



Area Planning Committee (Central and East)

Date Tuesday 12 April 2016
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 8 March 2016 (Pages 1 - 10)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/15/03034/OUT - Land to the North of Little Thorpe, Easington (Pages 11 - 24)
Outline application for 26 new dwellings with associated access and parking.
 - b) DM/16/00018/FPA - Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham (Pages 25 - 38)
New diagnostics and treatment centre.
 - c) DM/16/00156/OUT - Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY (Pages 39 - 48)
Two detached bungalows (outline – all matters reserved).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
4 April 2016

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

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

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

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 8 March 2016 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, S Iveson, A Laing (Vice-Chairman), J Lethbridge, B Moir, H Nicholson and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors K Dearden, C Kay and R Lumsdon.

2 Substitute Members

Councillor H Nicholson substituted for Councillor C Kay.

3 Minutes

The minutes of the meeting held on 9 February 2016 were confirmed as a correct record by the committee and signed by the Chair.

4 Declarations of Interest

Councillor P Conway declared an interest in planning application DM/15/02276/FPA – Angerstein Court, Broomside Lane, Carrvill as he had objected to the application. The Member advised that he wished to address the Committee as local Member in objection to the proposals and would then withdraw from the meeting during consideration of the application.

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

5a DM/15/02276/FPA - Angerstein Court, Broomside Lane, Carrville, DH1 2QD

Consideration was given to the report of the Planning Officer regarding an application for the conversion of an existing cycle and management store into studio apartment and associated works at Angerstein Court, Broomside Lane, Carrville (for copy see file of Minutes).

The Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor Conway addressed the Committee as local Member. He informed Members that at the time the first application had been submitted residents had expressed concern to him about the proposed development but was out of time to call it in to Committee. The Member submitted a letter of objection to the proposals, however it transpired that as some residents had not been consulted a further consultation exercise was carried out, at which time he requested that it be reported for consideration by the Committee. Paragraphs 37- 41 in the report addressed his concerns relating to the proposals which related to the inadequate size of the dwelling, the loss of an integrated cycle store and the loss of green space. He noted that Planning Officers considered that the development would be contrary to Policies Q8 and H13 of the City of Durham Local Plan 2014 and had recommended refusal of the application, and he hoped that the Committee would share his severe reservations about the proposals.

Councillor Conway left the meeting.

Mr M Burnside, local resident addressed the Committee against the proposals and stated that he endorsed the views expressed by Councillor Conway. This was the third application submitted in relation to this site. The cycle store had been relocated to an area that was tucked in the corner of the car park and would not benefit from the casual observance of passers-by. Highways Officers had objected to the proposed site. The current facility was in a secure weatherproof location with room for cycle maintenance. The proposed site was external and next to motor vehicles which would be difficult to access, risking damage to both vehicles and cycles. He believed that this would discourage use. He also advised that there had been incidents of theft from motor vehicles in the car park.

The proposals also involved the loss of the management store and therefore access to individual properties would be required to undertake any utilities works. M Burnside also expressed concern about the loss of a landscaped area. Green space was already limited and was fully utilised by residents. The proposals were not in keeping with the existing development and at 15sqm the floor area would be considerably smaller than the existing apartments which had a floor space of at least 45sqm. The side window would only be 1.5m from the boundary fence which stood 1.8m high.

The living space would only be served by one window as the larger window adjacent to the bed would not be easily accessed. Because of the layout furniture in the property would be limited and there would be a lack of privacy because of the position of the entrance into the apartment. He also considered that there was a potential fire risk because of the proximity of bedding to kitchen appliances.

In conclusion M Burnside asked that the application be refused because of the lack of residential amenity and space, and because the apartment was of a wholly unsatisfactory standard which was out of character in scale and density.

Councillor Moir thanked the Planning Officer and objectors for their well-presented argument for refusal of the application. The proposals were clearly contrary to Planning Policy Q8 and H13 of the Local Plan and paragraphs 34 and 35 of the NPPF.

Councillor Moir moved and Councillor Davinson seconded that the application be refused.

Upon a vote being taken it was **Resolved:**

That the application be refused for the reasons set out in the report.

Councillor Conway returned to the meeting.

5b DM/15/03141/FPA - Brancepeth Manor Farm, Brandon Lane, West Brandon

Consideration was given to the report of the Planning Officer regarding an application for the construction of 22no. holiday lodges with associated infrastructure and landscaping at Brancepeth Manor Farm, Brandon Lane, West Brandon (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

The local Members Councillors D Bell, A Bonner and J Chaplow each addressed the Committee against the application.

Councillor Bell appreciated that this was a difficult decision for the Committee. Referring to Policy V8 of the Local Plan which related to tourism (camping, caravans and chalets), he considered that in certain areas the proposed development would be appropriate but not at Brancepeth Manor Farm.

He noted that access to the development would be via Brandon Lane with passing places but the increase in traffic generated would have an impact on the highways network of nearby villages which already experienced traffic problems. If visitors used a satnav they would be directed along Wolsingham Road, past residents' properties and would reach a locked gate.

Vehicular movements and visitors would create noise particularly in the summer months which could cause problems for the local residents, especially if there was no permanent on-site supervision. A further concern was that there had been no details submitted in relation to foul waste disposal. The development would have visual and landscape impact; the Landscape Officer had concluded that the proposals would have some significant adverse landscape and visual effects.

Councillor A Bonner concurred with the views of Councillor Bell, particularly in relation to highway issues. The proposed development would exacerbate the problems currently experienced on the surrounding highway network. The Member also expressed concern about site security and the safety of children around the lake. She noted the condition which required details of site management to be submitted and asked if 24 hour on-site supervision was proposed. The Member questioned the reported figures that the development would bring £1.58m to the local economy given that this was a very isolated location. She was unable to envisage how the local economy would benefit. The Planning Officer in his report had advised that a scheme had been submitted showing additional planting along the north and west boundaries of the site, however it would take around 10-12 years for newly planted trees to mature.

Councillor J Chaplow agreed with the views of the other local Members and expressed concern about safety around the lake. She believed that children would want to cross the lake to reach the island in the middle. The site was surrounded by farmland with sheep, and visitors to the site may bring dogs. The Member also considered that large emergency vehicles and service vehicles would have difficulty accessing the site via the narrow Brandon Lane. The site was in a beautiful part of the countryside but was too far from local shops and a car would be essential. There was no entertainment on site and she felt that holiday makers would want more than what was offered. Councillor Chaplow appreciated what the scheme proposed but felt that it was in the wrong location.

J Hadland of Savilles addressed the Committee on behalf of local residents. Their concerns included the adverse impact on neighbouring properties, increase in traffic, the impact of noise and the impact on the public highway. The application site was in a remote setting in open countryside. The Landscape Section had concluded that the proposals would have some significant adverse landscape and visual effects, which residents fully supported. The proposals were contrary to Policies V8 and Q5 of the Local Plan. The NPPF supported sustainable development which supported economic growth. This was an isolated location which relied on car ownership. The Highways Authority considered that the site was in an unsustainable location.

Several properties had planning consent for conversion to residential dwellings less than 50 m away from the nearest lodges. This would have an adverse visual impact on their living arrangements and private amenity, also contrary to Policy V8. She continued that each of the 22 lodges would have 2 designated car parking spaces with visitor bays incorporated into the site. This would have an effect on the amenity of neighbouring properties, contrary to Policy T1. Access would be via unlit roads with a complete reliance on cars to travel to the site and for visits to other tourist areas.

The proposals would have an adverse impact on Public Byway 17. The increase in traffic would be incompatible, particularly as the byway was a single carriageway width surface track with grass verges. The proposals did not comply with Policy V8 which stated that the development should provide a satisfactory means of access and be adequately served by public transport.

J Hadland noted that there were proposals for a stile on the track between the lodge site and the neighbouring properties, and she asked if the gate would be permanently locked. She also asked if the applicant owned the Byway, which if this was the case should have been included in the boundary plan submitted.

The development would have significant noise implications. There was the potential for raised voices, music etc from the lodges which had been confirmed by the Noise Officer who had indicated that the main control to mitigate the risk of noise disturbance was through site management. Whilst noise could be managed there had been no guarantee given that the site would be supervised at all times. The proposed condition was not detailed enough to address this.

In conclusion, J Hadland stated that such a development should be in a sustainable location and any tourism benefits did not outweigh the adverse impact on local residents.

Mr J Wyatt, on behalf of the applicant thanked Officers for the detailed presentation and endorsed the Officer's recommendation for approval. The applicant had worked closely with Officers to address all concerns. The proposal was for the development of holiday lodges at the higher end of the holiday accommodation market. The development would meet demand identified by Tourism UK and the Durham Tourism Management Plan Committee, and would contribute to the local economy. On behalf of the applicants he asked the Committee to approve the application.

