



Area Planning Committee (North)

Date Thursday 24 March 2016
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 25 February 2016 (Pages 1 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/15/03908/FPA - Recreation Land South East of Bradley Close, Urpeth (Pages 7 - 26)
Erection of 47 no. Dwellings with associated Infrastructure and Car Parking
 - b) DM/15/03074/FPA - Hamsteels Primary School, Rowley Crescent, Esh Wining, Durham (Pages 27 - 40)
31 no. 2-bedroom bungalows with access road, walkways and parking.
6. Appeal Update (Pages 41 - 46)
7. 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
16 March 2016

To: **The Members of the Area Planning Committee (North)**

Councillor C Marshall (Chairman)
Councillor I Jewell (Vice-Chairman)

Councillors B Armstrong, H Bennett, P Brookes, J Cordon,
J Maitland, O Milburn, J Robinson, K Shaw, A Shield, L Taylor,
O Temple, K Thompson, S Wilson and S Zair

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**DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 25 February 2016 at 2.00 pm**

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

Councillors B Armstrong, H Bennett, P Brookes, J Cordon, I Jewell (Vice-Chairman), J Maitland, O Milburn, K Shaw, A Shield, L Taylor, K Thompson and S Wilson

Present

Councillor A Batey

1 Apologies for Absence

Apologies for absence were received from Councillor O Temple.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 28 January 2016

The minutes of the meeting held on 28 January 2016 were confirmed as a correct record and signed by the Chairman with the following amendment:

Item 4 Declarations of Interest:

Councillor Milburn declared an interest in Item 5a as she was a Non-Executive Director of Derwentside Homes of which Prince Bishop Homes was a subsidiary.

4 Declarations of Interest (if any)

Councillor J Cordon declared an interest in Item 5c as a he was a local Member.

5 Applications to be determined by the Area Planning Committee (North Durham)

- a DM/15/03908/FPA - Recreation Land South East of Bradley Close, Urpeth**

The Committee was advised that the application had been withdrawn from the agenda and subsequently would be listed on the agenda for the next meeting of the Committee.

b DM/16/00240/FPA - The Granary, Woodlea Manor, Lanchester

The Committee considered a report of the Principal Planning Officer regarding the removal of condition 4 of permission 1/2011/0035 to permit the use of the residential annex as a dwelling (use Class C3) at The Granary, Woodlea Manor, Lanchester (for copy see file of minutes).

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

Mr D Smith, who was in attendance to speak in support of the application on behalf of the applicant, addressed the Committee.

He advised that the applicant was a good friend and unfortunately due to deteriorating health was now struggling to get around and the main house was no longer suitable for his needs. The applicant had moved in to the annex in March 2015, following extensive attempts to sell the property. To date there had been no success in its sale.

With regards to comments raised regarding additional vehicular use, Mr Smith advised that there would be no additional vehicles accessing the property.

He further added that given the applicant's condition and position regarding the sale of the house, refusal of the application to grant use of the annex as a dwelling, would result in significant upheaval for the applicant who was already suffering ill health. He asked that the Committee looked favourably at the applicants circumstances and approve the application.

The Principal Planning Officer advised that she did sympathise with the applicant's personal circumstances, however commented that she challenged the comments made regarding the vehicular use. She further explained to the committee that an annex operated differently from a dwelling, with joint use of the main house's facilities. If the application were to be approved the annex would be totally separated from the main dwelling and facilities would not be shared.

Councillor Milburn asked for clarification regarding the current status of the annex. The Principal Planning Officer advised that the building was previously used as an annex by the applicant's mother, however had since March 2015, been occupied by the applicant. The main house was currently unoccupied.

Councillor Shield added that although he did have lot of sympathy for the applicant, he failed to see how the application could be approved and with such, **MOVED** that the application be refused.

Councillor Jewell commented that he concurred with comments made and although he too had sympathy for the applicant, these personal circumstances were not

material planning considerations. He therefore **SECONDED** that the application be refused.

Resolved:

That the application be refused on the grounds as detailed within the report.

c DM/15/03625/FPA - Land To The East of Ravenscroft, Stoney Lane, Beamish

The Committee considered a report of the Senior Planning Officer regarding the erection of a single 4 bedroom dwelling and 2 outbuildings at land to the East of Ravenscroft, Stoney Lane, Beamish (for copy see file of minutes).

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

Councillor Alison Batey, local divisional Member, addressed the Committee to speak in support of the application.

She advised that there had been a number of planning approvals in the immediate vicinity in the last 2 years and made reference to a nearby farm, where 8 additional dwellings had been converted from existing outbuildings.

She further made reference to Beamish Museum which was also in the same Green Belt, adding that approval was often granted for additional buildings or extensions to existing buildings within this site without issue.

With regard to the applicant's personal circumstances she made reference to the historical difficulties the family had faced regarding the tenancy of the land and the heritage and connections Mr Coyle and his family had to the area. Furthermore she advised that Mr Coyle had invested a significant amount of time on developing the design for the dwelling and she personally believed the scheme was innovative in its design, would be built to a very high standard.

In addition she advised that Mr Coyle had indicated a willingness to work with planners and with such asked that members give serious consideration to the application.

Maureen Wilkinson, Urpeth Parish Council addressed the Committee to speak in support of the application.

Reference was made to the two cottages which used to be on the site some 40 years ago and commented that the proposals for an energy efficient home built from sustainable sources, should be looked upon favourably.

She commented that access to this site was already well established and well used and the proposed development was much more fitting for the area than those dwellings converted at South Urpeth Farm. She added that she felt the design and

materials used would blend well in to the countryside and wildlife would continue to flourish.

In conclusion she added that the Parish Council were fully supportive of Mr Coyle's plans' and the notion of helping a local man and his family settle back into an area which had been such a big part of his family history.

Mr Andrew Coyle, Applicant, addressed the Committee to speak in support of the application.

Mr Coyle provided the Committee with background to the site and its connection to his family. He advised that the land had been in his family for 4 generations and due to a clerical error in 2003 a portion of the land had been lost. The site in question was the last remaining parcel of land owned by his family.

Regarding the design of the building, he advised that all aspects of design had been well thought out and were sympathetic to the area. Glazing was proposed in the rear of the building taking into account research from sun path analysis.

The dwelling was also designed on passive design principles and would be the first in County Durham, setting a benchmark for passive dwellings.

Mr Coyle further added that he had stated that he was quite happy to change the metal roof to slate in an attempt to help the building blend in with the surrounding landscape. In addition the scheme proposed extensive landscaping, hedgerow and tree planting, further reducing the visual impact on the landscape.

With regard to concerns relating to highways and vehicle movements he added that his family would have reduced reliance on motor vehicles and would instead be reliant upon public transport and cycling.

In conclusion Mr Coyle added that he fully understood the contentious nature of this application but asked that the Committee to take a holistic view and consider the benefits the development would bring to the area including the positive impact it would have on the environment and its positive impact on the ecology and biodiversity of the wider Green Belt.

The Senior Planning Officer in response to comments made by Councillor Batey regarding development in the area advised that each of those applications referred to had been considered on their own merits, taking into account the nature of the operations on the site and circumstances.

With regard to Beamish Museum he further advised that there was exceptions and special circumstances which allowed development of this important site in line with a set of very specific criteria for Green Belt development.

Regarding elements of design, it was noted that the applicant had advised that a slate roof could be provided however, it was noted that this would ultimately undermine any sustainability proposals.

Councillor Marshall for purposes of clarity asked that the specific circumstances which allowed Green Belt development, be outlined along with providing any examples of where this type development had occurred. In response the Senior Planning Officer advised that paragraph 46 of the report outlined those special circumstances. With regard to Beamish Museum, there were specific policies in place relating to development at this facility. It was dangerous however for him to offer any other comparisons of development permitted in designated Green Belt.

Councillor Jewell added that he wanted to thank officers for the site visit the previous day and for the detail provided within the report. He added that whilst he sympathised with the applicant, he had found the planners to have been fair from the beginning and commented that the committee's decision could not be made on emotion. He added that he found the design of the building to be unfitting, ultra-modern and that there was inadequate footpath and lighting provision. Therefore in light of the issues raised and that the site was in designated Green Belt he **MOVED** that the application be refused.

Councillor Thompson asked whether it could be confirmed what the position was with regard to housing provision in the area and whether the outbuildings proposed would be for housing animals.

The Senior Planning Officer advised that it had been identified that there was a 5 year housing land supply in the area, this data was up to date within the last 5 working days. With regard to keeping animals on the land it was reported that the site would be set up for self-sufficiency, not agriculture.

Councillor Thompson asked whether the applicant would be required to apply for change of use if he wanted to use the land and buildings for agriculture in the future. The Senior Planning Officer advised that he would not require change of use for agricultural purposes.

Mr Coyle then added that he would be keeping a small number of livestock on the land for self-sufficiency and personal use only.

Councillor Shield commented that he was extremely conscious of previous appeal decisions for similar applications and commented that the fact remained that the site was in Green Belt. In addition the design of the building was also in question. He further made reference to the emerging County Plan and with such **SECONDED** that the application be refused.

The Senior Planning Officer made reference to paragraph 9 of the NPPF which outlined other forms of development which were deemed unsuitable in Green Belt areas. It was further noted that Councillor Batey had in her statement commented that the site was 'technically' in Green Belt. It was noted that it was indeed a fact that the site was in established Green Belt, which held the highest level of protection.

Councillor Brookes added he was moved by Mr Coyle's passionate pleas, however the site visit the previous day had highlighted there was serious concerns regarding

highways and of course its location in Green Belt. He further added that he was minded to refuse the application.

