



Area Planning Committee (Central and East)

Date Tuesday 10 May 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 12 April 2016 (Pages 1 - 8)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/16/00511/OUT - Broom House, Cocken Road, Leamside, Houghton-le-Spring, DH4 6QN (Pages 9 - 20)
Outline application with all matters reserved for 9 houses (5 houses to be starter/affordable homes).
 - b) DM/16/00987/FPA - 170 York Crescent, Newton Hall, Durham, DH1 5QS (Pages 21 - 28)
Change of use of open space to private garden area (retrospective application).
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
29 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 12 April 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Clark, P Conway, M Davinson, S Iveson, A Laing (Vice-Chairman), R Lumsdon and K Shaw

Also Present:

Councillors D Bell, A Bonner and J Chaplow

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, G Bleasdale, J Lethbridge and B Moir.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The Minutes of the meeting held 8 March 2016 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest submitted. Councillor Conway stated that he was a Member of Belmont Parish Council but does not take part in any meetings.

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

The Team Leader - Central and East, Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was an outline application for 26 new dwellings with associated access and parking and was recommended for approval subject to conditions. Members noted that the reference to the Durham City Local Plan on page 13 of the report was a typographical error and should have referred to the "Easington Local Plan".

The Committee noted that there had been no objections from the internal and statutory consultees on the outline application, however, the Rights of Way Team had noted a right of way at the site, with the applicant having submitted an indicative plan that would accommodate the right of way. The Committee noted 5 letters of objection from the members of the public and objections from the Parish Council, as set out within the report.

The Team Leader - Central and East noted that Officers from the Highways Section were satisfied, subject to the conditions as set out, and that the approval would be subject to a s106 agreement in terms of securing 10% affordable housing, recreational equipment and a strategic programme in the Durham Heritage Coast Management Plan.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor M Davinson referred to paragraph 44 of the report and asked for further explanation of the comments from Design and Conservation, "the application cannot be supported as the indicative proposed layout would not respect the established pattern of development". Councillor M Davinson also asked whether the issue highlighted as regards the public right of way was to be determined within this application or at the reserved matters stage with a further application. The Team Leader - Central and East noted that the indicative plan showed a "uniform" development of properties, in contrast to the current properties at Little Thorpe that had been developed over time and which gave a degree of uniqueness. It was added that the issues raised by Design and Conservation could be addressed at the reserved matters stage, as could issues in terms of the public right of way.

Councillor R Lumsdon noted she was delighted to see an application for a brownfield site and asked whether the Parish Council had objected to any diversion of the public right of way. The Team Leader - Central and East noted that the applicant had put forward a suggested route, however, the usual process was that an applicant would look to secure planning permission then seek a diversion in respect of a right of way with the Rights of Way Team.

It was added that the Diversion process would offer the opportunity for the Parish Council, or any members of the public, to make representations.

Councillor P Conway noted the planning history of the site, with several approvals for permissions in the past for 10, 13 and 14 properties, and therefore asked whether 26 properties presented an issue in terms of density and whether the previous permissions having not been utilised was also an indication of an issue with the site. The Team Leader - Central and East explained she did not have any specific reasons why previous permissions were not taken forward, but noted the context of the housing market and added that the density of the application was relatively low at 23 properties per hectare, less than the average of 30 per hectare, and was in character with the density of the existing properties in the area.

Councillor A Laing moved that the application be approved; she was seconded by Councillor P Conway.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer's report to the Committee.

b DM/16/00018/FPA - Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham

The Planning Officer, Laura Eden gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a new diagnostics and treatment centre and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the internal consultees on the application, with an objection from the Coal Authority on the basis of a lack of a coal mining risk assessment. It was added that while the Highways Section had no objection, they noted a requirement in terms of securing a financial contribution towards the costs of a Traffic Regulation Order (TRO) and road marking works. The Planning Officer explained that a financial contribution was not being sought and that instead both of those issues could be dealt with by way of a Grampian condition. The Committee learned that there were no objections from members of the public, and the Parish Council had commented to note the mature trees in the area and asked whether they would be retained and protected during construction works. The Planning Officer noted that the trees in question were outside of the application site, however, they were protected by way of Tree Preservation Orders (TPOs).

Members noted that the application fell an area specifically allocated for prestige industrial development and while this specified Class B1 and B2 use, the Council's Employment Land Review (ELR) also identified the land as employment use, although not necessarily restricted for prestige development.

It was noted that the proposed use was Class D1, however, with the potential for 80 jobs and a recent approval for the development of a car showroom which was also not B1 or B2 use, it was felt that this particular use was appropriate, although other D1 non-residential institution uses may not be. The Planning Officer concluded by reiterating the comments made by the statutory and internal consultees, adding that Officers from the Ecology section had noted the need for a condition in terms of an ecological appraisal.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor P Conway noted that the purpose of the proposal was very important, in terms of providing a service for our communities, however asked who would be delivering the service, the National Health Service (NHS) or a private company. The Planning Officer noted she did not know who was leading on delivery of the proposed service, however, it was noted that the facility would cater for both NHS and private patients.

Councillor R Lumsdon moved that the application be approved; she was seconded by Councillor S Iveson.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

c DM/16/00156/OUT - Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was an outline application for two detached bungalows (all matters reserved) and was recommended for refusal.

The Committee noted that there had been no objections from the internal and statutory consultees on the outline application, other than from the Landscape Team indicating that the proposed development will have some adverse landscape and visual effects. The Committee noted no objections from the members of the public, and that the Parish Council had indicated they supported the application and had requested that the application be determined at Committee.