Members discussed the application and Councillor Clark expressed disappointment that the applicant had not consulted with residents prior to submitting the application but acknowledged that this was not a pre-requisite. The report referred to the potential for the creation of 29 jobs aside from construction work, and the Member asked what these were. Councillor Clark also asked if the damaged dry stone walls observed on the site visit would be repaired.

J Wyatt advised that jobs would be created directly through the employment of a manager, and for site maintenance and cleaning, and indirectly in the local area. He confirmed that the applicant intended to repair all walls as part of the development work.

Councillor Nicholson stated that he had been struck by the beauty of the site and by the aims of DCC to improve the wealth of the County through tourism. This presented an opportunity to allow people to come and stay in County Durham. He acknowledged the concerns made about the access but there were passing places proposed which was not an unusual arrangement and was common in other rural parts of the country. He also emphasised the importance of employing local people. The Member moved approval of the application.

Councillor Lethbridge, in concurring with Councillor Nicholson noted the beauty, solitude and tranquillity of the site. He had heard the Planning Officer's comments with regard to the Landscape Section's reservations about the disruption of the landscape views, and did not consider that the site would have any impact and would be adequately screened. He would not wish to see the tranquillity and solitude spoilt by lots of holiday makers but if the site was developed with sufficient taste and care then it would contribute to tourism in County Durham.

Councillor Moir referred to Policy V8 and the reference in that Policy to development being served by adequate infrastructure. The development was not served by public transport or a public footpath, and there were no shops nearby. The Member also asked about proposals for the disposal of foul waste.

The Senior Planning Officer accepted that the site was in an unsustainable location and there would be a reliance on cars for travel but the purpose of this holiday development was to provide isolation away from built up areas. Although further details were to be submitted with regard to foul drainage it was likely that disposal would be via a septic tank or treatment plant.

Councillor Freeman knew the landscape very well and found it difficult to believe that it would not be damaged. He agreed with the Landscape Section that the proposed development would have a detrimental visual impact on the surrounding area and down to Esh Winning, Ushaw Moor and Brancepeth. There were already bushes and trees on the site and it could be a decade before the additional planting started to obscure the impact of the lodges. He was also concerned that the lodges may cease to be holiday homes and become permanent residences in the longer term. With regard to the highways matters raised Councillor Freeman was of the view that Wolsingham Road should be the preferred access as Brandon Lane was very poor.

Councillor Alan Bell's initial feeling was that this was a good scheme and he agreed with Councillor Lethbridge that taste and care should be applied. Whilst he felt that such a scheme should be encouraged he had a number of queries/concerns. The Member considered that there should be screening between the residential properties and the lodges, and that the site management plan needed to be addressed. He asked if a warden would live on site to deal with any incidents of noise or rowdy behaviour and also if the lodges would be available to hire out. He was concerned for the safety of children on site and felt that there needed to be safety measures put in place near the lake. With regard to the siting of the lodges he hoped that the required separation distances had been met.

In response the Senior Planning Officer explained that the nearest lodges were well-screened by existing trees. A barn and listed building to the rear would have views of the lodges but loss of view was not a material planning consideration. Condition 7 required a site management plan to be submitted before any of the lodges were occupied. J Wyatt confirmed that a full time manager would be on site during office hours. Outside these times a contact number would be provided for both the occupiers of the lodges and the residents. The Manager who lived locally could be contacted at all times.

With regard to safety around the lake, the Senior Planning Officer advised that although this did not fall within planning legislation, details of safety measures could be requested as part of the site management plan.

J Wyatt advised that the aim of the scheme was for the lodges to be purchased by individuals but the owners could make them available for hire. Matters such as arrival and departure times, and change over days would be controlled in the Management Plan.

Having heard the responses to his questions, Councillor A Bell stated that whilst he was in favour of a scheme of this type there were issues that had not been fully addressed which meant that he was unable to support approval of the application. The Member referred to a similar application to allow cabins for hire which had been refused because it had been considered that owner-occupied cabins should not be expected to live alongside those which were hired out. He felt that the residents would find themselves living in a chalet park and the screening proposed by the applicant was not sufficient.

Councillor Lethbridge, having heard the proposals to improve Brandon Lane with passing places considered that access was not an issue. County Durham needed a variety of accommodation and he considered that the isolated location would not be a problem for those seeking solitude.

In response to a question from Councillor Davinson about staff parking on site, the Member was advised that the finished scheme would have sufficient parking provision integrated in the layout, with 2 spaces per lodge and separate visitor bays. Parking arrangements would be informal and the Highways Authority had offered no objections to the proposed provision.

Councillor J Clark seconded Councillor Nicholson's motion to approve the application.

Upon a vote being taken it was **Resolved:**

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

5c DM/15/03694/FPA - 26 Church Street Head, Durham, DH1 3DN

Consideration was given to the report of the Senior Planning Officer regarding an application to increase the width of the first floor extension to the rear and internal alterations to create an additional bedroom at 26 Church Street Head, Durham (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor Freeman advised that he had requested that the application be reported to Committee as he had been approached by the occupiers of the neighbouring property who had concerns about the initial proposals. The application had since been amended and the neighbours had withdrawn their objections. However he believed that the proposed extension would have a detrimental impact on the neighbouring property and would constitute over-development of the site.

Councillor A Laing moved and Councillor J Lethbridge seconded that the application be approved.

Upon a vote being taken it was **Resolved:**

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

5d DM/16/00026/FPA - 107A High Street, Carville, Durham, DH1 1BQ

Consideration was given to the report of the Senior Planning Officer regarding an application for change of use from B2 catering business to a restaurant/café A3 at 107A High Street, Carrville (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor D Southwell of Belmont Parish Council addressed the Committee. He advised that at a meeting on 4 February 2016 the Parish Council had considered the implications of the proposals, reviewed a number of letters of objection from local residents, had taken into account the statement of the Highways Officer and listened to the concerns of an occupant of a nearby property who had attended the meeting to make representation. The resident expressed concern that she was unable to park outside her own property as it was blocked by other vehicles.

Most of the residents' objections were based on their personal experiences of parking on the street and the Parish Council unanimously agreed with their objections, the main reason being the adverse impact of the increase in traffic if the business classification changed from B2 to A3.

The Highways Officer had submitted photographs showing unoccupied parking but this was subject to change all the time. The demand on spaces to serve the business and parking on the street could affect existing businesses. Residents were aware of the increase in the use of vehicles using the High Street to link with the A690 and A1 junction and despite Keep Clear markings at many entry/exits, access onto the main road could be difficult. Any highway measures to improve visibility and safety at the junction next to 107a High Street would be welcomed. The proposals were contrary to Policies T1 and S7 of the Local Plan and the Parish Council asked that the application be refused.

Councillor Conway advised that he had asked for the application to be reported to Committee because of the highway issues. The use of the street had increased significantly over the last 10-13 years and the photographs shown as part of the Officer presentation had been taken at a time when traffic was light. The café could provide 28 covers and the additional number of vehicles would therefore be significant. The premises were outside the main commercial centre of that street in a residential area. The Officers acknowledged that many of the complaints lodged were about odours which residents felt had not been adequately addressed and were concerned for the future. He asked the Committee to consider residential amenity and the concerns expressed in relation to highway safety.

Councillor Moir advised that he could relate to the points made by Councillor Conway and the Parish Council. Highways Officers had argued that this was a busy thoroughfare and therefore could sustain an increase in traffic, however he considered this to be a counter argument. Members had seen on the site visit that Wantage Road, a nearby residential street was used as a through way and that this was an area of Belmont which was near to local schools which exacerbated the problem.

In response the Senior Planning Officer advised that the business was in a sustainable location, being surrounded by a residential area which was accessible both on foot and by bus. The business was not solely reliant on cars visiting the cafe. The street already had a number of commercial properties and the existing business was an unrestricted B2 use. Concerns about odours could be addressed through condition and the hours of operation would be controlled. A number of visits had been made by Officers at different times of the day and parking had never been at full capacity.

Councillor Davinson advised that on the site visit he had observed that disabled access would be difficult, access being by a small ramp and large steps.

The Senior Planning Officer had spoken to colleagues in Building Control who had advised that subject to inspection of the site plans it may be possible to work with the applicant to install a ramp, and this could be included as a condition.

In response to comments from Councillor Clark the Member was informed that the timescale for commencement of the new business was unknown but it was understood that the applicant wished to reduce the hours and intensity of work.

