preferences' with surface water drained to a soakaway or infiltration system where possible.

Reason: In the interests of satisfactory sustainable drainage in accordance with Policy U8a of the City of Durham Local Plan 2004.

11. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: In the interests of visual amenity in accordance with Policies E14 and E15 of the City of Durham Local Plan 2004.

12. No development works shall be undertaken outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

13. The building shall not be demolished before a contract for the carrying out of works of redeveloping the site in accordance with this planning consent has been agreed and the redevelopment works shall commence within 6 months of the completion of demolition of Magdalene Heights.

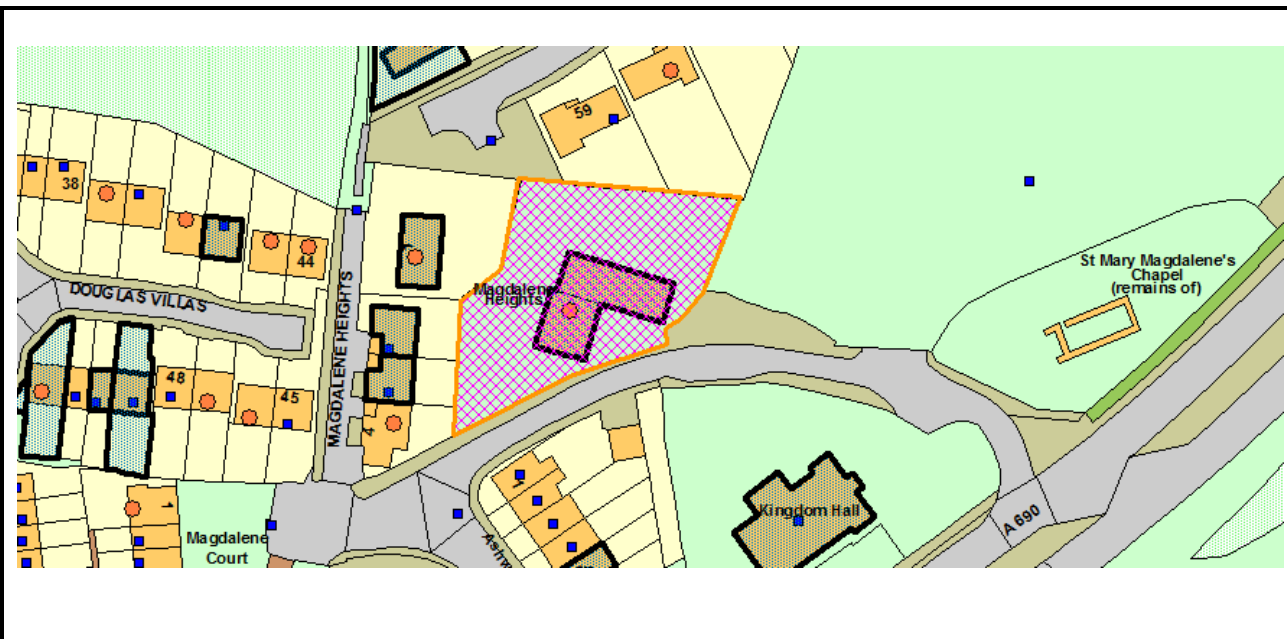
Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.


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

BACKGROUND PAPERS

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



 <p>Planning Services</p>	<p>Demolition of existing building in association with the erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 21st October 2014</p>	

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