The Team Leader - Central and East noted that Officers had not found reasons to refuse the application in terms of residential amenity or highways safety, with these being achievable via condition. It was explained that the reason for refusal was on the basis that the principle of development was not acceptable in terms of either “in-fill” development and visual impact, as such would compromise the character of the area and impact upon the countryside.

The Chairman asked the Local Member for Deerness, Councillor D Bell to speak in relation to the Application.

Councillor D Bell thanked the Chairman and Committee for the opportunity to speak and attend the site visit. Councillor D Bell explained that the application was for a prominent site on the main entrance into the village and added that the reasons for refusal had been cited as National Planning Policy Framework (NPPF) policies E7 and H4. In reference to these policies, the report of the Officer refers to the site as greenfield and that the proposed development did not represent “in-fill”, however, Councillor D Bell noted that the site had been built upon previously and was part of the village with rows of terrace houses at this location. In reference to the surrounding woodland, Councillor D Bell noted these were managed by the Council and were in the process of being thinned out and the low profile design of the proposed properties was such that they would not represent much of an impact on the character of the area, rather the proposal would be in sympathy to the surrounding area. Councillor D Bell noted that he and his fellow Divisional Members felt that the development was needed and was of benefit to the village, adding that the applicant was proposing to move into the property for their own use and therefore all the Local Members believed the application should be approved.

The Chairman thanked the Local Member and introduced Councillor Derek Jones, from Brandon and Byshottles Parish Council, to speak in relation to the application.

Councillor D Jones thanked the Chairman and Committee for the opportunity to speak and noted that all Local Members were in support of the application, the Parish Council was also in support of the application and no objections had been received from members of the public. Councillor D Jones added that there had been properties on the land in the past, forming part of the village and it was felt that the development would enhance and improve the gateway into the village.

The Chairman thanked the Parish Member and introduced Mr Keith Ryder, Architect for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr K Ryder thanked the Chairman and Committee for the opportunity to speak and noted that a lot had already been said by the Local and Parish Members. Mr K Ryder noted the applicant had owned and managed the land for over 30 years and had been a resident of the area all his life. It was reiterated that the applicant would wish to move into a property on the site for his own use and that the land itself was of poor quality, having remains of the foundations of the previous terraced housing. Mr K Ryder explained that the site was a part of the village being within the original settlement boundary, and that the application itself followed the NPPF and that the NPPF had a presumption in favour of sustainable development.

Mr K Ryder concluded by noting that he felt the proposal was “in-fill” and would complement the existing developments and not compromise the street scene, residential amenity or highway safety.

The Team Leader - Central and East noted the issue of previous development at the site, and noted the planning history was not in dispute, however, the NPPF was clear in that if the remnants of a development have blended back into the landscape then the site was deemed to be “greenfield” as opposed to “brownfield”. It was added that in terms of “in-fill” the City of Durham Local Plan set out that “in-fill 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”.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor P Conway noted that Members had been advised previously as regards the weight to attach to the saved Local Plans and the NPPF in the context of awaiting the outcome in terms of the County Durham Plan. Councillor P Conway noted that the comments from the Landscaping Team appeared guarded, in noting “some adverse landscape and visual effects”, though not technically objecting. Councillor P Conway added that he had listened to the professional information in terms of the land “blending back in”, reverting to greenfield, however, felt that this was a fine judgement and given the information that the land was of poor quality and had previously been built upon, he would be minded to support the application.

Councillor J Clark noted that policy H4 was to “protect important open space in the street scene and prevent inappropriate development from compromising the character of an area” and added that she did not feel this application did compromise the character of the area having visited the site. Councillor J Clark added that the need to protect open space in areas such as the City Centre of Durham was not the same as the site under consideration. Councillor J Clark explained that the existing containers on the site were not much different in terms of height to the proposal and they had not presented a significant issue in terms of visual impact when Members had visited the site.

Councillor M Davinson noted paragraph 49 of the report, which stated the village was considered to begin with the properties at Barley Rise, and asked whether that site had been outside the village settlement boundary prior to their construction. The Team Leader - Central and East noted she did not have information in respect of the Barley Rise development to hand or the height of the storage containers but that these were unauthorised

Councillor R Lumsdon noted she agreed with the comments of the speakers and felt that the proposal looked to be in keeping with the area and that there had been properties on the site, albeit previously.

The Solicitor - Planning and Development, Neil Carter noted the issues raised in terms of the settlement boundary and of greenfield versus brownfield status of the site. Members were advised that as the housing supply policies in the Local Plan are out of date, most notably policy H5, then paragraph 14 of the NPPF created a presumption in favour of sustainable development. In applying that presumption, it would be for Members to determine the benefits of development and weigh them against the dis-benefits with a view to deciding whether the adverse impacts significantly and demonstrably outweigh the benefits.

Councillor P Conway thanked the Solicitor for his advice and noted he felt the benefits outweigh the dis-benefits and thought that conditions, similar to those applied to the other applications considered today, may be suitable.

The Team Leader - Central and East reminded Members that there had been no objections from the statutory and internal consultees and therefore should Members be minded to approve the application then standard conditions associated with issues such as ecology, contaminated land, landscaping and times of carrying out works on the site could be set out. Members were reminded that the application was an outline application and therefore issues such as access would be for consideration at the reserved matters stage.

Councillor P Conway asked as regards any potential conditions in terms of the trees near to the site, and the Team Leader - Central and East noted this also would be for consideration at the reserved matters stage. Councillor R Lumsdon asked how disruption could be minimised for the adjacent properties during construction, and the Team Leader - Central and East reiterated that hours of construction could be specified, or a construction management plan could be sought to include the times and storage of deliveries of materials. The Team Leader - Central and East noted that in terms of limiting development to only 2 bungalows via condition, this was not necessary as the application was for 2 bungalows and therefore any change from this would require a separate application to be submitted.