Councillor Freeman considered that the change of use would be of some benefit to local residents in terms of odours, and to some extent would benefit the local community, however Carrville High Street was extremely busy and the proposed change of use would encourage more cars into the location. The benefits were therefore outweighed by the highway issues and he supported the views of the Parish Council and local Members.

In terms of the highway safety issues Councillor Lethbridge considered that traffic problems were historic and were inflicted upon streets not designed for this level of use, and this situation would not change. The concerns of his colleagues mainly related to highway issues but the mixed character of the street should be taken into account. There was a diversity of usage on the High Street. According to Officers the change of use would bring about a reduction in the level of operations and if this was the case there would be less traffic. Although he had not yet made a decision he was erring towards support of the Officer's recommendation.

The Highway Development Manager stated that as a B2 use there was an existing demand for parking and he was of the view that a local café use A3 would generate less demand.

Councillor Conway however was of the view that the primary use of the building was as a wholesale business and therefore the café would arguably generate more traffic and moved refusal of the application.

The motion was seconded by Councillor Moir.

The Members discussed the grounds on which the application should be refused and considered that the proposed change of use was contrary to policies T1 and S7 of the Local Plan.

By way of clarification the Solicitor – Planning and Development advised that currently there were amenity impacts associated with the established use B2 which could potentially be intensified as planning permission would not be required for any changes to operations. Therefore in determining the application consideration should be given to the amenity impacts the proposed change of use to A3 may have over and above the impacts of the existing use B2.

The Senior Planning Officer confirmed that the existing B2 use was unrestricted and the business could be converted to another B2 use (general industry) without the need for planning permission which could give rise to the potential for further highway issues. The proposed change of use to A3 would be restricted.

Upon voting on the application it was

Resolved:

That, by the Chairman's casting vote, the application be approved subject to the conditions outlined in the report.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03034/OUT
FULL APPLICATION DESCRIPTION:	Outline application for 26 new dwellings with associated access and parking
NAME OF APPLICANT:	Mr G Simpson
ADDRESS:	Land to the North of Little Thorpe, Easington
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land located north of the settlement of Little Thorpe which is south of Easington. Little Thorpe is a small mainly linear rural settlement situated along a cul-de-sac road. It is within sight of the large village of Easington, across rolling agricultural fields. It appears to have grown from a farmstead and now has a mix of around twenty dwellings comprised of older rendered traditional houses, some pairs of modest brick semi-detached houses and some more recent individual houses. The site was formerly occupied by large agricultural storage and packaging buildings which has since been demolished.

The Proposal

2. This application seeks outline planning permission for 26 new dwellings. The application has been made in outline with all matters reserved except for access which is to be determined at this stage. Although the application is made in outline, the applicant has submitted some layout details. The layout plan shows properties located either side of a central spine estate road. The main access will be taken from the west of the site however three properties would be accessed from a separate access on the south boundary. All properties are shown to be detached units.
3. This application is being referred to the planning committee as it constitutes a major planning application.

PLANNING HISTORY

4. There have been various residential schemes approved on the application site. Over recent years there has been separate permissions granted for 13 house scheme, 14 house scheme and 6 house scheme.

5. An outline planning permission for 13no. dwellings remains extant on the land and this permission expires on 24th May 2016.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

16. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
17. *Policy 14* - Development which adversely affects a designated or candidate Special Area of Conservation and is not connected with managing the scientific interest will only be approved where there is no alternative solution and there is an overriding national interest where it is necessary for reasons of human health or safety; or there are beneficial consequences of nature conservation importance.
18. *Policy 15* - Development which adversely affects a designated Site of Special Scientific Interest will only be approved where there is no alternative solution and it is in the national interest.
19. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
20. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
21. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
22. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
23. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

24. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
26. *Policy 67* – Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.
27. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.
28. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
29. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.
30. *Policy 90* – The Council will seek to secure outdoor sports facilities in the settlements of Peterlee and Seaham and at a district wide level.

RELEVANT EMERGING POLICY

The County Durham Plan

31. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *County Highways Authority* has not raised any objections in principle to the proposed access however amendments are required in relation to footways.
33. *Northumbrian Water* has not raised any objections however further details are required in relation to the disposal of foul and surface water
34. *The Coal Authority* has confirmed that the site does not fall within a defined Development High Risk Area.

35. *The Environment Agency* has not raised any objections.

36. *County Drainage Team* has not raised any objections.

INTERNAL CONSULTEE RESPONSES:

37. *Ecologist* has not raise any objections in relation to impact of the development on protect species. The site is within the Heritage Coastal buffer and therefore suitable green space is required to reduce the frequency of dog walking activity to the coast.

38. *Landscape Team* has indicated that there are no major objections and the proposals would not have significant landscape and visual effects.

39. *Environmental Management (Noise)* has not raised any objections.

40. *Environmental Management (Contamination)* has not raised any objections however a condition is required for further site investigation works to be undertaken prior to works commencing.

41. *Public Rights of Way* has objected to the scheme as the proposed development would obstruct public rights of way which runs through the site.

42. *Sustainability Officer* has not raised any objections however a condition is recommended for further information to be submitted in relation to sustainability embedded into the development.

43. *Archaeology Officer* has not raised any objections.

44. *Design and Conservation* has indicated that the application cannot be supported as the indicative proposed layout would not respect the established pattern of development.

45. *Education Team* has confirmed that there are sufficient primary and secondary school places in the area to accommodate pupils from the proposed development.

PUBLIC RESPONSES:

46. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. Five letters of objection have been received including objections from the Parish Council.

47. Objections relate to unsuitable accesses including poor visibility and obstructions to existing public rights of way which run through the site. There is a concern that the application is overdevelopment of the site. The Parish Council consider that the application is contrary to the NPPF as the scheme would not deliver a wide choice of high quality homes; would not protect and enhance public right of way and accesses; and would not contribute or enhance the natural and local environment. It has also been noted that there would be no inclusion of affordable housing or how sustainability for the development will be embedded.

APPLICANTS STATEMENT:

48. The proposal is for 26 new residential dwellings. The site area is 1.1 hectares, thus the proposal is very low density at 23 dph. The dwellings will be a mix of 4 and 5 bedroom high quality family homes. The low density layout of the proposed development is similar to the built form of the existing village.
49. In July 2010 the site was approved with an outline permission for 13 dwellings. An extension of time was granted until April 2016.
50. The development of the application site would add to the overall housing stock of the village and its potential to maintain and support the existing local services and facilities, in general accordance with both national and local Development Plan policy.
51. The proposed architectural styles are based upon local building forms and detailing, and the external materials and finishes reflect those traditionally found locally. This will include white render, red facing brickwork, slate roof, red pantiles. Therefore, the overall built form proposed will fully integrate with and actively enhance the character and appearance of the surroundings.
52. The housing product proposed will also be highly insulated, energy efficient and well-designed homes for the future.

PLANNING CONSIDERATIONS AND ASSESSMENT

53. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; highway and access issues; affordable housing and S106 contributions; ecology; and layout, design and visual amenity.

Principle of development

54. The principle of residential development on this site has been accepted through previous planning applications as well as appeal decisions. It is noted that there is an extant planning permission on the site for 13no. residential properties. The site is the redevelopment of brownfield land and the site is considered to form part of the built up area of the settlement of Little Thorpe, therefore there would be no encroachment into the open countryside.
55. The Parish Council have expressed their views that the application would be contrary to the NPPF. Officers disagree with this view and consider that the scheme would deliver a wide choice of high quality homes within the Little Thorpe area and would protect and enhance public rights of way in the area. It is therefore considered that the proposed development would be in line with the NPPF in this respect.
56. Given the above, it is considered that the principle of development is acceptable in this instance and would be in accordance with policy 67 of the local plan.

Highway and access issues

57. The main access into the site would be taken from the existing access to the south west corner of the site. The County Highways Officer has been consulted on the application and no objections have been raised in terms of the proposed access point. It has been advised however that the access has to be amended to provide 1.8 metre wide off-site footways to the east and west. A condition is therefore recommended for these access improvements to be sought.
58. It is noted that there is also a secondary shared driveway access proposed on the illustrative layout plan to supply 3 houses. The Highways Officer considers this access to be unsuitable as there is poor junction sight visibility in both directions, and it is recommended that this access is removed. Given the application is made in outline with layout to be considered at reserved matters stage, the removal of this secondary access can be sought through a reserved matters application.
59. Overall, it is considered that the proposed development would not compromise highway safety.