Councillor Wilson raised a query regarding special circumstances for development in Green Belt and in addition, asked at what point did self-sufficiency become agriculture. In response the Senior Planning Officer advised that any commercially viable operation would be classed as agricultural, however there was an element of interpretation regarding this, although there had to be signs of economic activity.

The Chair in conclusion added that the committee were faced with difficult circumstances, although added that unfortunately he could see no route that the committee or applicant could take, which would make development in this designated Green Belt area acceptable.

Resolved:

That the application be refused for the reasons as outlined within the report.

6 Appeal Update

Consideration was given to the report of the Principal Planning Officer which provided an update on planning appeals received and determined (for copy see file of minutes).

The Principal Planning Officer in referring to JO/1/2013/0167/DMFP advised that it was interesting to note that had there not been a significant delay on the determination of this appeal, during which time the introduction of the Written Ministerial Statement (WMS) had been introduced which amended guidance on renewable and low carbon energy, the Planning Inspector may have granted the application as it was noted from the Inspector's report, that the WMS had attached substantial weight in assessing the case.

A query was raised regarding the date of the decision and whether it was known why there had been such a long delay in determining the appeal. The Principal Planning Officer advised that the date contained within the report was the date in which the decision noted had been issued. She further advised that it was not known why there had been such a long delay in determining the appeal.

Councillor Shield in referencing the decision on Bradley Open Cast added that it was concerning that different determinations had been made by the judge and the Planning Inspectorate. His comments were noted.

Resolved:

That the report be received.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/03908/FPA
FULL APPLICATION DESCRIPTION:	Erection of 47 no. Dwellings with associated Infrastructure and Car Parking
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Recreation Land South East Of Bradley Close Urpeth
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This planning application relates to an area of open-space at Urpeth, a modern estate built from the 1960s around the former site of Low Urpeth Colliery at Ouston. The site, like the surrounding settlement, has been traditionally green-field previously undeveloped land with the former colliery extending as far as the areas of woodland that bound the site. The settlement of Urpeth is 2.3miles north-west of the centre of Chester-le-Street, being north of the A693 which runs east to west from the A1(M) at Chester-le-Street to Stanley and Leadgate, beyond. In the adopted Chester-le-Street District Local Plan, Urpeth and Ouston share a settlement boundary which is surrounded by designated Green Belt, the settlements wrapping around a large communal area of open space. The site is identified in the Local Plan for housing, with a woodland County Wildlife site (CWS) and maintained open space separating the two villages formed of mown grassland and unimproved scrubland joined and interlinked by a series of lit and unlit footpaths.
2. The land of the application site is broadly evenly divided between a gently falling flat plateau of improved mown grassland overlooked by Bradley Close and Leyburn Close, well used by the local community for a range of recreational purposes. This land includes the bases of removed play equipment. An area of unimproved scrub grassland overlooked by Middleham Close forms the remainder of the site, this land falling south east towards an open culvert that forms that boundary of the land. A public bridleway with street lighting runs along the north east boundary, within established hedging leading to The Cherry Tree public house, and a small convenience store behind which are a small area of further open space and a large private car park. These two businesses form the community facilities of the estate, residents relying on the nearby settlements of Ouston, Perkinsville, Pelton and

Chester-le-Street for schools, shops, supermarkets and employment. The CWS consists of woodland and unimproved grassland, which like the site includes informal tracks and paths in addition to the formal surfaced and street-lit paths that traverse the open space, connecting the two settlements and giving access through and around the various spaces.

3. The existing urban form of the estate reflects its various ages, with the surrounding perimeter main access road leading into a series of cul-de-sacs. All roads in the settlement are cul-de-sacs. In the larger, southern part of the settlement the layout is rectilinear, with straight roads and building lines leading to shared garage courts. The later, north part of the estate has buildings arranged along curves around shorter cul-de-sacs, and winding estate roads, designed to restrict vehicle speeds. Bradley Close, which leads to the site, is notable for its increased width, 7.2m, designed as a principal access road to carry more traffic than surrounding streets with their standard 4.8m widths.

The Proposal

4. Originally submitted for 79 dwellings, a revised previous application for 63 units was refused by Committee in March 2015. The current application, proposing 47 new dwellings is the result of extensive discussion with Officers, Local Ward Members, and the conclusions reached from a public consultation exercise carried out by the developer.
5. The defined development site boundary is set back from the Bradley Close elevation, giving a natural separation from that street. The open space provided within the scheme has been rearranged to sit at the site entrance and alongside the north-east boundary of the site, maintaining the view into the open area from the existing main estate access, separating built development from the hedged footpath and the CWS beyond, and giving a greater degree of separation from the public house and the existing dwellings in Bradley Close. This open space will be multi-functional providing for play and kick-about space, a buffer from the wildlife areas and keeping an open vista on the approach to the site from Bradley Close.
6. Footpath links have again been included in the redesign, to give a high degree of connectivity through the estate to the open areas for existing and proposed residents. A small buffer of public open space has been provided opposite existing dwellings in Leyburn Close to address concerns raised in the last application, and those dwellings proposed overlooked by existing dwellings in Middleham Close have been re-orientated to face out from the site, rather than turning away from the existing dwellings and footpath, leading into an additional area of open space that ensures the footpath remains of open appearance improving the perception of public safety.
7. The proposed houses are a mix of detached, semi-detached and mid-link units. Some housetypes include in-roof accommodation, and as a consequence are 1.5m higher than the units providing two floors of accommodation – these higher unit kept away from the boundaries proposed facing existing houses.
8. The application proposes affordable housing at the required rate of 15% to be retained in perpetuity by a section106 agreement, which also provides a sum for enhancement of the adjacent CWS. The previous application included a commuted sum for additional education provision at a nearby school – as this provision has been made in the period between the two planning applications, this sum is no longer required.

9. The application is reported to Committee as a 'major' housing scheme.

PLANNING HISTORY

10. The application for 63 units was refused by Planning Committee on 17 March 2015, for the following reason;

'The development is considered contrary to the National Planning Policy Framework Part 8 (Social interaction and access to high quality open spaces) and Policy HP4 of the Chester-le-Street Local Plan 2003 (saved Policies 2009) which includes the explicit provision for public open space to include for an equipped playground, Policy HP9 which requires development proposals to be well related to the surrounding area, respects its predominant character, setting and density and the requirements of Policy RL5 in terms of the provision of outdoor sport and recreational space in new residential development'.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
13. 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 policy's weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
14. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 6 - Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a 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. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
16. *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.

17. *NPPF Part 8 - Promoting Healthy Communities* - the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. 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.
18. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
20. *Design -The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
21. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
22. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
23. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
24. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

25. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
26. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

LOCAL PLAN POLICY:

27. The Development Plan for the area is the Chester-le-Street Local Plan 2003, saved 2009, with proportionate weight given to the policies therein commensurate with their consistency with the NPPF, in line with paragraph 215 of that document.
28. *Policy NE8 - Sites of Nature Conservation Importance and Local Nature Reserves* - Planning permission will only be granted for development which; Enhances the designated site or, does not harm the nature conservation interest of the site, or minimises damage and provides for mitigation and replacement elsewhere.
29. *Policy HP4 Land Allocated for Residential Development* - identifies a number of potential housing sites including 'land adjacent to the Brooms Public House', suggesting a number of 42 dwellings, cross-referencing to the requirements of policies HP1 and HP2 (now expired policies) that set targets for housing land supply. The policy requires explicit provision for public open space provision to include an equipped children's playground and a playing pitch or kick-about area in line with Policies RL4 and 5.
30. *Policy HP9 - Residential Design Criteria (General)* - requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy HP13 - Affordable Housing* - sets a requirement for provision of affordable housing on sites of more than 15 units at a current rate of 15%.
32. *Policy RL4 - Standards for outdoor recreation and Sport* - seeks an overall provision of such across the former District Council's administrative area.
33. *Policy RL5 - Provision in New Developments* - subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least specified amounts of public open space and play provision, or a formula for providing a commuted sum for off-site provision through either a condition or planning obligation.
34. *Policy BE22 - Planning Obligations* - Chester le Street Council will enter into legal agreements to either enhance the quality of the proposed development or enable a proposal to go ahead that might otherwise be refused.
35. *Policy T8 - Car Parking Provision* - States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.

36. *Policy T15 - Access and Safety provisions in design* - Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

37. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that 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. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, concludes that the CDP is not sound in its current form. In light of this it is considered that no weight can be afforded to the CDP at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Highways* – County Highways Engineers note that the specification of Bradley Close is such that it appears that this estate road has been designed to accommodate a built extension into the site – it is concluded; ‘Bradley Close is certainly capable of accommodating the additional traffic generated by 47 additional dwellings’.
39. As this report is written minor changes to the proposed car parking layout have been agreed consisting of provision of additional 2 additional on-street visitor spaces and 3 additional visitor spaces on private driveways, which the Senior Engineer had confirmed that, ‘subject to these minor amendments I consider parking provision to be satisfactory’.
40. *Northumbrian Water* - have confirmed they have no issues to raise with the application, provided it is approved and carried out within strict accordance with the submitted Drainage Strategy Plan.

INTERNAL CONSULTEE RESPONSES:

41. *Ecology* – have examined the reports submitted by the applicant and concluded that the identified impacts on the adjacent Local Wildlife sites can be reasonably addressed through an ‘Off-site Ecology Contribution’ of £20,000 to enhance ecology on the adjacent County Wildlife sites, rather than a buffer zone on the site boundary.
42. *Rights of Way* – note the existing footpath abutting the east boundary of the site will be unaffected, with its openness retained by the siting of the proposed play areas. There are no rights of way across the site itself, and the number of access points proposed across the site ‘presumably’ mitigate against the loss of the existing unregistered paths existant on the land.