Councillor P Conway moved that the application be approved; he was seconded by Councillor A Laing.

RESOLVED

That the application be **APPROVED** subject to conditions relating to: time; compliance with approved plans; implementation of an ecology mitigation; implementation of landscaping; a construction management plan; and submission of reserved matters details.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00511/OUT
FULL APPLICATION DESCRIPTION:	Outline application with all matters reserved for 9 houses (5 houses to be starter/affordable homes)
NAME OF APPLICANT:	Mr William Oliver
ADDRESS:	Broom House, Cocken Road, Leamside, Houghton-le-Spring, DH4 6QN
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of two parcels of land located to the south of Cocken Road in Leamside. For the purposes of clarity on this report, the application sites are identified as site A and site B. Site A is located within the grounds of Broom House and site B is located east of Broom House on a triangular parcel of land which is adjacent to the A1(M). Both sites are surrounded by mature tree coverage. There are a number of mature trees which are located within site A. Both sites are located within the Durham City Green Belt. Site A is located within an Area of High Landscape Value, whilst site B is directly adjacent to the Area of High Landscape Value.

The Proposal

2. Outline planning permission is sought for nine houses. The nine houses would be split across two sites, four of which would be located on site A and the other five properties would be located on site B and have been described as starter/affordable homes. The application has been submitted in outline with all matters reserved for future consideration. Illustrative layout plans have been submitted which indicates that the four properties on site A would be detached properties and the five properties on site B would be a row of terraced properties.
3. A community benefit statement has been provided that indicates that should planning permission be granted a donation of £100,000 will be made to the West Rainton & Leamside Community Association, in order to aid in the Associations debt portfolio.

4. The application is reported to the Planning Committee at the request of Councillor David Hall due to the local support for the rescuing and refurbishment of the local community centre.

PLANNING HISTORY

5. In relation to site A there have been several planning applications associated with the site. Outline planning was refused in June 2004 for a single dwelling and in November 2008 outline permission was refused for four dwellings. Permission was granted for a detached garage and solar panels in association with Broom House, in March 2006 and then again in November 2011.
6. There is no planning history in relation to site B.

PLANNING POLICY

NATIONAL POLICY:

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

13. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 9 – Protecting Green Belt Land*. The Government attaches great importance to Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
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 E1 (Durham City Green Belt)* states that within the Green Belt the construction of new buildings is inappropriate and will not be permitted unless it is for purposes relating to agriculture or forestry; essential sport and recreation facilities or cemeteries; replacement of an existing dwelling, re-use or conversion of an existing building; and limited extensions to existing dwellings.
17. Policy E7 (Development in the Countryside – Development Outside Settlement Boundaries) aims to protect the countryside as an important resource.
18. *Policy E10 (Area of High Landscape Value)* states that the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance of the area of high landscape value; and requiring that development respects the character of its landscape setting in terms of its siting, design and scale.
19. *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.
20. *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.

21. *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.
22. *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.
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. *Policy Q5 (Landscaping)* states that all new development which has an impact on the visual amenity of the area in which it is located will be required to incorporate a high standard of landscaping in its overall design and layout.
26. *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.
27. *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.

RELEVANT EMERGING POLICY

The County Durham Plan

28. 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:

29. *County Highways Authority* has raised objections to the proposed scheme and recommends that the application is refused on highway safety and sustainability grounds.
30. *Drainage Officer* has not raised any objections to the scheme.
31. *Northumbrian Water* have not objected to the proposal. A condition is recommended for details of foul and surface water disposal to be submitted.

INTERNAL CONSULTEE RESPONSES:

32. *Sustainability* has raised objections as the development does not meet the presumption in favour of sustainable development as it fails to meet some of the key principles of NPPF 17 and in particular has poor accessibility and is likely to have significant noise impacts.
33. *Environmental Management (Contamination)* has not raised any objections but has indicated that further information is required in terms of contamination.
34. *Ecology Team* has not raised any objections.
35. *Landscape Team* have confirmed that the proposals would have significant landscape and visual effects.
36. *Tree Officer* has indicated that further information is required in the respect of existing trees on the site.
37. *Environmental Management (Noise)* has indicated that insufficient details have been provided to allow for a proper assessment of the potential environment impact of the proposed development.

PUBLIC RESPONSES:

38. A press notice was issued. Site notices were also posted. Neighbouring residents were notified individually of the proposed development. Four letters of objection have been received, including an objection letter from the City of Durham Trust.
39. The previous refused application has been mentioned by residents, indicating that nothing has changed. Concerns have been raised in respect of impacts on the surrounding area and the Green Belt; and that the new houses would not blend in to the village. Residents have also indicated that the access roads would be dangerous as the main road is already a busy country lane. It has also been indicated that there is no need for additional housing in the area. There is limited services available in the area and there are concerns that the properties would have adverse impacts on trees and wildlife in the area.
40. Objectors have indicated that the £100,000 been offered to pay off the debt of the West Rainton & Leamside Community Association is not justification to allow new houses in the Green Belt. The City of Durham Trust has referred to this as a 'carrot being dangled'.
41. An objector has also stated that it is likely that not one of the people who have supported the scheme lives anywhere near the development. The objector also doubts that these supporters would even know where the proposed site of the development is, let alone understand what they are supporting, as they have been coerced by the offer of money. There is a concern that should this application be granted permission, this would create a precedent for future development.

42. It is also noted that a petition in support of the application has been submitted by the applicant. This petition has approximately 240 signatures. A letter of support has been received from a resident within West Rainton.