Affordable housing and S106 contributions

60. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
61. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement. A requirement of 10% of the dwellings on this site would need to be affordable homes and this requirement is proposed to be secured through a section 106 legal agreement.
62. Policy 90 of the local plan as well evidence within the Council’s Open Space Needs Assessment (OSNA) requires new housing development to contribute to the provision and enhancement of outdoor sports facilities. In this instance a developer contribution can be made towards the enhancement and upgrade of recreational facilities in the locality. The amount of these contributions would be determined pro-rata on the final number of dwellings approved, but would equate to £500 per unit. This contribution would help to support and improve facilities within the surrounding locality for the benefits of the additional properties and also existing residents of the local community.

Ecology

63. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

64. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
65. The applicant has submitted an ecology survey with the application. The survey concludes that no protected species have been recorded within the surveys area so there is a negligible risk that there will be any direct or indirect impact on any protected species. The Council's Ecology Officer has been consulted on the ecology survey and no objections have been raised as the survey indicates a low impact risk on protected species. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. It is therefore considered that the proposals would be in accordance with saved policy 18 of the local plan and part 11 of the NPPF.
66. In order to take pressure from additional visitors away from the coastal designations of significant importance, sufficient and appropriate green space needs to be provided in association with the proposed development. There is no appropriate green space provided within the application which would be associated with the proposed development. The County Ecologist has indicated that if there is no green space provided with the proposed development, then a financial contribution can be made towards one of the identified projects within the Heritage Coast Management Plan. The Heritage Coast Management Plan provides a strategic programme which identifies six achievable objectives to improve the heritage coast environment. The applicant has agreed to make a contribution of £250 per residential unit towards one of the strategic programmes within the Heritage Coast Management Plan.
67. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Layout, design and visual amenity

68. The application has been made in outline with all matters reserved for future consideration (except access). However an illustrative layout plan has been submitted showing certain site development parameters.
69. The Design and Conservation Officer had raised some concerns that the proposed layout would not respect the established pattern of development in Little Thorpe. Following the comments from the Design and Conservation Officer, the proposed layout plans have been amended to reduce the uniformity of the development to help blend in with the built pattern of Little Thorpe. Although layout is not to be determined in this outline application, it is considered that an acceptable layout can be provided which would not compromise the surrounding built environment.
70. The proposed layout plan also indicates that 26 new dwellings can be located on the site which provides adequate separation distance ensuring residential amenity of existing and future occupiers will not be compromised.

71. The Council's Public Right of Way Team had raised some concerns that the existing public right of ways which cross the site would be obstructed by properties shown on the approved plans. Amended layout plan has been provided that show that public rights of way can be accommodated through the site, although this may require some slight diversion of the footways. Layout is not to be determined through this outline application and this issue would have be designed through a reserved matters application. It is considered that a scheme can be brought forward which can adequately accommodate the public rights of way.
72. The proposed site parameters shown on the illustrative layout plan indicate that a high quality residential scheme could be provided on the site and successfully integrated within the local area. The proposals are considered to be in accordance with policy 1, 35, 36 and 37 of the local plan.

Other issues

73. The County's Environmental Management Team has been consulted on the application and they have raised no objections in terms of noise, air quality or contaminated land. A condition is requested for a further site investigation to be undertaken in respect of contamination prior to development commencing. A condition is recommended accordingly.
74. The Council's Drainage Officer, the Environment Agency and Northumbrian Water have been consulted on the proposed application. No objections have been raised however a condition has been requested for details of foul and surface water drainage to be submitted prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.
75. The Council's Sustainability Officer has not raised any objections however a condition is recommended for further information to be submitted in relation to sustainability embedded into the development. A condition is recommended accordingly.
76. The Coal Authority and the Council's Archaeology Team have not raised any objections to the proposed scheme. The Council's Education Team have also confirmed that there is no requirements for any contributions to local schools as there is sufficient capacity within the area.

CONCLUSION

77. The principle of residential development on this site has been accepted through previous planning applications as well as appeal decisions. It is noted that there is an extant planning permission on the site for 13no. residential properties. The site is the redevelopment of brownfield land and the site is considered to form part of the built up area of the settlement of Little Thorpe, therefore there would be no encroachment into the open countryside. The principle of development is acceptable in this instance and would be in accordance with policy 67 of the local plan.
78. The main access point situated to the south west corner of the site would be acceptable. Highways Authority have not raised any objections subject to widened footways being introduced. It is not considered that the proposed development would compromise highway safety.

79. The proposed development would deliver the full amount of affordable housing (10%) on the site. Developer contributions would also be made towards the enhancement and upgrade of recreational facilities in the locality, which would benefit the local community. These would be secured through a proposed Section 106 Agreement.
80. An ecology report has been submitted indicating that the proposed development would not compromise protected species. The County Ecologist has not raised any objections. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. The applicant has agreed to provide a contribution towards the Heritage Coast Management Plan therefore it is not considered that the development would have an adverse impact on the coastal designations. It is therefore considered that the proposals would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF.
81. Although this is an outline application with all matters reserved, it is considered that the parameters set out on the submitted layout plan does provide sufficient confidence that a high quality layout, design and landscaping framework can be provided and appropriately accommodated in amenity terms. It is considered that the public rights of way that currently run through the site can be adequately designed into a proposed residential layout.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 10% affordable housing; financial contributions towards play and recreational facilities at a pro-rata rate of £500 per residential unit; financial contributions towards a strategic programme in the Durham Heritage Coast Management Plan at a pro-rata rate of £250 per residential unit; and subject to the following conditions;

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

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

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

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

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

Plan Ref No.	Description	Date Received
AL (90) 1000	Location Plan	01/10/2015

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

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

5. No development shall take place until a detailed scheme for the proposed access(es) including details of footways and visibility splays has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy 77 of the Easington District Local Plan.

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

Reason: To prevent the increased risk of flooding from any sources and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

7. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

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

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No 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 (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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

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

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

9. Notwithstanding the details submitted, this permission relates to a maximum of 26 dwellings on the site.

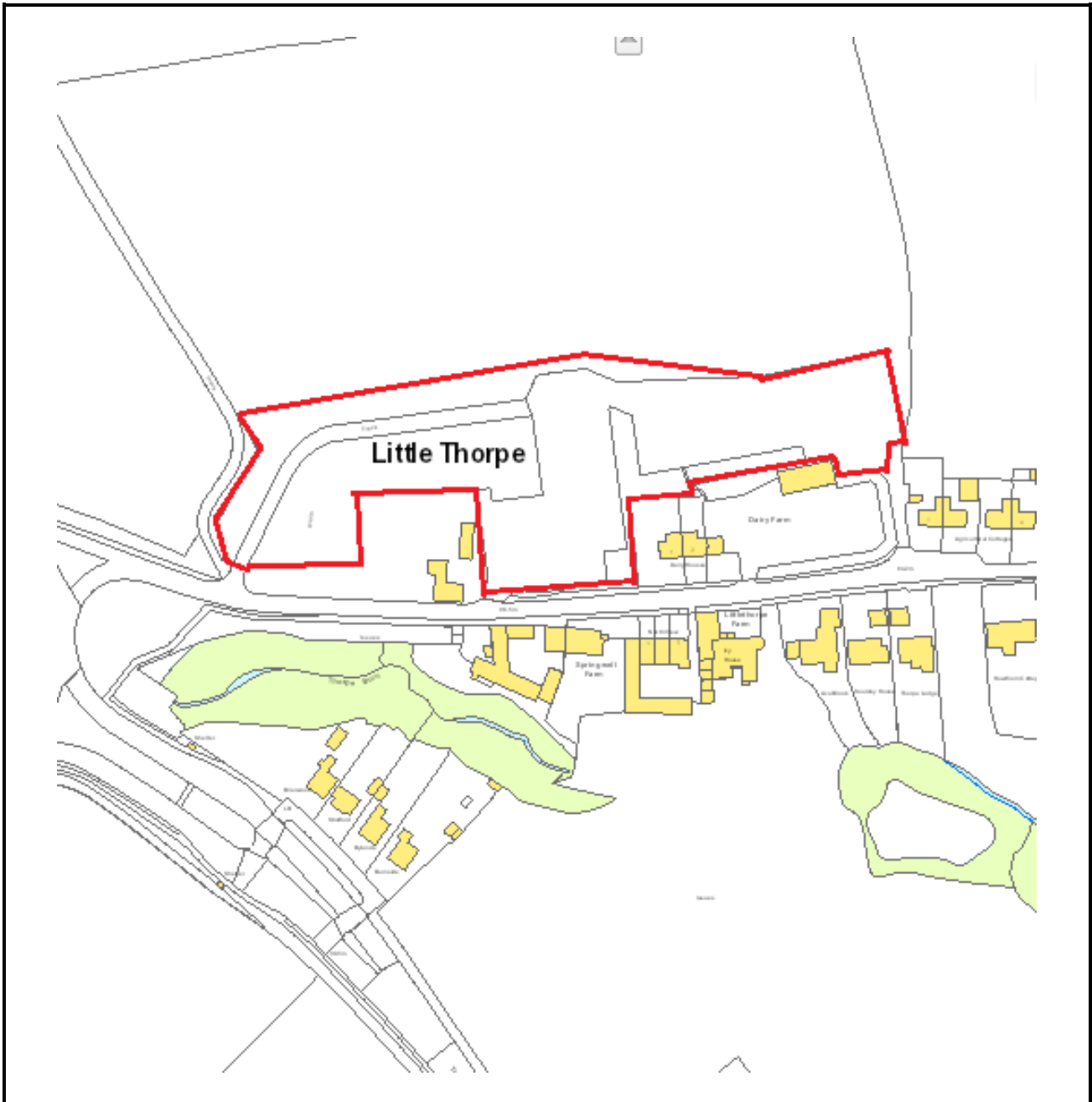
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 of the National Planning Policy Framework and saved Policies 1 and 35 of the District of Easington Plan.


STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District Of Easington Local Plan
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Outline application for 26 new dwellings with associated access and parking at Land to the North of Little Thorpe, Easington Ref: DM/15/03034/OUT</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 12th April 2016</p>

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00018/FPA
FULL APPLICATION DESCRIPTION:	New diagnostics and treatment centre
NAME OF APPLICANT:	Mr M Kerridge
ADDRESS:	Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham
ELECTORAL DIVISION:	Belmont Laura Eden Planning Officer
CASE OFFICER:	03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of a vacant area of shrub land located south of New Ferens Park which is within the Belmont Business Park. To the north of the site is New Ferens Park football stadium, with the football leisure facility known as Soccarena to the north west. Directly to the east is the main spine road which runs through the industrial estate with office buildings located beyond. To the south of the site is a recently approved car showroom which is under construction. There is a highway directly to the south of this with the Broomside Park public house and Premier Inn Hotel sited beyond. To the south west there are the car dealerships Cooper Durham Mini and SG Petch Nissan. It is noted that the site is allocated in the City of Durham Local Plan as an employment site.

The Proposal

2. Planning permission is sought to construct a new diagnostics and treatment centre which will provide a purpose built centre to cater for community renal dialysis and day surgery.
3. The building would be two storeys high and would be situated in the north-eastern corner of the site. A site entrance would be created off the main spine road to the east and the access road would run along the southern boundary of the site and would connect to a car park providing 93 car parking spaces.
4. The proposed building would be a simple box design with flat roof. The building would measure 57 metres long by 22 metres wide and would have an overall height of 8.5 metres. It would be constructed from a variety of different materials including grey facing brickwork, through colour render, dark grey aluminium cladding and windows. Landscaping strips are proposed to all boundaries in addition to tree planting within the site.

5. This application is being referred to the planning committee as it constitutes a major planning application.

PLANNING HISTORY

6. 4/07/00451/FPA - Office development to include electricity substation, associated retail unit, car parking and landscaping - - this approval was for the application site and land to south.
7. 4/10/00170/FPA - Application seeking new planning permission to replace extant permission 07/00451 (Office development to include electricity substation, associated retail unit, car parking and landscaping)
8. DM/14/03708/FPA - New car showroom with ancillary service workshop, external forecourt and parking, offices and a café – this approval is for the site directly to the south of the site

PLANNING POLICY

NATIONAL POLICY:

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
11. The following elements are considered relevant to this proposal;
12. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
13. NPPF Part 4 – Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. NPPF Part 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.

15. NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
17. NPPF Part 11 – Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

18. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
19. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
20. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
21. Policy EMP5 (Prestige Industrial Sites - General) states that the Belmont Business Park is designated as a prestige industrial site and only proposal falling within use classes B1 and B2 should be allowed.
22. Policy EMP6 (Prestige Industrial Development at Belmont) states that an additional 2.5 hectares of land will be provided for prestige industrial development.

23. Policy T1 (Traffic - General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
24. Policy T10 (Parking - General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
25. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
26. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
27. Policy Q7 (Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.
28. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
29. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

30. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Northumbrian Water - No objection however request a condition is imposed to ensure that development is implemented as per the submitted drainage scheme.
32. The Coal Authority – Object to the scheme as no coal mining risk assessment has been submitted. This can be dealt with by a planning condition, in accordance with the Council's validation procedure.

INTERNAL CONSULTEE RESPONSES:

33. Ecology - No objection however contents of section 10 of the Ecological Appraisal report need to be conditioned
34. Landscape – No objection however recommend conditions are imposed requiring a detailed planting plan and timing condition
35. Environmental Health (Noise) – No objection
36. Environmental Health (Contamination) – No requirement for contaminated land risk assessment
37. Archaeology - There are no known archaeological objections to this scheme
38. Sustainability – Condition relating to sustainability is required to be imposed
39. Highways – No objection however there is a requirement for financial contribution to be secured to fund the costs of a traffic regulation order and road marking works to prohibit parking in and around the development site in addition to longer stay, secure enclosed and covered cycle parking for staff to be provided.
40. Policy – Technically contrary to policy as proposes D1 use on a site specifically for B1 and B2 however the proposed use is considered compatible and it will generate employment and benefits would outweigh the concerns therefore no objection raised.
41. Drainage – Submitted information appears acceptable in principle however further details are required in relation to surface water drainage.

PUBLIC RESPONSES:

42. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. One letter has been received from Belmont Parish Council who are largely supportive of the scheme however want the status of trees within the site checked as they believe they have TPO's placed on them.

APPLICANTS STATEMENT:

43. The applicant was given the opportunity to submit an Applicant's Statement however due to time constraints opted not to submit one.

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 principle of development, impact on surrounding land uses, visual impact, highway issues, ecology and other issues.

45. The application site is specifically allocated for prestige industrial development in Policy EMP6 of the City of Durham Local Plan. There is also a general policy for prestige industrial sites (Policy EMP5) which states that business (Use Class B1) and general industry (Use Class B2) will be permitted, provided there is no significant detrimental effect on the environment or on the amenities of the occupiers of adjoining or nearby properties. Consideration should also be given to the council's Employment Land Review (ELR) which constitutes an up to date economic land availability assessment and is compliant with Planning Practice Guidance. This site is identified in the ELR as employment use although not necessarily for prestige development indicating a less restrictive approach.
46. Having regard to the above this proposal is strictly speaking contrary to the CDLP in that it falls outside of the B1 and B2 use classes. However, the proposed use will bring employment in the health sector with the planning application indicating 80 jobs, 40 of which will be newly generated employment. On this basis the proposal could be considered to be an employment use in its own right although not falling within the B use classes.
47. The health sector is not included in the list of 'main town centre uses' as contained in the NPPF Glossary therefore a sequential approach to site location is not required. There has been a recent approval for a new car showroom with ancillary service workshop, external forecourt and parking, offices and a café on land immediately to the south of the application site. Furthermore, the development site is situated within the immediate vicinity of other car showrooms, a hotel, a pub and football ground therefore would be compatible with adjoining uses
48. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. Greater weight would need to be afforded to the guidance contained within the National Planning Policy Framework which is more up to date than the policies of the local plan. The NPPF advocates a presumption in favour of sustainable development and seeks to encourage the delivery of social facilities and services communities need. It is not considered that there would be any significant adverse impacts that would significantly and demonstrably outweigh the benefits. Whilst it is acknowledged that the proposal is in conflict with local plan policy EMP5, it is considered that the release of the land for a health related D1 use on the Belmont Business Park would be compatible with surrounding uses including other non B1 and B2 uses. The proposed use will bring employment in the health sector with the planning application indicating 80 jobs, 40 of which will be newly generated employment. The proposal is considered acceptable in principle and would be in compliance with the economic guidance within the NPPF.
49. For the reasons outlined within this report it considered that the proposed diagnostics and treatment centre is an appropriate use within the prestige industrial estate however other D1 – non-residential institution uses may not be. It is therefore considered appropriate to impose a condition restricting any other uses without consent first being sought from the Local Planning Authority.