43. *Environmental Protection (Contamination)* – have assessed the available information and historical maps with respect to land contamination. The Phase 2 ground investigation report has identified made ground on the site, and therefore further works are required to further delineate and assess the potentially combustible made ground in one location on site, with remedial works proposed in the form of a cover system. A condition to ensure Investigation, Risk Assessment, Remediation and Verification is undertaken to the satisfaction of the Local Authority is suggested due to the fact that this development constitutes a change of use to a more sensitive receptor.
44. *Trees* - any trees affected and retained by the development need to be protected by fencing meeting the British Standard for trees in relation to construction and development.
45. *Housing* – write; ‘the Affordable Housing Statement submitted by the applicant proposes to deliver 7 on-site Affordable Homes as part of this proposal. These 7 units shall be split 70% Affordable Rent / 30% Discount Open Market Value - meaning that 5 dwellings will be Affordable Rent and 2 will be Discount Open Market Value. The Strategic Housing Market Assessment identifies a need for 15% affordable provision in the North Housing Delivery Area. The developer must be confident that they are able to partner with an ‘Registered Provider’ (RP) to take on the affordable rent units and therefore discussions with RPs should be commenced at the earliest opportunity to ensure the proposed product meets the RPs needs in terms of price, size and layout’.
46. *Education* – responded, ‘a development of 47 houses could ultimately produce an additional 14 primary school pupils and 6 additional secondary school pupils. There are sufficient primary and secondary school places in the area therefore no contributions from the developer will be requested for additional teaching accommodation’. They do however note that additional traffic from new pupils could exacerbate existing access problems at the nearest Primary School.
47. *Sustainability* – A list of the areas that should be included into the Sustainability assessment was set out by that section who noted that the applicant provides very little information pertaining to the energy performance of the dwellings. It is agreed that a fabric first approach should always be the initial way forward, with a further Sustainability Statement will therefore be required by condition.
48. *Drainage* – have accepted in regards to the approach to surface water control and disposal on site, taking into the previous and now updated Flood Risk Assessments, that it is appropriate to engineer the drainage scheme through the use of a soakaway/infiltration systems in the northern half of the site, and the restricted discharge and use of oversized pipes on the rest of the site. They have agreed with the developer’s Drainage Engineers that this can be achieved through a pre-commencement condition.

PUBLIC RESPONSES:

49. Neighbours have been consulted, with 283 letters sent out, site notices were posted on and around the area, and a press notice was published in The Northern Echo. 19 objections have been received to the revised scheme, compared to 71 for the previous scheme.
50. Objectors to the scheme have a wide range of concerns, most consistent with those raised previously. One of the two principle issues for those who have written are the

traffic implications of the new proposals – both in terms of the volume of additional traffic proposed using Bradley Close - up to 111 extra vehicles, and the potential for parking on the currently open side of the cul-de-sac that overlooks the public open space to obstruct the use of drives to existing dwellings. Objectors contend Bradley Close is already abused by fast drivers and the proposals will exacerbate this. For some residents in Bradley Close who overlook the site there is also concern that there is no direct link between this roadside and the frontages of those dwellings proposed to face over it. Parking provision is described as inadequate and inappropriate. A number of correspondents suggest a different access through another part of the estate. No specific provision is made for cyclists in the scheme.

51. The potentially 'catastrophic' loss of the open space, presented as a Village Green, is also a headline concern of objectors, the existing open space a valued community facility used for leisure, community purposes, play, dog walking, a fairground and fireworks, although one resident complains of existing nuisance from ball-games, day and night. A number of letters connect the potential loss of the land to exacerbating obesity issues. The location of the proposed play areas and the lack of detail on their content is not considered satisfactory.
52. The potential for flooding issues, either in exacerbating existing issues, or causing problems for the new site is a concern for some, with coal mining legacy issues, both from underground voids and potential for gas emissions putting new dwellings at risk are further technical concerns.
53. The proposed house types, materials, layout, density and enclosure of the proposed dwellings are considered out of character with the surrounding developments, with too many dwellings shown, contrary to development plan policies. Local services and facilities – shops, doctors and schools – are considered remote and oversubscribed, with bus services insufficient. The lack of Education provision within the scheme is unacceptable. The need for the houses is questioned. Existing properties are likely to be devalued.
54. Residential amenity is contended to be likely compromise by the presence and proximity of new dwellings on the south-west boundary of the site, with buffer zones required.
55. One resident repeats a previous contention that the social housing is likely to attract social deprivation leading to an increase in crime and disorder.
56. Existing wildlife interests will be detrimentally affected.
57. The likely effects of building works are unacceptable.

APPLICANTS STATEMENT:

58. The applicant writes; 'Following the refusal of Persimmon Homes' application in April 2015 for 63 units on land to the south west of Bradley Close, Urpeth, Persimmon Homes, following significant dialogue with Local Residents, Local Councillors and Durham County Planning Officers at both the pre-application stage and during the determination process, which included a public consultation event in which over 445 leaflets were delivered to surrounding properties requesting peoples attendance, the scheme has been revised to address the concerns raised at all levels and reasons for refusal previously received.

59. The revised scheme proposes the development of 47 units at a reduced density of 24 dwellings per hectare in order to greater reflect the character of the surrounding area as to create an appropriate sustainable development for the local area.
60. As part of the application process a number of internal and external statutory consultees such as Highways and Traffic Generation, Drainage and Education have all been consulted. It is to be noted that there are no outstanding objections from these parties and where some concerns have been raised, significant discussions with both the case officer and consultee have been carried out on how these concerns are to be dealt with at the varying stages of the planning process.
61. It is evident that the level of consultation and public involvement has been successful. The level of objection from local residents has reduced by 70% compared to the original application, from 71 objections down to now only 15. It is therefore clear that Persimmon Homes through varying methods of consultation at various stages of the planning process has been successful in addressing many of the concerns raised by the local residents and that the proposed development now meets the expectations and requirements of the existing residents of Urpeth Grange.
62. The application is also supported by a revised Flood Risk Assessment and Drainage Strategy which supports the development of the site and conclude that through the use of a soakway / infiltration system to the north of the site and a restricted surface water run of rate to the south via oversized storage pipes the development of the site will result in the positive collection of rainfall which alongside the removal of localised depressions will remove the potential for surface flooding within the site.
63. It is important to note that the proposed drainage scheme has been designed in a way which includes the storage provision for not only a 1 in 30 year storm event but also a 1 in 100 year storm event so is capable of dealing with any extreme increased levels of water on site. As identified within the Flood Risk Assessment, these measures will result in a betterment of both the movement and disposal of water from the site which in turn will reduce the risk of more localised flooding within the surrounding area.
64. From an economic perspective, the scheme is considered to have the potential to make a significant impact on the Local Economy. As well as providing the Council with circa £300,000 in New Homes Bonuses and approximately £50,000 per annum in additional Council Tax revenue, the development is also expected to result in an estimated additional £1,000,000 of gross household expenditure per annum. Over the course of the development, the scheme is expected to support 58 direct construction jobs and support a further 44 indirect jobs. It is therefore clear that the development will make a major contribution to the local economy and has the potential to support numerous local businesses.
65. The application proposed makes a positive contribution to the 'three dimensions to sustainable development' and therefore represents the sustainable development of an allocated housing site to meet the current and future housing needs of Ouston and the wider County Durham housing including both market and affordable housing in accordance with the NPPF. The revised design of the site highlights the significant efforts that have been carried out by Persimmon Homes in order to address the concerns of the Local Residents, Councillors and Planning Officers and as evidenced by the level of objections received, this has been successful.
66. As a sustainable residential development the application should benefit from the NPPF's presumption in favour of sustainable development and as there are no

material planning reasons which have not been addressed or which cannot be addressed through planning conditions, it is politely requested that Councillors approve the scheme without delay’.

The above is not intended to list every point made and 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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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, loss of open space and neighbouring amenity, impact upon its surroundings, highway safety and drainage.

Principle of the Development

68. The land has been identified in the adopted Chester-le-Street Local Plan 2003 (saved Policies 2009) as a housing site and recently likewise within the Strategic Housing Land Availability Assessment (SHLAA 2009/10) The Chester-le-Street Plan set a figure of 42 dwellings on the 1.9ha site, with an explicit provision for public open space that would include an equipped children’s playground and a playing pitch or kick-about area. The SHLAA process concluded, ‘the site is well contained within the settlement, providing access to local services including primary schools and a small shopping arcade. While development would result in a loss of play space the existing facilities are poor quality and development would allow reprovision in the vicinity to a higher standard, to mitigate for the loss’. The site was therefore again identified for housing development, as ‘suitable’, ‘available’ and ‘deliverable’. The age of the Local Plan is such that its Policies have reducing weight, and the SHLAA, whilst a systemised assessment of land for housing purposes, is not a Policy document. Determination is therefore guided in the first instance by paragraph 14 of the NPPF, and it’s presumption in favour of sustainable development, ‘unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of (the) this framework as a whole’.

69. The NPPF requires Planning Authorities to provide for a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The site as shown provides for a number of different house-types, including affordable housing at the required rate of 15%, thereby providing for an inclusive and mixed community, which is seen as a positive aspect of the development, contrary to the contention of one objector. The affordable dwellings will be ‘tenure blind’ and therefore will look the same as the rest of the development. The principle of development is consistent with its identification in Policy HP4.6 of the Local Plan as a housing site, with the current principle of developing the site led by the presumption in favour of development set out in the NPPF, as above.