APPLICANTS STATEMENT:

43. The following should form the bases for the justification of confirming 'very special circumstances' to accommodate NPPF guidelines:

- Restoration of solvency to WR&LCA by way of a £100000 unrestricted capital injection.
- This restoration removes the potential of the vulnerable position (liability) in which the Trustees currently exist.
- The capital injection will save Jubilee Hall from the existing likelihood of closure.
- The restoration of solvency will allow other funders to provide monies to WR&LCA which currently they are unable to grant, due to the insolvency, and thereafter provide additional services and programmes to support the community.
- Should Jubilee Hall manage to survive, future surplus unrestricted funds will have to be allocated to pay down debts for a period of up to and exceeding 10 years – the capital injection will obviate this and the future surplus funds can be allocated to programmes/projects in the community particularly for the vulnerable and needy.
- The Ecological Report undertaken has revealed no major problems.
- The sites would aid in Central and Eastern Durham's Strategic shortfall in small site availability as identified in the SHLAA report.
- Professional third party advice indicating that an unrestricted capital injection is their recommended path to provide a sound financial basis from which WR&LCA to operate. (Senior partner KPMG and Unity Bank).
- Via consultation overwhelming majority of the village/community support the development project.
- Parish Council have no objections to the development.
- There is precedent elsewhere in the UK (Mrs S. Torrens – February 2016) that where a planning application rejection due to green belt constraints would likely result being injurious to an individual's physical or mental health then this situation can be granted 'very special circumstances' status and the planning application granted. Undoubtedly the closure of Jubilee Hall would have a very detrimental effect on many community members physical and mental health conditions.
- Jeff Morland (Chairman of WR&LCA) who was born in Cocken Road and has been resident in Leamside/West Rainton for 60+ years has written an analysis of the benefits and sustainability of the two small development sites to the local community and the very limited impact the development will impose on the environment. This commentary should be read in conjunction with Jeff Morland's analysis.

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 upon Green Belt and area of landscape value; highway considerations; and residential amenity.

Principle of development

45. The application site is located within the Durham City Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. This scheme proposes housing development on Greenfield land that is located in an unsustainable location. West Rainton is the nearest settlement which has some services and facilities however this settlement is over a kilometre away from the application site. The following gives an indication of distances from the application site to the nearest services:

Primary school – 1.5km

Doctors surgery – 2km

Cost Cutters Convenience Store – 2km

Secondary school – over 5km

46. Given the distance of the application site from the nearest shops, services and public facilities it is considered that the site is unsustainable and would conflict with the core aims of the NPPF.

47. Local plan policy E1 (Green Belt) clearly states that the construction of new buildings within the Green Belt is inappropriate and will not be permitted. There are some exceptions which do allow development in the Green Belt and these relate to agriculture or forestry; outdoor sport and recreation; limited infilling; replacement of an existing building; re-use or conversion of an existing building; or limited extensions to existing dwellings. The proposed development of nine houses do not fall within the exception criteria and therefore the proposals are clearly contrary to policy E1 of the local plan and represent inappropriate development, as defined by paragraph 89 of the NPPF.

48. The NPPF further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also advises that substantial weight should be given to greenbelt harm and that very special circumstances will not exist unless the potential harm to the greenbelt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has argued that very special circumstances exist in this case. In particular, it is argued that the sum of £100,000 which the Developer is offering to pay to the West Rainton & Leamside Community Association to clear debts on the community building known as Jubilee Hall which is situated within the nearby settlement of West Rainton amounts to very special circumstances.

49. Whilst it is considered admirable that the applicant is willing to offer £100,000 to clear outstanding debt for the West Rainton & Leamside Community Association, such a financial contribution would not meet the requirements of the Community Infrastructure Levy Regulations.

In particular, it would not be necessary to make the development acceptable in planning terms, would not be directly related to the development, nor would it be reasonably related in scale and kind to the proposed development. Accordingly, any such financial contribution to be paid by the Developer would be entirely voluntary and could not constitute a reason for granting planning permission. No weight can therefore be afforded to this in the determination of this application. . Planning policy can sometimes require developers to provide a financial contribution towards recreational and amenity space within an area. These contributions are usually only required for major developments of 10 houses or more and these contributions are calculated at £1000 per house. A financial contribution from a scheme of nine houses would not require a contribution under current local planning policy.

50. Before coming to a view on whether the harm to the greenbelt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations (such as to amount to very special circumstances), it is necessary to identify any other harm and any considerations which could outweigh that harm

Impact upon Openness of the Green Belt and area of landscape value

51. National and local policy attaches great importance to Green Belts. The fundamental aim of Greenbelt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Both sites are located to the south of Cocken Road, both within the Green Belt and site A is also within an Area of Landscape Value with site B on the boundary with the Area of Landscape Value. The County Durham landscape character assessment identifies the application sites to be located within the Eastern Valley Terraces of the Wear Lowlands. The landscape strategy for the farmland is to 'enhance' and as a result is a Landscape Improvement Priority Area.
52. Openness is simply absence of development/building. Accordingly, the proposed development, particularly the quantum and intensification of the built form will have a significant adverse effect on openness.
53. The County Landscape Officer has objected the proposed development. The Landscape Officer has indicated that the proposals will inevitably have a negative impact on the landscape and visual amenity of the surrounding area. The impact is considered more significant given the recognised landscape character amenity of this part of County Durham, being within or immediately adjacent an area of high landscape value. Although there is a scattering of dwellings in the immediate vicinity of Broom House, the introduction of nine properties will double the number of properties.. Both developments will be isolate within the countryside, with built development of this nature out of keeping with the surrounding scattered dwellings, and resulting in an urbanising effect within an essentially rural landscape. The development to site B will be highly conspicuous along the major transport corridor of the A1(M), which is close by, and with an open aspect onto the site. This site is also visible from Cocken Road beside the access track. Development within site A will be less conspicuous from public vantage points, but development will still be evident from Cocken Road. Development will be set within the large, well treed garden of Broom House, notably with one or more attractive mature horse Chestnut. This large garden presently provides a suitable rural context and connection with the adjacent self-set woodland to the west and the open arable land to the south. It is noted that both developments will require adequate highway visibility splays, and this could potentially affect trees and hedgerow located in close proximity to the road verge. Clearance for sightlines would open-up views into both sites. In terms of design issues, the proximity of mature trees within the garden and the adjacent woodland may cause issues with regard shade and general nuisance to the enjoyment, and this may result in subsequent opening-up of the plots, thereby making it more conspicuous within the countryside.