Impact on surrounding land uses

50. As previously discussed, the proposed development would be located within an established business park which has a variety of uses including offices, industrial units, depots, leisure facilities and car showrooms. Within the immediate vicinity of the development there is a car showroom to the south, to the north is New Ferens Park football stadium, with the football leisure facility known as Soccarena to the north west and offices located further east on the opposite side of the spine road. Given the nature of the surrounding uses it is not considered that the operations or comings and goings of staff and visitors associated with a diagnostics and treatment centre would have any adverse impact on neighbouring businesses in terms of noise and disturbance over and above that already present within the estate. Furthermore, given the placement of the building on the site it is considered that there is sufficient separation distances between the proposed building and those in the immediate vicinity to ensure no significant adverse amenity issues arise. Some 65 metres to the south of the site and separated by an intervening car showroom use is a hotel. The hotel is located adjacent to a busy road, near to the entrance of the industrial estate and is surrounded by other businesses. Visitors to the establishment would therefore be used to some degree of disturbance as result and it is not considered that the proposed diagnostic and treatment centre would have any significant adverse impacts over and above this.
51. Colleagues in the environmental health section have been consulted and offer no objection to the scheme.
52. Overall, it is considered that the proposals detailed in this application would not have an adverse impact on surrounding uses and the proposals would be in accordance with policies EMP5 and Q7 of the local plan.

Visual Amenity

53. In terms of the layout of the site the main building would be positioned in the north east corner of the site, adjacent to the main spine road running through the estate, and would extend along the northern boundary. The access road would run along the southern boundary eventually opening up into the main car parking area located to the west. The site would benefit from landscaping to all boundaries and from internal tree planting. This arrangement is considered to be appropriate as the building occupies a prominent location and offers a focal point when entering the estate.
54. The building is an extensive two storey box like structure that would benefit from single storey elements and detached external plant/storage buildings. It would have a modern and contemporary feel with an attractive mix of materials that would complement the buildings in the surrounding areas. Conditions relating to the specific external materials including hard surface treatment are proposed.
55. It is proposed that there would be a single storey plant building and bin store area to the west of the main building. Whilst their general location and respective heights are acceptable plans of the external appearance of these structures are still being drawn up by the developer. These are minor elements of the overall scheme, however, and conditions have therefore been added to secure their suitable design. On the basis of the details submitted to date it is considered that an appropriate scheme can be agreed.

56. A landscaping scheme has also been submitted in support of the proposals and has been amended positively to reflect to advice of the landscape officer including a wider landscaping strip to the southern boundary. Overall it is considered that the submitted scheme is well thought out, however further details are required in relation to a detailed planting plan. A standard condition has therefore been recommended.
57. There are three existing trees that lie outside of the red line boundary to the west of the site. The submitted landscape plan indicates these trees are to be retained and protected in accordance with the relevant British Standard during the construction works.
58. Overall it is considered that the proposals are acceptable in visual terms and would be in accordance with policies EMP5, E14, E15, Q5 and Q7 of the local plan.

Highways

59. In support of the application a transport assessment has been prepared and submitted which sets out the potential travel demand and parking provision for the development. The Council's highways officer has assessed the report and does not dispute the conclusions reached in relation to the location of the access point and the number of parking spaces proposed. The new development should provide ample car parking spaces for both patients and staff. Normally maximum car parking standards would be applied however in this case it would not be considered to be appropriate given that inadequate car parking is often an acute problem at hospital facilities and that due to medical reasons patients may have to travel to the site from further afield using their own transport. On this basis it is unlikely that sustainable travel would be improved. Furthermore, there are existing parking problems on Ferens Park and Belmont Industrial Estate access road which could be exacerbated by the proposal as there is no absolute certainty that the anticipated demand can be met. On this basis the highways officer considers it appropriate and necessary for the developer to make a financial contribution of £5,000 to fund the costs of a traffic regulation order for road marking and signing works to prohibit parking in and around the Ferens Park access road, Belmont Industrial Estate access road and the new development access. It is proposed to condition this through a Grampian-type condition relating to off-site works.
60. Although four cycle parking spaces have been provided within the scheme these would only be considered appropriate for short stay cycle visitors. There is a need for longer stay, secure, enclosed and covered cycle parking for staff. Details could not be agreed as part of the application process therefore the matter is proposed to be dealt with by means of a planning condition.
61. Subject to the above it is considered that the proposed development would not compromise highway safety.

Ecology

62. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

63. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
64. The applicant has submitted Preliminary Ecological Appraisal with the application. The survey concludes that the survey area contained several habitats of ecological value and that works should be avoided during the bird breeding and hedgehog hibernation periods. Furthermore, the two trees located to the western boundary have the potential to support roosting however these lie outside the development site and would be retained and protected during construction work. The Council's Ecology Officer has been consulted on the ecology survey and no objections have been raised on the provision that the recommendations and future survey work section of the report is conditioned. As the survey indicates a low impact risk on protected species there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. It is therefore considered that the proposals would be in accordance with saved policy E16 of the local plan and part 11 of the NPPF.

Other issues

65. The County's Environmental Management Team has been consulted on the application and they have raised no objections in terms of noise, air quality or contaminated land.
66. The Council's Drainage Officer and Northumbrian Water have been consulted on the proposed application. No objections have been raised however a condition has been requested for details of surface water drainage to be submitted prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.
67. The Council's Sustainability Officer has not raised any objections however a condition is recommended for further information to be submitted in relation to sustainability embedded into the development. A condition is recommended accordingly.
68. The Council's Archaeology Team have not raised any objections to the proposed scheme as the site does not lie within a recording area. The site lies within a high risk coal mining referral area therefore a condition has been added requiring the submission of a coal mining risk assessment.
69. The Parish Council has written the only letter of representation. They note they are generally supportive of the scheme however raise a query in relation to the existing trees to the west of the site. This matter has been addressed within the report.

CONCLUSION

70. Whilst it is acknowledged that the proposal is in conflict with local plan policy EMP5 it is not considered that there would be any significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The use of the land for a health related D1 use on the Belmont Business Park would be compatible with surrounding uses including other non B1 and B2 uses. There has been a recent approval for a car showroom on the southern portion of the overall site. Furthermore, the proposed use will bring employment in the health sector with the planning application indicating 80 jobs, 40 of which will be newly generated employment. The proposal is considered acceptable in principle and would be in compliance with the economic guidance within the NPPF.
71. The overall scale, appearance and layout of the building and associated works is considered to be acceptable. An appropriate landscaping scheme is also proposed. Conditions relating to external materials including hard surfaces are proposed in addition to landscaping details and timings.
72. The main access point is considered to be acceptable as too is the proposed car parking numbers. On this basis the Highways Authority have not raised any objections. That being said a financial contribution secured through a Section 106 Agreement is required to fund the costs of a traffic regulation order and road marking works to prohibit parking in and around the vicinity of the development. Furthermore, a scheme to agree appropriately designed longer stay cycle parking is required.
73. An ecology report has been submitted indicating that the proposed development would not compromise protected species. The County Ecologist has not raised any objections subject to a section of the report being conditioned. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010.
74. All other matters such as sustainability, coal mining and drainage can be addressed through the imposition of suitably worded planning conditions.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Application form, drg. no. 2561-D-00-001 REV P1(location plan), drg. no. 2561-D-00-002 REV P1 (proposed site plan), drg. no. 2561-D-00-003 REV P1 (proposed floor plans), drg. no. 2561-D-00-004 REV P1 (proposed roof plans), drg. no. 2561-D-00-005 REV P1 (proposed site sections), design and access statement, Energy Statement dated November 2015 Rev 1, Flood Risk Assessment prepared by Billingham George and Partners Ref 15N643 Revision A dated November 2015, Preliminary Ecological Appraisal Report prepared by EcoSurv Ltd dated 16/11/2015, Transport Assessment prepared by Novo55 Consulting dated 02/12/2015 all received 04/01/2016, drg. no 15N643-100-P3, (drainage scheme), drg. no. 2561-D-SK-001 A (run-off) and Phase 2 Site Investigation Report S150828/SI prepared by Solmek Ltd dated October 2015 all received 08/03/2016, drg. no. 959_001 REV B (landscape plan) received 11/03/2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies EMP5, EMP6, T1, T10, Q1&2, Q5 and Q7 of the City of Durham Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with saved policies EMP5, EMP6 and Q7 of the City of Durham Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with saved policies EMP5, EMP6 and Q7 of the City of Durham Local Plan.

5. Prior to the commencement of the development details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be constructed and available for use prior to the occupation of the building in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved policies EMP5 and Q7 of the City of Durham Local Plan.

6. Prior to the commencement of the development details of the external plant building shall be submitted to and approved in writing by the Local Planning Authority. The plant building shall be constructed in accordance with the approved details and available for use prior to the occupation of the building.

Reason: In the interests of the visual amenity of the area and to comply with saved policies EMP5 and Q7 of the City of Durham Local Plan.

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

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

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

Reason: To prevent the increased risk of flooding from any sources and in accordance with saved policy U8A of the City of Durham Local Plan and part 10 of 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.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

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

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policy Q5 of the City of Durham Local Plan

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

Reason: In the interests of the appearance of the area and to comply with saved policy Q5 of the City of Durham Local Plan

11. Before the diagnostics and treatment centre hereby approved is brought into use, the proposed longer stay, secure and enclosed cycle storage provision shall be implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle storage provision shall be maintained in such a manner as to ensure availability at all times for the parking of cycles.