70. In order to ensure that the proposed affordable housing is secured in perpetuity it will be necessary to enter into a section 106 legal agreement, and make the planning permission subject to this. A similar mechanism is required to link the planning approval to the payment of the offered Ecology contribution, described below. The NPPG and the Community Infrastructure Levy Regulations 2010 set out a series of tests that require such documents to be relevant, necessary, fair, directly related and

reasonable to planning in scale and kind. All the elements of the proposed legal agreement to accompany any approval are considered to meet these tests.

Neighbouring Amenity and Open Space

71. The issue of neighbouring amenity has two main components; the general effect on the amenity of the residents of the neighbouring estate who use the land for recreational purposes and to access the wildlife site and further recreation land beyond, and the specific effects on the amenities of those residents who directly face onto the site.

72. General Amenity and Open Space:

The land as existing serves a variety of informal recreational functions. The top of the site is close mown grass, used by children for informal play - with excellent passive security from overlooking properties, and by dog-walkers using the land itself, and traversing it to access the footpaths, woodland and grassland beyond. The lower part of the site is scrubland crossed by informal footpaths. The potential capacity of the land for residential development was based to some degree on the requirement for provision of areas of open space, formal and informal play provision within a new development. The resubmitted design has provided specific areas for play and kick-about space, sited to double as a buffer to the woodland wildlife areas and public footpath. The details of the specific provision of play equipment and on-site definition of these areas is proposed deferred for agreement through condition, as usual. This is aligned with the site entrance to retain the open aspect of the existing entrance into the estate and views of the woodland / open areas, beyond, retaining the community focal point of the public house and convenience store. Small open space buffer zones have been included along the south-west boundary of the site, with plots 29 – 32 turned to face existing development, responding positively to previous concerns from neighbours on this boundary. These join with the open space running along the north-west boundary of the site. The extent of the various types of open space is now compliant with the requirements of Policy HP4.6. The scheme has excellent pedestrian permeability, allowing existing residents easy access to the extensive open space that separates Urpeth from Ouston. The land as existing is acknowledged as a valued open area, however it is not designated as a Village Green as claimed by some, nor subject to a Local Green Space designation. The land however has been zoned for housing development for some time; with the County Council including it within calculations to achieve the Government's require 5 year housing land supply. It is of relevance that whilst policy HP4 suggests the yield of the site as 42 units, with a layout including a range of open spaces and a buffer, at policy HP9 the Local Plan development sites are required to achieve a minimum net density of 30 dwellings per hectare. The proposed density is still below this figure, in the spirit of the Local Plan policy. The NPPF seeks to avoid prescriptive planning policies, whether they relate to settlement boundaries, or as in this case, specific capacities for sites – Policy HP4.6 being of reduced NPPF compliance on this point. The presumption in favour of sustainable development is considered the determining argument.

73. Residential Amenity:

The south-west boundary of the site has been subject to redesign, with properties in the new development now facing back towards Middleham Close and additional areas of open space giving separation between the existing and proposed developments. The development meets all the guidelines for separation distances. Loss of view and the presence of new dwellings are not viable planning objections

likely to be defensible on appeal. The development meets the required standards of HP9 in so far as it relates to residential amenity.

Impact upon the Surrounding Area

74. Objectors contend that the character and layout of the proposed development does not fit in with that of the existing estate in terms of layout and the detailed layout of the scheme proposed. The layout of Urpeth reflects the fashions of the times it was built, with an evolution of linear angular road and dwelling layout to the west of the site, evolving to a winding highway layout with houses splayed around the road at the northern, most recent part of the settlement. The proposed street layout reflects both these characters on the appropriate boundaries of the site – straight and angular towards Leyburn and Middleham Closes and curved towards Bradley Close. The layout is considered to relate particularly well to the surrounding settlement in this respect.
75. Whilst the stock house-types of the developer are disappointing in appearance, the surrounding settlement, being of comparatively recent construction does not have a strong architectural character. The proposed houses are of a modern vernacular, and represent the current approach to the styles and types of housing, just as those visible on the two phases of the existing estate reflect the times they were built. Whilst the layout and house-types proposed contribute nothing new to the settlement, neither do they detract from it, and to this end meet the requirements of Policy HP9 where development must; 'Relate well to the surrounding area, respects its predominant character, street pattern, setting and density...'. That some gardens may not be open plan is not a level of detail that would undermine the character of the surrounding area as suggested by some objectors – good design is not the imposition of strict uniformity. The NPPF puts particular emphasis on the need for good design, and with a strong layout reflecting the existing character of the settlement, whilst providing good permeability for pedestrian movement and access to the extensive open space between the settlements, the proposal is considered acceptable against the requirements of Policy HP9 and the NPPF in this respect.

Highway Safety

76. As noted above, detail changes to the proposed highways layout have been agreed to provide additional visitor parking spaces across the scheme, bringing this wholly up to required County Highway Authority standards. As noted above the entrance to the estate from the perimeter road to Bradley Close has been engineered with a wide roadway to allow for potential additional capacity. Highways Engineers have suggested in the past that any local concerns at the effect of the speed of additional traffic along this stretch of existing highway could be addressed, if residents require, by erection of raised 'table-tops' in the existing road surface. One is incorporated inside the entrance to the development, the other, in the existing public highway would have to be done separate from the development, with a consultation exercise with all affected parties.
77. The residents of the part of Bradley Close that overlooks the site have raised specific concerns at the potential for new traffic from the development site to obstruct their driveways because of the specification of the road. This is not consistent with neighbour comments that the cul-de-sac spur, a standard estate road width at this point, is occasionally already well used by patrons of the public house. The Police have control over any vehicle that obstructs a public highway, and there are no special circumstances to indicate there may be a specific problem in this location.
78. The layout and capacity implications of the proposed scheme have been assessed in detail and are considered acceptable, in compliance with policies T8 and T15 of the Local Plan.

Other considerations

79. The scheme is supported by a revised Flood Risk Assessment and Drainage Strategy which proposes a soakaway / infiltration system to the north of the site and a restricted surface water run-off rate to the south via oversized storage pipes. The development of the site will result in the positive collection of rainfall which alongside the removal of localised depressions will remove the potential for surface flooding within the site. The proposed drainage scheme has been designed in a way which includes on-site storage for a 1 in 100 year storm event resulting in an appropriate drainage scheme for the site and additional capacity in the drainage system of the surrounding area, which suffers from localised drainage issues. Both the Council's Drainage and Coastal Protection Officers and Northumbrian Water raise no objection to the scheme, subject to a condition that it is implemented in accordance with the detailed calculations set out in the Flood Risk Report.
80. Some residents have raised the potential of issues of land stability and gas issues resulting from the area's coal mining past. The applicant has submitted the required geotechnical desk and site investigations, and again subject to conditions for further site assessment and remediation where required, Environmental Protection Officers recommend that the scheme is acceptable.
81. Ecology Officers consider the effects of the development on local wildlife interests can be mitigated by provision of a financial sum - £20,000 in this case – to improve biodiversity in the immediate area of the site. The developer has offered and included for this provision within the submitted application.
82. Since the last application, the County Council as Local Education Authority has committed to investment in the local school at Ouston. It is the advice of the Education Department that there is therefore no basis to require a contribution to such from the developer, as there is now forward capacity in the local school system.
83. The facilities in the village of Urpeth are basic, however it is not unusual for settlements to rely on a network and hierarchy of settlements for goods, services and community facilities. The existing settlement relies on Ouston and beyond for its educational facilities, and likewise Ouston, Perkinsville, Pelton and Chester-le-Street for wider services. In a modern commuter settlement such as Urpeth this is not unusual, and not a reason to refuse the development. The 47 houses proposed will bring additional income into the surrounding economy.
84. In terms of footpaths, the NPPF advises planning policies should protect and enhance rights of way and access. No public footpaths cross the land. Both for residential amenity and for pedestrians, the site has been designed to better protect the amenity and character of the footpaths that runs alongside its boundaries. Whilst The Council's Footpaths Officers note the potential for claims for the various desire line and informal paths evident on aerial photographs of the lower part of the site in particular, none has been notified as being formally claimed at this point in time. The site has excellent permeability allowing pedestrian access across from the existing estate to the open areas beyond, and across from the bottom of the site to the communal facilities.
85. The development phase of the scheme if approved will provide 102 direct and indirect jobs, with the developer setting out other potential economic benefits in their

statement, above. Economic sustainability is one of the three dimensions of sustainable development set out in the NPPF, and as such these economic benefits must be given material weight in the planning consideration.

86. A fabric first approach is proposed, with the Sustainability Officer recommending a standard condition to ensure this is carried through to the build process.
87. Members will be aware that the potential devaluation of property values is an issue given no weight in the planning determination. Likewise, the planning system is detached from the housing market, and therefore the availability of dwellings in the vicinity of the site is not of material weight – the Government’s requirement to have a quantifiable 5 year housing supply of housing land to address the national housing shortage is however an imperative of the decision.
88. Whilst the access road into the site is particularly wide, the development phase of the scheme if approved, will undoubtedly bring disruption and inconvenience to local residents. A standard condition to help mitigate this issue is appended to the suggested conditions list.