54. It is therefore considered that the proposed development would have a significant and detrimental impact on the openness of the Green Belt and an adverse impact on the landscape qualities of the Area of High Landscape Value. The proposal would therefore be contrary to policies E1 and E10 of the local plan.

Highway considerations

55. Although the application is made in outline with all matters reserved, it is considered prudent to assess the highway implications relating to the principle of development at this stage. Both sites would be accessed from Cocken Road. The County Highways Officer has commented on the application indicating that previous highway comments on the 2008 application stated that visibility for access was poor and refusal was recommended. The Highways Officer also notes that safe stopping distance to accesses could not be achieved due to poor visibility for both accesses.

56. The Highways Officer has also commented on the sustainability of the proposed sites. The site is remote from services and not served by public transport. It has no pedestrian provision and limited street lighting provision. The site would be reliant on travel by private car and is therefore considered to be in an unsustainable travel location.

57. Given the above comments it is considered that the proposed development would have an adverse impact on highway safety and would be contrary to policy T1 of the local plan.

Residential amenity

58. In terms of impacts on adjacent residential properties, it is considered that nine properties could be positioned on the site without compromising the amenities of the neighbouring residents.

59. The application sites, in particular site B, are within close proximity to the A1(M). The Council's Noise Officer has indicated that a detailed acoustic report should be carried out to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise.

As the applicant has not submitted a noise report, it is not possible to assess whether there would be an adverse impact upon future residential occupiers of the proposed dwellings and whether adequate mitigation could be put in place to address this.

Other Issues

60. The Council's Drainage Officer and Northumbrian Water have not raised any objections to proposed scheme. Further details are required in relation to foul and surface water disposal, however it is not considered that drainage would be adversely impacted upon.

61. The Council's Environmental Management Contamination Team have not raised any objections to the scheme, however further details are required in relation to potential contamination on the site and any required remediation works.

62. The Council's Ecology Team have not raised any objections to the proposed scheme.

63. The proposal represents inappropriate development in the greenbelt, which is by definition harmful to the openness and permanence of the greenbelt. It is also considered that additional harm arises in terms of adverse landscape and visual impacts, the unsustainable location of the site and any access arrangement would be substandard and unacceptable in terms of highway safety. Applying the balancing test in paragraph 88 of the NPPF, there are no considerations which would clearly outweigh this harm. Accordingly, very special circumstances do not exist and the proposal is contrary to both part 9 of the NPPF and policy E1 of the local plan.

CONCLUSION

64. The application sites are situated within an unsustainable location. West Rainton is the nearest settlement which has some services and facilities however this settlement is over a kilometre away from the application site. The application site is detached from any shops, services or public facilities and the site would be reliant on travel by private car. The proposed development is considered contrary to sections 1, 4, 6 and 11 of the NPPF as the application would constitute unsustainable development.

65. National and local planning policy clearly states that this type of development in Green Belts is inappropriate. There are no considerations which clearly outweigh the greenbelt harm by reason of inappropriateness and other harm identified such as to amount to very special circumstances. Accordingly, the proposed development is unacceptable in principle and would be contrary to policy E1 of the local plan and part 9 of the NPPF.

66. The proposed developments will be isolate within the countryside, with built development of this nature out of keeping with the surrounding scattered dwellings, and resulting in an urbanising effect within an essentially rural landscape. The development would have an unacceptable adverse impact upon the appearance of the Area of High Landscape Value and therefore the proposal would be contrary to policy E10 of the local plan.

67. Durham County Highway Officers have raised concerns with the proposed development, indicating that there is poor visibility from the proposed access points. The Highways Officer also notes that safe stopping distance to accesses could not be achieved due to poor visibility for both accesses. The proposed development would have an adverse impact on highway safety and would be contrary to policy T1 of the local plan.

68. The proposed development would not have any adverse impact on the residential amenity of neighbouring properties. The Council's Noise Officer has raised some concerns in terms of noise over the close proximity of the A1(M) to the proposed properties. Detailed noise surveys would be required to be submitted.

69. The Council's Drainage Team, Contamination Team, Ecology Team and Northumbrian Water have not raised any objections to the proposed scheme.