Reason: In order to encourage sustainable means of travel in accordance with saved policy T10 of the City of Durham Local Plan and Part 4 of the NPPF.

12. No development shall take place unless in accordance with section 10 (recommendations and future survey work) of the Preliminary Ecological Appraisal Report prepared by EcoSurv Ltd dated 16/11/2015.

Reason: In the interests of preserving protected species in accordance with saved policy E16 of the City of Durham Local Plan and Part 11 of the NPPF.

13. No development shall take place until the results of an intrusive site investigation of ground conditions having regards to coal mining legacy in the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. Where the results of the site investigation necessitate the need for remedial measures to be undertaken then said remedial measures must also be submitted to the Local Planning Authority and the development must thereafter be implemented in accordance with the approved details.

Reason: In the interests of land stability and coal mining legacy issues having regards to Policy U13 of the City of Durham Local Plan and Part 11 of the NPPF. Required to be pre-commencement so that any site instability issues are understood and can be catered for prior to development commencing.

14. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used as a diagnostic and treatment centre or any other medical related use only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason: In the interests of ensuring the vitality of the prestige industrial estate in accordance with saved policies EMP5, EMP6 and Q7 of the City of Durham Local Plan.

15. Before the development is first brought into use a traffic regulation order shall be made to support a scheme of signing and lining on the Belmont Industrial Estate in the vicinity of the diagnostics and treatment centre. Thereafter the scheme shall be implemented in accordance with the approved details.

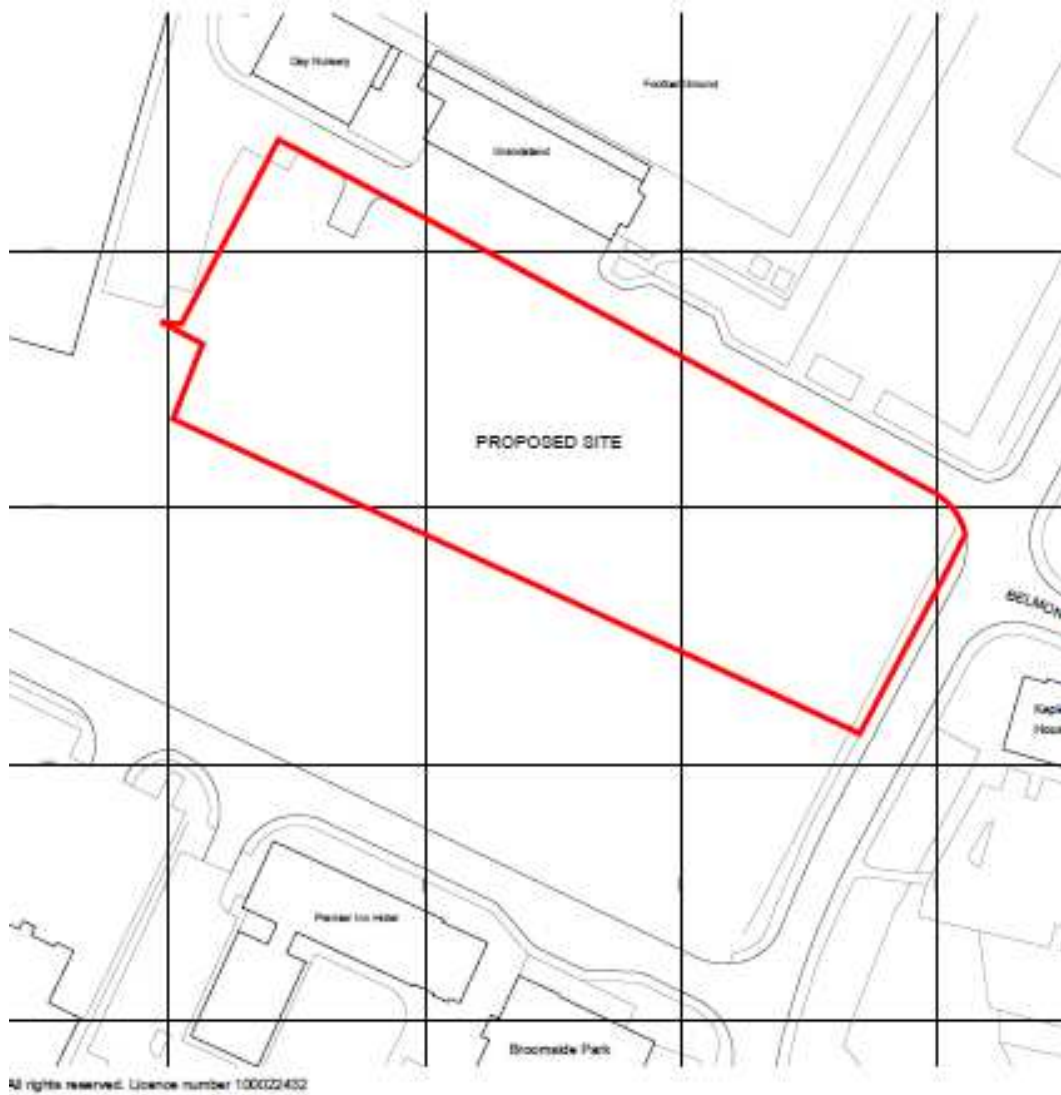
Reason: To discourage off-site parking on the Belmont Industrial Estate in accordance with Policy T1 and T10 of the City of Durham Local Plan 2004.


STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

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



 <p>Planning Services</p>	<p>New diagnostics and treatment centre at Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham Ref: DM/16/00018/FPA</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 12th April 2016</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00156/OUT
FULL APPLICATION DESCRIPTION:	Two detached bungalows (outline – all matters reserved)
NAME OF APPLICANT:	Mr P Fullard
ADDRESS:	Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land which the applicant describes as being south of New Brancepeth between the residential properties of Plantation View and School House. To the north of the site is the residential property of Plantation View, with the residential property of School House located to the south. There is woodland located to the east and an open field to the west. There is an access track which runs along the west boundary of the site and supplies the properties of Plantation View and School House.

The Proposal

2. This application seeks outline planning permission for two detached bungalows. The application has been made in outline with all matters reserved for future consideration, therefore only the principle of development is to be assessed in this application. Although the application is made in outline, the applicant has submitted some layout and elevation details. The layout plan shows two bungalows located along the west side of the site with access taken off the access lane to the west. The proposed bungalows would have an overall footprint of 22 metres by 12.5 metres and would be single storey with hipped roof designs.
3. This application is being referred to the planning committee at the request of the Parish Council and the Ward Councillor.

PLANNING HISTORY

4. No past planning history on this site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

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

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

15. *Policy E7 (Development in the Countryside – Development Outside Settlement Boundaries)* aims to protect the countryside as an important resource.
16. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
17. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
18. *Policy H4 (Villages with no Settlement Boundary, Ribbon Development and Sporadic Groups of Houses)* states that infill housing development will only be permitted if the development, comprises no more than a single dwelling infilling a small gap between existing buildings; does not involve the development of an open space that is important to the street scene; and is appropriate in scale, form and materials to the character of its surroundings.
19. *Policy H5 (New Housing in the Countryside)* states that new housing development will only be acceptable if it is required for occupation by persons employed solely or mainly in agriculture or forestry.
20. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
21. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

22. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
23. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
24. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
25. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

26. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *County Highways Authority* has not raised any objections in principle.
28. *Northumbrian Water* has not raised any objections.
29. *The Coal Authority* has confirmed that the site falls within a defined Development High Risk Area. A condition is recommended for a coal mining risk assessment to be submitted.
30. *County Drainage Team* has not raised any objections.

INTERNAL CONSULTEE RESPONSES:

31. *Ecologist* has not raised any objections subject to a condition ensuring the mitigation detailed in the submitted report is adhered to.

32. *Landscape Team* has indicated that the proposed development will have some adverse landscape and visual effects.

33. *Environmental Management (Noise)* has not raised any objections.

34. *Environmental Management (Contamination)* has not raised any objections however a condition is recommended for further site investigation works to be undertaken.

PUBLIC RESPONSES:

35. Neighbouring residents were notified individually of the proposed development. The Parish Council have indicated that they support the scheme and had requested that the application be determined at a planning committee.

APPLICANTS STATEMENT:

36. We have owned and maintained the land for over 30 years during which time we have grazed horses and raised poultry on the land.

37. We have now reached retirement and due to ill health are looking to downsize from our current house into a bungalow which will be located on the site at New Brancepeth. The second bungalow will be built to accommodate a close member of our family.