CONCLUSION

89. Acknowledging that the proposed development site is currently used a valued open space by the existing community, it has nonetheless been historically identified as a housing site. The site has been considered as a sustainable location through a systematic assessment in the SHLAA. The development proposals have been reduced from 79 to 63 units on previous applications, to the 47 now proposed. The NPPF’s flexible approach to assessment of development proposals does not allow for stringent adherence to the 42 dwelling capacity outlined in the Local Plan Policy. The developer has responded to previous criticisms on the extent of its consultation with local residents and included local Ward Members in pre-application discussions.
90. The proposed revised scheme, at a lower density than previous, responds well to the surrounding settlement in terms of layout, retains previous layouts excellent pedestrian permeability, makes specific provision for areas of kick about and play space, and meets technical consultees’ requirements for highways, drainage, coal mining legacy issues and sustainability.
91. The loss of the open area is balanced by the public open space and play provision proposed by the new development. The various strands of the sustainability issues set out in the main body of the report are such that the development is considered sustainable, with the NPPF advising that in the absence of adverse impact that significantly and demonstrably outweigh the benefits, the Council as Local planning authority should approved the proposals, ‘without delay’.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a section 106 agreement providing for:

- Securing within the scheme the provision of 15% affordable housing
- A contribution of £20,000 for ecology enhancements in the immediate vicinity of 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:

OU-001 Rev.G Amended Proposed Housing Layout
SGD-01 Single / Double Garage
SGD-02 Triple Garage
MR-WD01 rev.K Morden Housetype
HT-WD01 rev.R Hatfield Housetype
HTC-WD01 rev.L Hatfield Housetype
CD-WD01 rev.N Chedworth Housetype
LY-WD01 rev.M Lumley Housetype
RS-WD01 rev.S Roseberry Housetype
KL-WD01 rev.D Kendal Housetype
SU-WD01 rev.S Souter Housetype
RF-WD01 rev.R Rufford Housetype
HB-WD01 rev.P Hanbury Housetype
Flood Risk Assessment and updated Flood Risk Assessment and appendices,
Patrick Parsons, Consulting Engineers, Ref: N13145

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies NE8, HP9, HP13, RL4, RL5, BE22, T8 and T15 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

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

Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

4. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any), with the details of any proposed retaining structures shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policy HP9 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

5. For contamination,
Pre-Commencement

(a) A further 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) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.7.

6. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies as to comply with Part L Building Regulations. Before any part of the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.

Reason: To further embed sustainability into the scheme as approved, as required by the National Planning Policy Framework

7. Details of all surface water drainage proposals (drawings, calculations, site specific flood risk assessment) must be submitted to the Local planning authority for approval in writing, before commencement of development, and thereafter implemented in full accordance with said agreed scheme.

Reason: To ensure proper drainage of the site in accordance with The National Planning Policy Framework

8. For foul drainage, the development shall be implemented in full accordance with with the drainage scheme contained within the submitted document entitled "Drainage Strategy Plan". The drainage scheme shall ensure that foul flows discharge at or between manholes 1403 & 1502, and ensure that surface water discharges to the watercourse via the surface water sewer within the site.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. No development shall commence 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:

- On site protection measures and root protection zones, compliant with the relevant British Standards to protect the hedge alongside the footpath on the north-east boundary of the site. The footpath must be kept open at all times.
- Details of hard and soft landscaping including planting species, sizes, layout, densities and numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. to include replacement if the landscaping fails within a period of 5 years from its implementation.

The local planning authority shall be notified in advance of the start on site date and the completion date of all landscaping works.

Reason: To ensure a satisfactory form of development, compliant with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies 2009)

10. The developer must submit details of the construction, layout, specification and maintenance arrangements for the approved kick about and play areas to be provided on the site, with these facilities to be completed in full before the substantial construction of the last dwelling to be erected on the site.

Reason: to meet the requirements for specific play provision for residents of the scheme, in accordance with Policy H4.6 of the Chester-le-Street Local Plan 2003 (saved policies 2009), and the NPPF

11. No development shall commence until plans showing full engineering details of the proposed estate roads and a scheme, which includes a timetable of implementation, has been submitted to and approved by the local planning authority. The estate road will be completed to the agreed specifications prior to the completion of the last dwelling.

Reason: To ensure highway safety and a satisfactory form of development, in accordance with Policies T8 and T15 of the Chester-le-Street Local Plan 2003 (saved policies 2009)

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

Reason: In the interest of residential amenity

STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

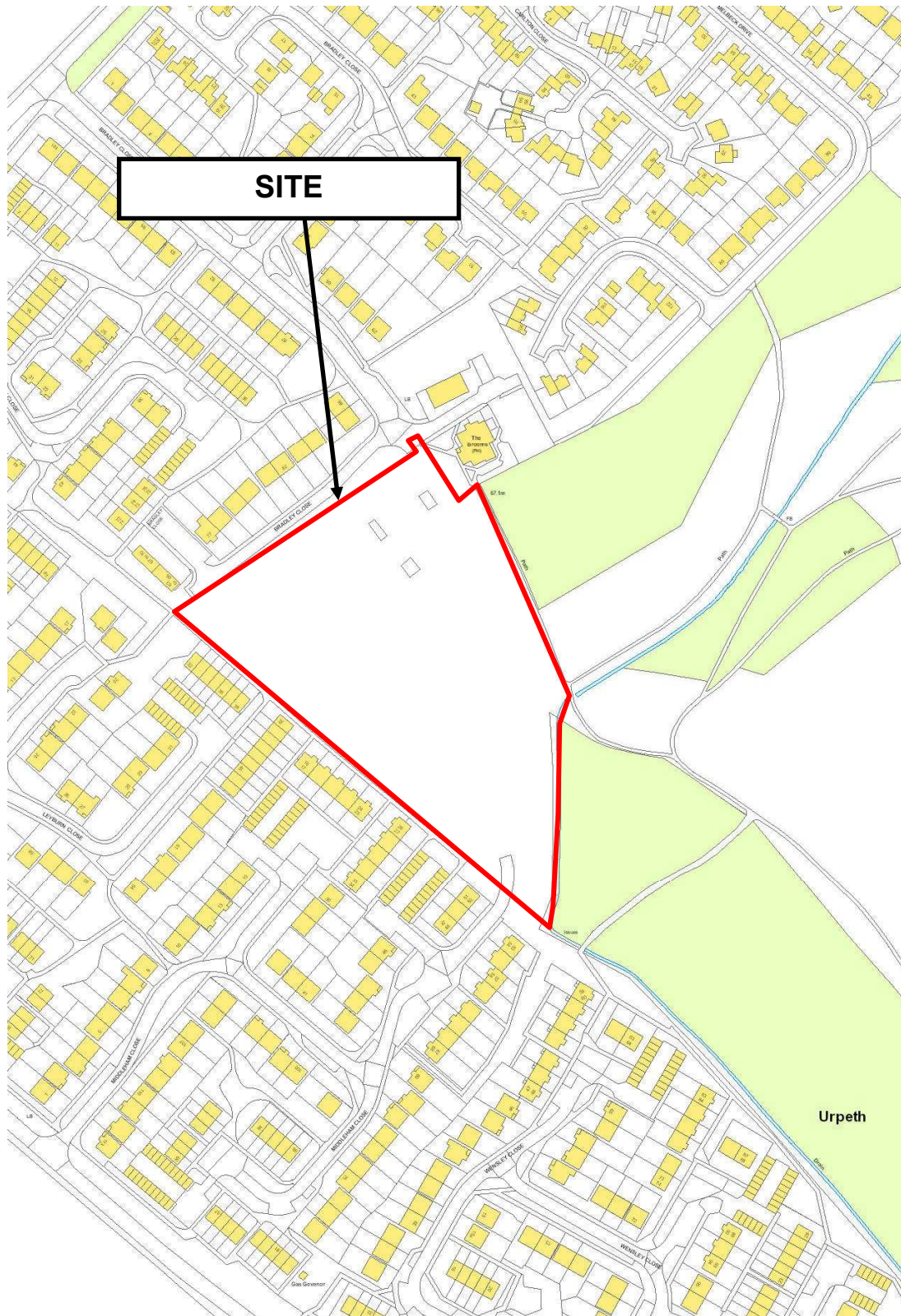
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street Local Plan (saved policies 2009)

The County Durham Strategic Housing Land Assessment

Statutory, internal and public consultation responses



Planning Services

Recreation Land South East Of Bradley Close, Urpeth

Application Number DM/15/03908/FPA

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Comments

Date 24th March 2016

Scale 1:2500

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03074/FPA
FULL APPLICATION DESCRIPTION:	31 no. 2-bedroom bungalows with access road, walkways and parking
NAME OF APPLICANT:	Prince Bishop Homes Hamsteels Primary School
ADDRESS:	Rowley Crescent Esh Winning Durham
ELECTORAL DIVISION:	Deerness Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The former site of Hamsteels Primary School, a now cleared complex formerly of one and two storey buildings of 1960s design, is situated centrally within a local authority built estate of one and two storey dwellings on the north-west extent of the village of Esh Winning, a medium sized village, defined as a Local Service Centre in the County Durham Settlement Study, 2012. The site is 0.9 ha in size, and 0.6 miles from the village centre which has a small supermarket and a range of small shops, the wider village having community and employment opportunities in the form of a medium sized Industrial Estate. A Community Centre and short run of shops is less than 100m from the site entrance.
2. The site is still surrounded by Palisade style security fencing, within which established hedging and intermittent trees form the site boundaries, with a single vehicular access point on its south-east boundary. The playing fields in the site, with lack of maintenance, have reverted to rough grass, the school structures have been removed to ground level – with the only evidence of the former use on the site being the hard-surfaced playground areas.

The Proposal

3. The application proposes 31 no. 2-bedroom bungalows with access road, walkways and parking. Access mirrors that existing, taken from Western Avenue.
4. The application site is currently in Council ownership.