RECOMMENDATION

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

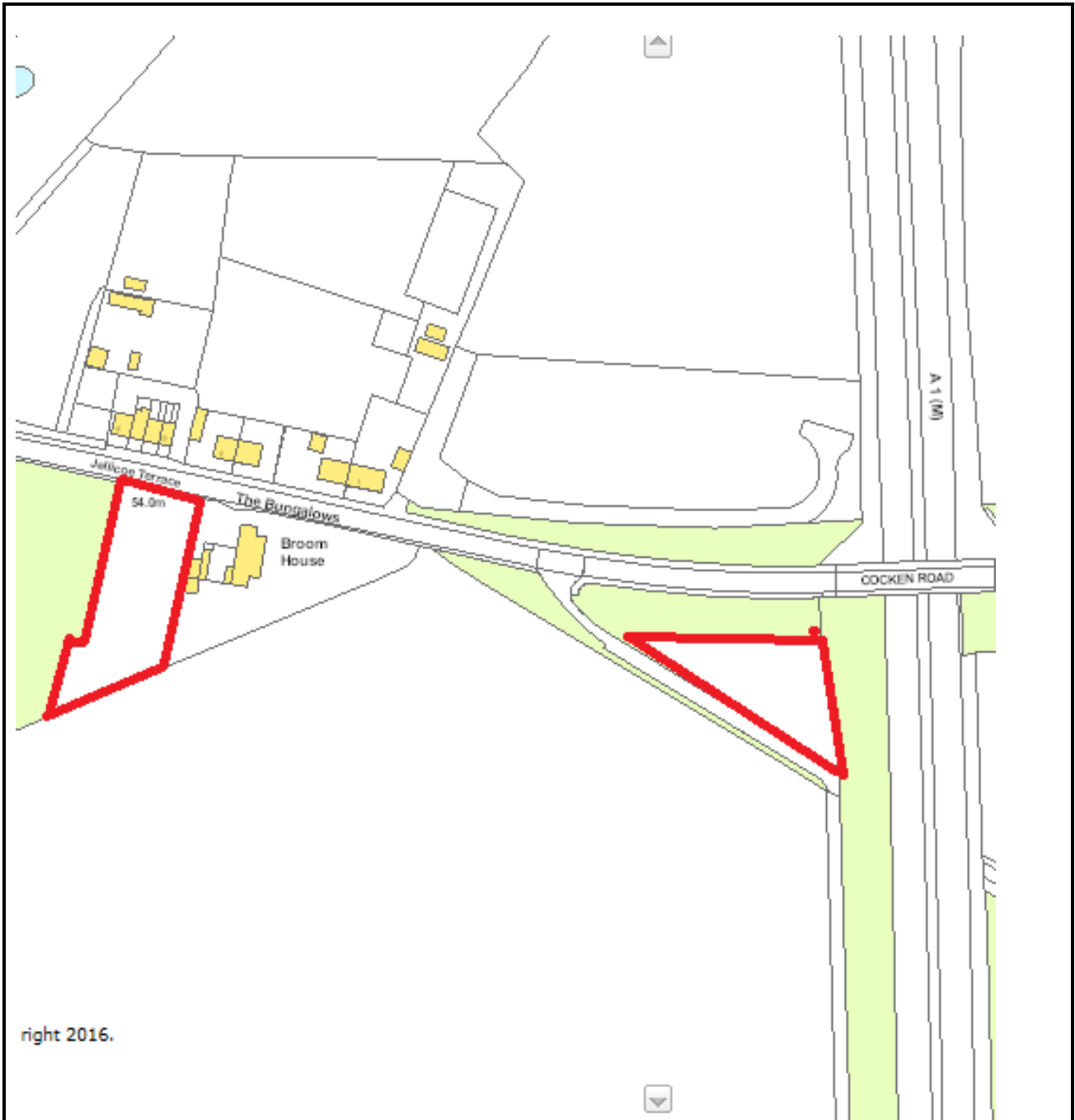
1. The proposed development is contrary to sections 1, 4, 6 and 11 of the National Planning Policy Framework as the proposed development would constitute unsustainable development and prospective occupiers of the proposed property would not be within close walking distance to local services or public transport.
2. The proposed development is contrary to Policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework as the proposal is for inappropriate development in the Durham City Green Belt and there are no very special circumstances which clearly outweigh the harm to the greenbelt by reason of inappropriateness and other harm identified
3. The proposed development is contrary to Policies E10 of the City of Durham Local Plan as the proposal would compromise the landscape qualities of the Area of High Landscape Value.
4. The proposed development is contrary to policy T1 of the City of Durham Local Plan as an acceptable access arrangement to the site cannot be achieved and any access would impact upon highway safety.
5. Insufficient information has been submitted by the Applicant to enable an assessment of whether the proposal is acceptable in terms of noise impacts upon future residential occupiers from the A1(M) motorway.


STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner to ensure that the Durham City Green Belt is not compromised.

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



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Outline application with all matters reserved for 9 houses (5 houses to be starter/affordable homes) at Broom House, Cocken Road, Leamside, Houghton-le-Spring, DH4 6QN Ref: DM/16/00511/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 10th May 2016</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00987/FPA
FULL APPLICATION DESCRIPTION:	Change of use of open space to private garden area (retrospective application).
NAME OF APPLICANT:	Mrs L Ferguson
ADDRESS:	170 York Crescent, Newton Hall, Durham, DH1 5QS
ELECTORAL DIVISION:	Framwellgate and Newton Hall
CASE OFFICER:	Lisa Morina Planning Officer 03000 264877 lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site in question is an area of open space which is located to the north of 170 York Crescent. The area of the land in question is around 230m², and forms one of many pockets of open space which are located within the Newton Hall Housing Development.

The Proposal

2. This application seeks retrospective consent for the change of use of part of this land to private garden area for the occupants of no. 170 York Crescent. The site extends out from the original boundary by 3.4m and runs for the full length of the garden. It is enclosed by a fence which is 6ft (approx. 1.8m) in height consisting of concrete posts and boards with fence panels.
3. Trees have been planted to the front of the fence, however, these are to be removed following concerns raised by officers, and do not form part of this application.
4. This application is being referred to the planning committee at the request of Cllr Hopgood due to the loss of open space.

PLANNING HISTORY

5. There is no relevant planning history on this site.

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 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.
10. 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.