38. Although we understand the land is considered to be outside the settlement boundary of New Brancepeth, the site was formerly part of the original settlement of New Brancepeth and was developed with terraced cottages which were demolished some time ago. Foundations of the dwellings have not been removed and are still evident on parts of the land.

39. We have been advised the national planning policy framework advocates a presumption in favour of sustainable development and seeks to provide additional housing on previously developed land although we understand the development of greenfield sites is not precluded.

40. In assessing the sustainability of the site we consider it performs well, being located largely within the original village limits of New Brancepeth and forms a natural infill to compliment existing patterns of existing development.

41. It is therefore considered that a proposal of this nature meets the NPPF criteria for sustainable development and should be supported in principle.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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; residential amenity; and highway safety.

Principle of development

43. This scheme proposes housing development on greenfield land that is located beyond the built up area of the settlement of New Brancepeth.
44. The site lies outside of any settlement boundary as identified by Policy H3 of the local plan. Additionally, Policy H5 of the local plan seeks to restrict housing development in the countryside, beyond settlement boundaries, as does Policy E7. Nationally, recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. Furthermore NPPF paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. Given the age of the local plan and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need.
45. Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development, and for decision-making this means that where relevant policies are “out of date” (in this case, policies for the supply of housing), that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF, or specific policies (between Paragraphs 18 and 207) in the framework indicate that development should be restricted.
46. Policy E7 of the local plan aims to protect the countryside as an important resource. The justification of policy E7 indicates that the countryside is a finite resource and it is important to protect it for its own sake. Many elements of the countryside, such as landscape character, is highly valued and worthy of protection in their own right. The most appropriate location for housing is within existing sustainable settlements. The application site is currently vacant greenfield land which is considered to contribute to the countryside and the landscape character of the area.
47. Policy H4 of the local plan refers to housing development which is outside existing settlements and involves infill development. Policy H4 states that infill housing will only be permitted if the development infills a small gap between existing building comprising of no more than one dwelling; does not involve development of open space that is important to the street scene; and is appropriate to the character of the surroundings.
48. The application site is a gap between the existing properties of Plantation View and School House, however as shown on the submitted drawings, the gap is large enough to accommodate more than one property and therefore the site and the proposal fails to accord with point 1 of policy H4 of the local plan.
49. The built up area of New Brancepeth village is considered to begin with the properties on the housing estate of Barley Rise which are located to the south of the application site. The properties of Plantation View and School House are not considered to be located within the built up area of New Brancepeth. There are visual gaps either side of the properties of Plantation View and School House which are considered to be important features within the character of the area. Development on the application site would compromise this character of the area by introducing development into a gap site which is important to the street scene appearance. The proposed development therefore fails part 2 and 3 of policy H4 which aims to protect important open space in the street scene and prevent inappropriate development from compromising the character of an area.

50. It is acknowledged that the NPPF states there is a presumption in favour of sustainable development. On balance though it is considered that the proposal would have a harmful impact on the countryside which would outweigh the sustainability credentials of the site. The proposed development is not considered to be in accordance with policies E7 and H4 of the local plan as it is not the development of a small infill gap; it would compromise the character of the area and street scene; and would be harmful to the landscape character of the countryside.

Residential amenity

51. The illustrative layout plan shows that two properties could be positioned on the site which would not result in the loss of privacy to neighbouring properties, nor would any adverse impacts be created in terms of overbearing or overshadowing impacts.

52. It is considered that the proposed development would not have an adverse impact on residential amenities of existing and future occupiers of neighbouring dwellings and the proposed properties. The development would therefore be in accordance with policy Q8 of the local plan.

Highway issues

53. The County Highways Officer has been consulted and has not raised any objections to the proposed scheme. The existing access is sufficient to accommodate the proposed number of residential units on the site

54. The proposed development would not create any adverse impacts in terms of highway safety. The proposed development would be in accordance with policy T1 of the local plan.

CONCLUSION

55. The proposed development is contrary to policies E7 and H4 of the City of Durham Local Plan as the proposal would not constitute development of a small infill gap and it would have a detrimental impact on the character of the area and surrounding countryside.

56. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. On balance though, it is considered that the adverse impact the development would have on the character of the area and surrounding countryside outweighs the presumption of sustainable development in this particular instance.

57. The proposed development would not compromise residential amenity and highway safety would not be adversely affected. The proposal would be in accordance with policies Q8 and T1 of the City of Durham Local Plan.

RECOMMENDATION

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

1. The proposed development is contrary to policies E7 and H4 of the City of Durham Local Plan as the proposal would not constitute development of a small infill gap and it would have a detrimental impact on the character of the area and surrounding countryside.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

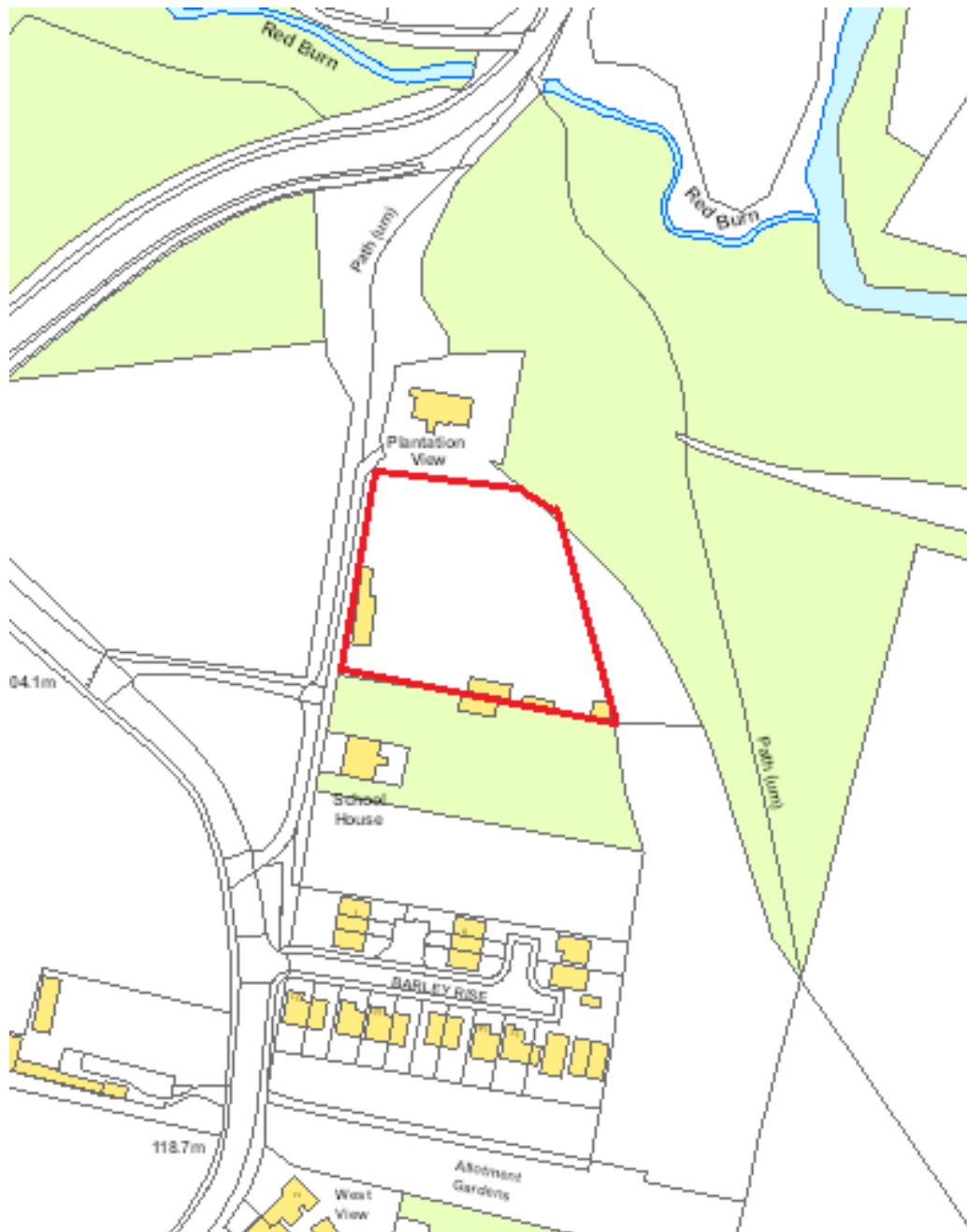
National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance



Planning Services

Two detached bungalows (outline – all matters reserved) at Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY Ref: DM/16/00156/OUT

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Date
12th April 2016

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