5. The application is reported to Committee as a 'Major' development.

PLANNING HISTORY

6. None relevant.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
9. 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 below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
12. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a 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. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area. Paragraph 55, within this part of the NPPF seeks to promote sustainable development in rural areas, stating that housing should be located where it enhances or maintains the vitality of rural communities – for example developing within groups of smaller settlements that mutually support each other's services. Local planning authorities are advised to avoid new isolated homes in the countryside unless there are special circumstances, such as a defined functional need, to secure the future of heritage assets, or where a 'truly outstanding or innovative' design of 'exceptional quality' can be argued to; reflect the highest

standards of architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

14. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
15. *Natural Environment* – Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
16. *Design –The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
17. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

18. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
19. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
20. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
21. *Policy EN 27 – Development on or close to Landfill and Contaminated Sites* – permission will only be granted within a 250m radius of a landfill site, or mine

workings, or on / adjacent to a contaminated site if the developer: (A) provides the results of an expert investigation to detect and monitor the presence and likely effects of any gases, leachates, corrosive materials, groundwater areas of permeable sub strata and the potential for subsidence within / around the site; and (B) identifies a detailed remediation programme to resolve known / potential problems to make the site, proposed development and surrounding area safe and stable.

22. *Policy HO22 – Recreation Public Open Space within Housing Sites* - requires provision of such within housing layouts or monies in lieu for compensatory provision in the local area if not proposed on-site.

23. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

24. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Highways* – County Highways Engineers have no objections to the proposal, there having been a number of revisions to the scheme through the planning process, aimed at ensuring sufficient parking and interaction between pedestrians and vehicles on the proposed shared surfaces.

26. *Northumbrian Water* - have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Engineering Strategy” showing the agreed connection points and discharge rates into the public sewer.

27. *Sport England* – An initial objection to the application has been withdrawn following further discussion between that organisation and the Council’s Asset Management Department as current landowner.

INTERNAL CONSULTEE RESPONSES:

28. *Spatial Policy* – assessing the detailed costing and viability issues of the planning application, with through use of the Prince Bishop's Homes 'model' seek to justify a lack of formal 'affordable' housing provision on the site, Policy Officers conclude that the justifications evidenced by the detailed assessments of land values, build costs and demand are acceptable, and consistent with the similar conclusions reached on the Plawsworth Road School, Sacriston site, recently approved by this Committee, accept the viability case presented.
29. *Sustainability* – have no objection to the locational sustainability of the brownfield site. The submitted report detailing embedded sustainability is considered lacking with further information requested through condition.
30. *Ecology* – consider the application lacking in not mitigating the loss of semi-improved grassland and bat flight-lines along the site boundary. They consider this makes the application contrary to the NPPF, although no formal objection is offered.
31. *Landscape* - do not think the proximity of the existing trees has been full consideration in the design and there will be pressure for removal in the future.
32. *Trees* – The trees are considered to have a group value, with one potentially capable for justifying a preservation order. They are not of species compatible with built development, and it may be worth considering replacements to avoid future conflict with residents.
33. *Drainage* – The application has not shown that the proposals comply with the surface water management plan, nor are sustainable in drainage terms. The proposed surface water discharge rate is acceptable, but permission must be sought of the owner of the drainage outfall for access.

PUBLIC RESPONSES:

34. 48 neighbours have been consulted direct by letter, site notices were posted at a number of points around the site, and a press notice was published in The Northern Echo. No objections or comments have been received.
35. Cornsay Parish Council have written to confirm they support the application, considering it would assist economic regeneration, with a need within the village for the type of accommodation proposed. Members were please that trees were being retained, and considered the character and layout in keeping with the layout of the surrounding estate. It was noted that historically there has been no public access to the former playing field.
36. Two letters have been received from neighbours on the north-east boundary of the site in Clifford's Gate. Neither object to the development, but both complain of the presence of one of the larger trees on the site which has historically affected their residential amenity, asking that this be removed. One of the neighbours raises concerns as to the proximity of the gable of the nearest proposed bungalow, going on to note that this may affect their property's value.

APPLICANTS STATEMENT:

37. The development of the Former Hamsteels School in Esh Winning will create a new residential scheme of 31 bungalows.
38. Prince Bishops Homes provides a wide range of quality properties to rent and buy across County Durham and the North East of England. Through our innovative rent to buy scheme, Prince Bishops Homes help prospective purchasers into home ownership who would otherwise be unable to purchase their own home. The Prince Bishops Homes scheme is designed for those individuals who wish to purchase a home but cannot afford a mortgage or access funding. The scheme provides the opportunity for a purchaser to acquire the property after occupying the home for 4 years by giving a discount which can be used as a deposit when applying for a mortgage. Prince Bishops Homes' business model anticipates a split of 75% rented houses and 25% outright sale but this varies from site to site. All tenants of the rented units may take part in the Rent then Buy scheme.
39. Prince Bishop Homes have secured an opinion from the eminent planning solicitor Richard Sagar of Walker Morris Leeds that their model constitutes Intermediate Affordable Housing under the annex 2 definition of affordable housing in NPPF. Also the recent consultation paper on changes to NPPF talks about "Innovative Rent the Buy schemes" as being part of the changes proposed to the definition of affordable housing in a new NPPF, and thus the Prince Bishops Homes model is in line with the direction of travel in respect of affordable housing provision in the future.
40. The new scheme will provide a range of 2 bedroom bungalows for rent, rent then buy or outright sale. Major volume house builders are reluctant to build bungalow developments due to difficulties in scheme viability. Prince Bishops Homes have identified similar viability issues with the development of this project which combined with recent government changes to rent assumptions prevents any NPPF defined affordable rented housing to be delivered on this site.
41. Prince Bishops Homes have though carried out extensive work with the HCA and there is a recognition that the Prince Bishops model provides a means of delivering much needed new homes, and in this case bungalows, for rent or purchase from a reputable landlord with all the benefits of security of tenure, good housing management and repairs practises. The nature of the Prince Bishops model requires flexibility to be built into the development as it is difficult to say which tenure form a prospective customer of Prince Bishops Homes will choose, the aim though is to mix different options across the site. This assists Prince Bishop Homes in securing long term funding tied to these units to allow them to develop further affordable housing elsewhere in the future.
42. At the outset, Prince Bishops Homes aim and commitment would be to provide at least 20% of the new bungalows for rent or rent to sale, this being equivalent to the usual affordable requirement. The likelihood is that this number would be exceeded in line with the business model, but were this not the case, through lack of demand for the product, then flexibility needs to be retained, but recognising the minimum 20% mentioned above. Any surpluses would be recycled back into Prince Bishops Homes / Derwentside Homes allowing the delivery of further new affordable homes delivered by Prince Bishops and / or Derwentside Homes.
43. The scheme will be delivered in partnership with Gus Robinson Developments, a locally based construction and housebuilding company with a proud tradition of delivering quality homes and for the training and development of its people. Gus Robinson Developments has been recognised nationally for its investment in the

creation of new apprenticeships and development of its staff. In 2015, Gus Robinson Developments won the British Chamber of Commerce award for Business in the Community.'

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 on the County Council's Public Access website.

PLANNING CONSIDERATIONS AND ASSESSMENT

44. 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 in terms of both land-use and affordable housing, highways issues, the privacy and amenity of existing and new residents and the loss of playing fields.

Principle of the Development

45. Whilst large parts of the site were playgrounds and playing fields, the former presence of the school allows the site to be assessed as a part 'brownfield' site, within the built-up area of the settlement. With good locational sustainability evidenced by the settlement's categorisation as a 'service centre', the site can be considered 'sustainable' in principle, with a presumption in favour of development found in the NPPF. The Derwentside Local Plan offers no housing policies relevant to this size of site, the policy context reverting to Policy GDP1 of that document, requiring appropriate design, layout and appearance. The proposed development is wholly of bungalows, a form of development in evidence on the site boundaries and surrounding streets, with demand for further developments of this type evidenced by the Parish Council support for the scheme, with the proposed layout considered compatible with its surroundings.

46. In principle the development site is an acceptable and appropriate subject for residential development, with the proposed layout Policy compliant in terms of the requirements for scale and character set out in the Development Plan.

Affordable Housing and Viability

47. The second area of principle to consider is that of the model of affordable housing proposed, it being noted that Members recently accepted the use of this model in approving another housing proposal, in Sacriston, at a recent Committee meeting. Again, the applicant has presented detailed viability assessments to show the usual forms of development with standard expectations of affordable housing provision do not allow the site to be developed in a financially viable manner. They offer their own interpretation of an 'intermediate housing' model as a viable alternative. The basic concept of the housing proposed is a form of rented accommodation that allows the occupants to move tenure into home ownership if they wish to do so. The schemes are built and marketed as 'tenure blind', with no identifiable differences between properties sold, rented or rent-to-buy. Residents are provided with stability and support whatever their choice of tenure, whether it be from surety of a consistent and fair landlord, or support to become 'mortgage ready' through a period of renting. Customers who do buy property they rent benefit from 'uplift', sharing 50% of any increase in the value of the property that has occurred in the minimum four year

period the occupant has rented it. The applicant claims some principal High Street lenders will accept this discount as part of the mortgage deposit.