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

11. Policy H13 – (The Character of Residential Area) 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.
12. Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposal which would detract from the functional, visual and environmental attributes they possess.
13. Policy Q1 (Design) sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
14. Policy Q9 (Alterations and Extensions to Residential Properties) state that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.

RELEVANT EMERGING POLICY

The County Durham Plan

15. 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:

16. Police Architectural Liaison Officer – The proposal is an improvement and should be retained.

INTERNAL CONSULTEE RESPONSES:

17. Landscape Team – No response received at the time of finalising this report. The committee will be updated accordingly.

18. Rights of Way Team - There are no recorded Public Rights of Way through the area in question. The surfaced pathways adjacent to the application site form part of the County's adopted highway network. Sufficient space would still be available to use the remaining area of grass bordering the pathway as an alternative when the pathway is icy.

PUBLIC RESPONSES:

19. The application has been advertised on site by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, 5 letters of objection have been received from neighbouring properties and 4 letters of support.

20. Comments have also been raised from Cllr Wilkes and Cllr Simmons in addition to the request for committee from Cllr Hopgood due to the limited communal grassed areas available for all members of the public and given the fact that the Council have cared for the land for well over forty years and suggests this should continue.

21. The issues raised by objectors are as follows:

- The area is open space and not wasteland as detailed in the application.
- The grassed area is maintained by the Council.
- Ownership was retained by Bellway to prevent any future developments on these areas which would spoil the open plan nature.
- Loss of public open space
- The space is a public right of way
- Level of consultation carried out

- The land belongs to the community (is a community asset) and cannot be just taken
 - The proposal will set a precedent for others which could reduce the amount of open space totally.
22. The letters of support consider that the area has been derelict for a number of years and has not been utilised for any specific purpose other than the collection of waste and dog fouling. Children do not play on it because of its irregular shape. It is considered that the proposal has improved the visual appearance of the area and made the area feel more safe and appealing. The proposal is also considered to bring a sense of ownership to the piece of waste land which has only benefitted the area.

APPLICANTS/AGENTS STATEMENT:

23. Paul and I bought this very dilapidated bungalow a year ago and have since spent that time creating a modern, bright family home worthy of modern times. The rear garden of the bungalow was small with a 40 odd year old fence only just hanging onto life, the side path was small and offered no privacy to our bedroom window on the side of the house. A decision was made to renew the fence and utilise this bit of land at the side of the property. I tried to find the owner of the land which isn't the Council, it isn't Bellway homes (I've written to them) and a search of the register with the Land Registry came back with no registered owner. Unfortunately we were misadvised as to being able to adopt this piece of land with a fence and therefore this application is retrospective.
24. I have read the responses to the proposed change of use and wanted to add the piece of land is not used for any purpose, only in the short year we have owned this property it was just bordering the path leading to the shops and is only used by dog owners as a dog toilet and rubbish collected in the very corner. Although a different matter, the path is very dark and with lighting on the side of the property, the fence has brightened up the area for the use of the community. Many passers-by have commented on how bright the area looks now.
25. One responder stated their view had been affected. This is not the case and from where their property is situated the view of the path hasn't changed since the fence has been erected. All they would be able to see is my husband's work van parked in front of our property which is in direct viewpoint from their house to the path.
26. I agree a man did fall and broke his leg but this is a very different matter from our planning application. The fence wasn't built at that time and I went out to assist this man as I saw him fall on ice due to runoff from the gradient of this piece of land. I have planted nearly 100 beech trees to make a bush in the front garden and am going to plant grass and a number of plants/bulbs/shrubs in order to assist with both the aesthetic appeal of our garden and try to help with water runoff from the over saturation of the land. I also haven't taken the whole piece of land and there is sufficient grass left for people to walk on should the path be icy. I have not made the path any less accessible and have not obscured the view of the path or people using it. I wanted to add that I have no intention of building anything on the piece of land and I have no intention of attempting to make our garden any bigger than it is.

PLANNING CONSIDERATIONS AND ASSESSMENT

27. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on the residential amenity of the neighbouring properties, impact on the amenity of the area and any other issues.

Principle of the Development

28. Policy E5A of the City of Durham Local Plan advises that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, or which contribute to the settlements character or to the small scale character of an area will not be permitted. The reason for this is that open spaces within the Districts settlements often form an important part of their character.
29. The area in question forms part of a network of open spaces and footpaths that connect through the estate and help to provide a pleasant pedestrian route for residents walking to and from services. The area also lies within the settlement of Framwellgate Moor.
30. The original area of open space has been reduced in size by the extended fencing, however it is considered that a reasonable amount of open and public space does still remain. In addition to this, other open spaces on the estate vary in shape and size, and it is therefore considered that the reduced area still combines well with the others adjacent and continues to provide an appropriate area of open space.
31. Concern has been raised that the proposal would result in a significant loss of open space, however, as detailed above, this is not considered to be the case. In addition to this, it is not felt that the land in its original form would have had any more significant benefits as an area of open space other than visual amenity, as given its location, slight gradient and size it is unlikely that it would have been used for other purposes such as general play activities, for example.
32. Given this, therefore, as well as the proposed use as residential curtilage being a typical use within the area, it is considered that the principle of the development is considered acceptable.

Impact on residential amenity

33. Given the nature and location of the proposal, it is not considered that it results in a loss of residential amenity to the surrounding neighbours as the use of this area of land as garden area being adjacent to other garden areas is considered acceptable. In addition, it would result in limited views from the surrounding properties, such that it would not adversely impact on visual amenity.
34. The proposal does not encroach on the footpath and is considered from a Design out Crime perspective to be acceptable and is supported by the police. There are no current issues with anti-social behaviour and it is not anticipated that this will change as a result of this proposal.