48. The housing model proposed does not meet the Council's interpretation of the definition of affordable housing set out in the NPPF – although this is under national review - therefore the applicants have sent a detailed financial viability case that argues that Council should accept this housing delivery model in lieu of the Council's usual approach of rigid interpretation of Affordable Housing, as the site and the development would be unviable otherwise.
49. The Council as Local Planning Authority must only consider the planning merits of the proposals, and must set aside any implications to its ownership of the site. These merits may be physical – i.e. the provision of open space / play space, or social i.e. the provision of accessible, low cost housing. To ensure independent assessment, the submitted viability case, which would usually be examined in detail by the Council's Asset Management Department, was assessed instead by an Officer with specialist knowledge and experience of the required assessments from the Spatial Policy team, to avoid a conflict of interest. The commercially sensitive assessment compared alternate viability scenarios, including the proposed Prince Bishop's Model, another and a standard commercial development approach. Initial assessments led to a requirement for additional detailed financial information which was assessed and the approach and conclusions found reasonable and justifiable.
50. The financial viability issues on site are such therefore that the usual expectations for affordable housing provision meeting the current definition of such in the NPPF are accepted as being likely to compromise the viability of the site for residential development. With the national imperative of providing new houses, this has led Officers to conclude an acceptance of the Prince Bishop's housing model on this site on the basis of the significant test in paragraph 14 of the NPPF; At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.... For decision-taking this means: where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: — any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or — specific policies in this Framework indicate development should be restricted. Whilst the Government has indicated their approach to affordable housing will be revised in the very near future and the Council do not accept the Prince Bishop's model as intermediate Affordable Housing in its own right, the advantages of providing this form of low cost family housing combined with the acceptance of the development viability issues have led to the conclusion that this type of development is acceptable. That the surpluses from the development will be fed back to future developments by Prince Bishops Homes or Derwentside Homes of social housing is material to the conclusion reached. With no relevant policies within the Development Plan, assessment of the application on this matter reverts wholly back to this advice in the NPPF.
51. The provision of affordable housing on the site would usually be secured through a s.106 agreement to ensure the provision is in perpetuity. This is not appropriate for the Prince Bishops' model. Ensuring the form of development proposed in terms of this tenure model can be ensured by the Council as landowner in the sale of the land – Planning Committee has the ability to tie this to a grant of planning permission by making it subject to an Assets resolution.
52. Another dimension to the viability issues is the requirement for provision of on-site open space and play space, or monies in lieu of such. The requirement is for £1000

per dwelling. This is proposed addressed by the site sale value being reduced by the requisite amount and said monies being transferred to a fund protected for use in the immediate vicinity of the site in line with the usual system of s.106 monies – there being legal difficulties in imposing a s.106 requirement on the land-owner in this instance as it involves the Council effectively imposing a legal agreement on itself for what amounts to an internal transaction. The recommendation for approval is therefore made subject to Assets resolving to dispose of the land only in a way that secures the open space commuted sum for its intended purpose, and the provision of the Prince Bishops' 'intermediate model' of housing by the purchaser.

Impact upon the Surrounding Area and Neighbouring Amenity

53. The application proposes a form of development and layout directly comparable with that surrounding, proposing a form of development for which there is a perceived need. To this end the proposals are considered compliant with Development Plan Policy GDP1(a).
54. The proposed plans show a separation distance of 11m between the proposed bungalow at plot 20 and the resident who raises concern at this relationship. Whilst the amenity guidelines used by the Council to assess such relationships are not generally considered NPPF compliant, the guidance in the Development Plan suggests 12.5m is required to a two storey blank gable, suggesting a lesser requirement could be acceptable to physically lower development. The proposed relationship is considered acceptable, and therefore in line with both the NPPF and the proportionate weight given to the local requirements Policy GDP1(h).
55. Part of the former school use of the site, as would be expected, was formed of a playing field. This was not open to the public, so its loss, as acknowledged in the Parish Council's response, will not be felt by the local community. Sport England have, after negotiation with the Council's Asset Management team, not objected to the disposal of the land for residential development.

Highway Safety

56. The scheme has been through a number of revisions to meet the requirements of Highways Engineers, for parking, vehicular and pedestrian circulation, and whilst there are still compromises within it, the scheme has been confirmed as acceptable.

Other considerations

57. As outlined above provision has been made through the land sale for Play Space / Public Open Space monies in lieu of such being included within on the site. A further mitigation for this is the amount of immediately surrounding open space, with footpath links from the proposed development, giving good 'pedestrian permeability' from and across the development.
58. Members will be aware that the potential devaluation of property is not a planning matter with material weight.
59. Ecologists have not objected to the scheme, with no bat roosts or species protected by law directly affected, albeit it is noted that they consider the bats' flight-lines along the site boundaries may be affected. This is not a level of effect where Officers consider a refusal could be sustained. No protected species are directly affected by the development.

60. The approved plans show the majority of the trees on site boundaries retained. Tree and Landscape Officers overlap to state that these may in time come into conflict with the dwellings proposed, perhaps evidenced by the fact that the tree that those Officers see as of most value is the one local residents indicate they have long complained about when in the school grounds. Officers propose a condition to protect the trees on site during construction, allowing the long term implications of the trees on the boundaries to evolve with residential ownership.
61. Both foul and surface water drainage solutions appear capable of resolution through condition, as are detailed sustainability requirements.

CONCLUSION

62. In terms of principle, the application site is considered to be in a sustainable location with the development proposed on part previously developed, 'brownfield' land, within an existing settlement. The viability arguments are accepted. The development delivers much needed residential development that both offers the opportunity of supported flexible low income access onto the housing ladder, and self-sustaining development for Registered Social Landlords. Surpluses from the scheme will benefit future Social Housing provision. The core advice in the NPPF is considered to allow this flexibility of approach, and the recommendation below reflects this.
63. The usual requirement for open space / play space provision or monies in lieu of such will be dealt with through a reduction of the required amount to the sale price to the applicants – with said monies being transferred by the Council as landowner into a protected fund, ring-fenced for use in the local area, proposed through a s.106 agreement.
64. Residents' concerns are in detail, and do not represent objections to the development itself, with the detailed issues raised in terms of residential amenity considered acceptable.
65. The housing model proposed by the applicants will be secured through the sale mechanism by the Council as land-owner.
66. The residential amenity issues raised and loss of trees have been assessed and are not felt to be of a degree that could sustain a refusal, with remaining matters capable of resolution through condition.

RECOMMENDATION

70. That the application be APPROVED subject to the completion of a section 106 agreement or a resolution from the Assets Department providing for:
- The approved development being carried out in accordance with the Prince Bishops Homes Model.
 - A ring-fenced sum of £31,000 to be provided for Public Open Space / Play Provision in the surrounding electoral division.

71. 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:

(to follow)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies

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

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies 2009)

4. Details of means of enclosure shall be submitted to and approved in writing by the Local planning authority before the construction of the unit to which it relates and thereafter constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies 2009)

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

In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies 2009)

6. Details of all surface water drainage proposals (drawings, calculations, site specific flood risk assessment) must be submitted to the Local planning authority for approval in writing, before commencement of development, and thereafter implemented in full accordance with said agreed scheme.

Reason: To ensure proper drainage of the site in accordance with The National Planning Policy Framework

7. For foul drainage, the development shall be implemented in full accordance with the drainage strategy contained within the submitted document entitled 'Drainage Strategy' and the specified flow rates contained therein.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

8. 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 building is in existence.

Reason; To ensure the scheme meets the expectations of sustainability set out in the NPPF

9. Before development is commenced a detailed Tree Protection Plan and AIA based around the approved site layout must be submitted to and approved in writing by the Local Planning Authority, with all the required protective measures in place before physical development operations commence, as recommended in the submitted Arboricultural Pre-development Report dated Sept. 2015.

Reason: In the interests of protecting the existing tree cover on the boundaries of the site and to comply with Policy EN11 of the Derwentside District Local Plan 1997 (saved policies 2009)

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

Reason: In the interest of residential amenity and to comply with Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies 2009)

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

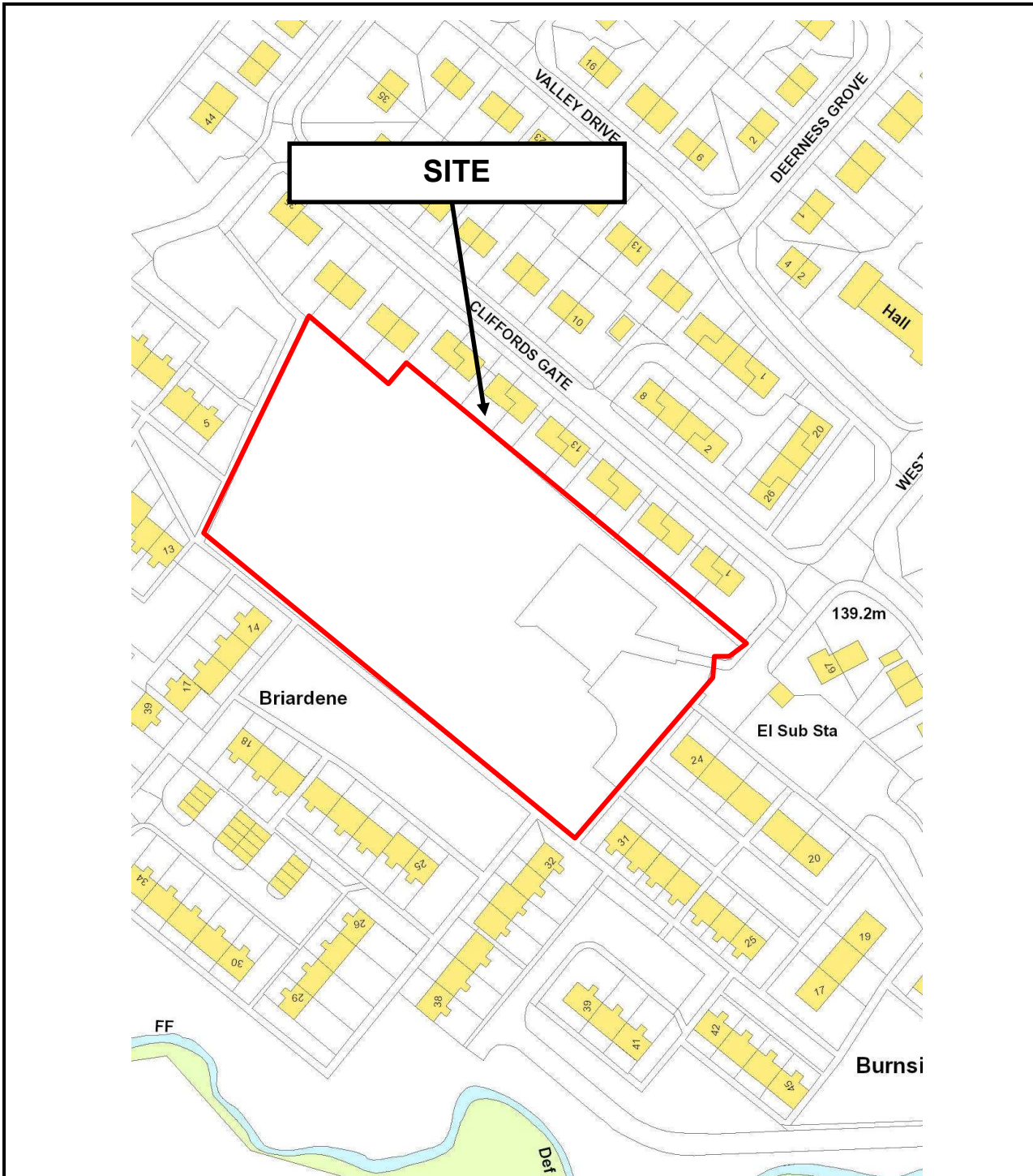
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

The County Durham Strategic Housing Land Assessment

Statutory, internal and public consultation responses



Planning Services

Hamsteels Primary School, Rowley Crescent, Esh Winning, Durham, DH7 9LN

Application Number DM/15/03074/FPA

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Comments

Date 24th March 2016

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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS RECEIVED

An appeal has been received against the refusal of 'Change of Use from Private to Business Use' of a private stable, East of Greenland Lodge, Hamsteels Lane, Esh, Durham, DH7 9RS (DM/15/01109/FPA).

This application relates to a stable building justified and approved for private use, subsequently approved and implemented extended for the same purpose, but never brought into use. The applicant has sought to now run a livery business from the structure through an application for Change of Use. Officers refused the application under delegated powers, concerned at the non-sustainable location for an operation requiring staffing and security and the potential effects on an adjacent residential property.

The applicants have requested a written representations procedure for the appeal, the outcome of which will be reported to Members in due course.

An appeal against the refusal of a 'Temporary two year licence for a static home (caravan)' at Mill House, Mill Lane, Plawsworth, Plawsworth Gate, Chester-le-Street, DH2 3LG (DM/15/01755/FPA) has been received.

This application relates to the retention of an existing structure variously described as a caravan and a log cabin. The appealed application follows refusal of an application for a Certificate of Lawful Existing Use (not appealed).

The current application was refused on the basis that the structure – not accepted as a caravan by the Council - represented a new dwelling in a Green Belt and open countryside location without benefit of any very special

justification, furthermore, being not well related in sustainability terms to services, transport links and facilities, resulting in a likelihood of a high reliance on private cars.

The applicants have requested a written representations procedure for the appeal, the outcome of which will be reported to Members in due course.

APPEALS DETERMINED

Appeal against the refusal of planning permission for the erection of a new farmhouse with associated garage building to replace existing permitted temporary caravan. (DM/15/00258/FPA) at Dunleyford Farm, Humberhill Lane, Lanchester .

An appeal against the refusal of Planning Permission for the above development was received on 8th October 2015. The application was refused under delegated powers for the following reasons:

“The NPPF is clear that isolated new homes in the countryside should be avoided unless there are special circumstances including the essential need for a worker to live permanently at or near their place of work. It has not yet been demonstrated in this case that the proposal would qualify as an agricultural worker’s dwelling or that there is a permanent need for such a dwelling and as such the proposed development would be contrary to both the Framework and Local Plan Policy EN1.

It is not considered that the business is yet of a sufficient magnitude as to be financially viable and would not on its own be able to support the construction of the dwelling and a rural business contrary to Derwentside Local Plan Policy EN1.

The dwelling would not constitute sustainable development in accordance with the Framework that would override the conflict with the Derwentside Local Plan Policy.

The dwelling would not constitute a good design that reflects the rural local character of the area and as a result of this and its visibility in the landscape the development would result in harm to the character and appearance of the countryside contrary to the National Planning Policy Framework and Derwentside Local Plan Policies GDP1 and EN1.”

The appeal was dealt with by way of a hearing and site visit held on the 12 January 2016. The Inspector in determining the appeal considered that the main issues were as follows:

- whether there is an essential need for a rural worker to live permanently on the site; and
- The effect of the proposal on the character and appearance of the local area; and

- Whether the proposal would constitute sustainable development.

The Planning Inspector noted that the Council had accepted that there was a functional need for a worker to be present on site in order to satisfy the welfare requirements of the stock and arable operations. Consequently the Inspector found that the issue turned on whether the long term financial viability of the holding had been adequately substantiated.

The Inspector considered that the submitted accounts fell short of demonstrating that the holding in itself is finally viable and there was no evidence to indicate that this would be the case in the future. The Inspector concluded therefore that an essential need for a rural worker to live permanently at the site had not been adequately demonstrated contrary to paragraph 55 of the NPPF and saved Derwentside Local Plan Policy EN1.

In terms of character and appearance the Inspector considered that the proposed dwelling and its curtilage would be highly prominent and at odds with the more nucleated form of the nearest farmstead. The Inspector considered that proposed dwelling was on poor design and would fail to reinforce local distinctiveness. The Inspector concluded that the proposal would cause significant harm to the character and appearance of the area conflicting with policies EN1 and GDP1 of the Local Plan and paragraph 64 of the Framework.

On the issue of sustainable development the Inspector considered the adverse impacts would not significantly and demonstrably outweigh the benefits and concluded that the development would not amount to a sustainable form of development and would thus be contrary to paragraph 14 of the Framework.

The Inspector dismissed the appeal. An application for an award of costs was submitted but the Inspector refused the application as the Inspector was satisfied that the Council acted reasonably in acting on the best available evidence at the time of the application, and in maintaining and choosing the reasons for refusal.

Appeal against the refusal of 'Outline application for a single dwelling with associated access' at Chipchase, Vindomora Road, Ebchester, Durham, DH8 0TB (DM/15/00452/OUT).

This application, for the erection of a new dwelling in countryside just outside Ebchester was refused under delegated powers on June 2015 for the following reasons:

1. *The outline proposals are not considered sustainable development in the countryside, are poorly related to the existing settlement, and do not have the benefit of special justification, contrary to Policy EN1 of the Dertwentside District Local Plan, 1997 (saved Policies 2009, assessed for weight through para.215 of the NPPF), and contrary to part 6 of the NPPF*

- 2. The outline development proposals are considered inappropriate in terms of its scale, and location, contrary to Policies GDP1, EN1 and EN2 of the Derwentside District Local Plan, 1997 (saved Policies 2009, assessed for weight through para.215 of the NPPF), and contrary to part 6 of the NPPF*

The main issues were considered by the Inspector to be whether the development constituted sustainable development in locational terms, and the effect on the character and appearance of the area.

Noting the presumption in favour of sustainable development, and the age of the relevant Development Plan policies, the Inspector found nonetheless 'significant resonance' between the policies and the NPPF. With the site 255m from East Law and 200m from Ebchester, the 15 Minute walk to the services the village centre was considered 'off putting', with a high likelihood of reliance on the private car. With intervening fields separating the site from the adjacent villages, the site was considered isolated, and would not 'enhance or maintain the vitality of rural communities'.

Whilst attempts had been made to mitigate the scale of the proposed dwelling, it was not considered to relate well or be subservient to the host property.

Whilst a small contribution to housing land supply was acknowledged, this was not considered to outweigh the harm, and the appeal was dismissed.

Appeal against refusal of 'Demolition of the existing abattoir to erect 2 semidetached dwellings, separate garages, courtyard and associated works' at Whyncliffe Abattoir Ebchester Hill Ebchester Consett, DH8 6RY (DM/15/02128/FPA).

An application for demolition of the existing redundant abattoir buildings and erection of two new dwellings on the resultant brownfield site. Concerned at the less than sustainable nature of the location the application was refused under delegated powers for the following reason in August 2015.

- 1. The proposals are considered isolated residential development in the countryside without benefit of special justification, contrary to the advice set out in Part 6, Para.55 of the NPPF and to Policies GDP1, EN1 and EN2 of the Derwentside District Local Plan 1997 (saved policies 2009).*

The Inspector noted that the Council had taken no issue with the proposal's impact on the local landscape or the highways implications of the proposals. – the contention relating to locational sustainability issues. The Inspector agreed that the site was not in a 'particularly accessible location and that future occupiers would be likely to be dependent on the car', concluding that in this respect, 'the proposal would not represent sustainable development'.

The 5 year housing land supply issue was not considered a determining factor.

The Inspector considered that the development would be environmentally sustainable in other respects, providing for two new dwellings in the area and representing a visual improvement of the site, and with the case, 'finely balanced', gave weight to the presumption in favour of sustainable development in allowing the appeal.

Commentary

Members are aware of the contentious nature of new housing in the countryside, and the need for consistent assessment and decision making. This is particularly relevant for the Planning Inspectorate, as their decisions set the standards and benchmarks that Local Planning Authorities must use and refer to for consistent decision making. That the two Planning Inspectors on the above two cases gave such different weightings to comparable issues in assessing appeals adjacent the same settlement at the same time is of concern to Officers, who are considering whether to contact the Planning Inspectorate to query the potentially somewhat contradictory approaches, between the dismissal and the 'finely balanced' approval.

RECOMMENDATION

That these reports are noted.

Reports prepared by Louisa Ollivere (Planning Officer) and Steve France (Senior Planning Officer).

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