Impact on the visual amenity of the area.

35. As stated above, the proposal is considered to still retain a suitable area of open land which contributes to the visual amenity of the area.
36. The height and design of the enclosure is considered appropriate and typical of enclosures within the area and therefore, is not considered to be out of keeping with the character of the area.
37. It is considered however, that the fence appears more prominent due to its light colour, and would benefit from being stained a darker colour to match in more with the existing boundary treatments within the area. It would be appropriate to require this by a planning condition, in the event of planning permission being granted.

Other Issues

38. Concern has been raised by objectors that the proposal would set a precedent for others. However, each application is dealt with on its own merits and further encroachments on this piece of land or others would require a separate application. Future applications would take into account cumulative loss as well as the localised impact on the streetscene and this cannot be considered a refusal reason at this stage.
39. Some objectors have raised the issue that they were not consulted on the application. The correct level of consultation is considered to have been carried out with the nearest surrounding neighbours being notified and a site notice displayed. In addition, the number of responses from neighbours suggests that interested parties have become aware of the application through the publicity exercise, and have been able to comment.
40. The area of land in question is not an established right of way as confirmed by the Councils Rights of Way Officer, therefore, the proposal is not considered to impact upon an established right of way. Confirmation has also been given that sufficient space would still remain to use the grassed area if conditions are icy on the footpath.
41. Concern has been raised that the proposal is maintained by the Council and belongs to the community and that land cannot be just taken. The land in question is currently unregistered and the applicant has gone through the correct procedure in terms of advertising the proposal. Should anyone wish to make a legal claim over the land this should be done under a separate legal process and does not form part of the consideration of the proposal, and cannot be considered in the determination of this application. A grant of planning permission would not override any valid legal claim to ownership of the land.

CONCLUSION

42. The change of use of this land to private garden area is considered acceptable in principle given its use is appropriate. The proposal is also considered to be in keeping within the existing area and is not considered to have a detrimental impact on the surrounding residents.
43. As such, it is considered that the development would be in accordance with saved policies E5a, H13, Q1 and Q9 of the City of Durham Local Plan and the NPPF.

RECOMMENDATION

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

1. Within three months of the date of this approval the enclosure should be stained dark brown to match the boundary treatment within the rear garden area.

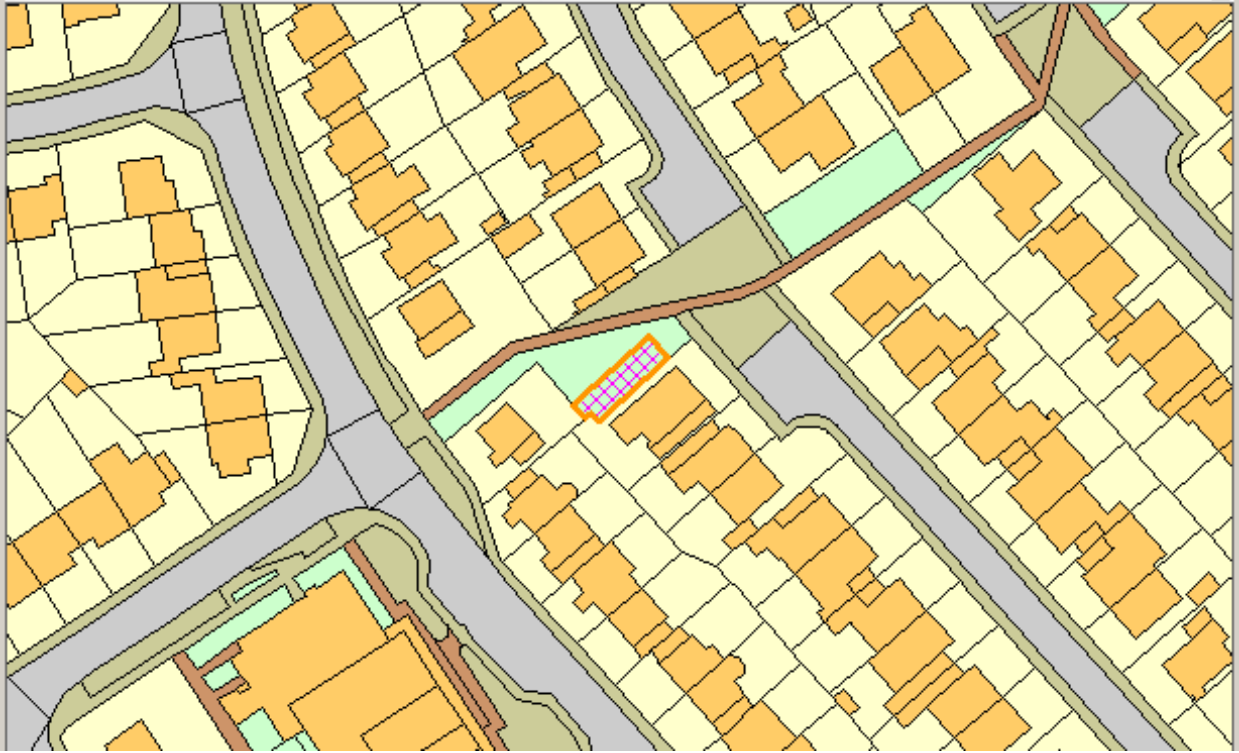
Reason: In the interests of the appearance of the area and to comply with policies E5a, H13, Q1 and Q9 of the City of Durham District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

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

Change of use of open space to private garden area (retrospective application) on land adjacent To 170 York Crescent, Newton Hall, Durham, DH1 5QS
Application reference DM/16/00987/FPA

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Date
April 2016