



## Area Planning Committee (Central and East)

**Date** Tuesday 11 April 2017  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of Meeting held 14 March 2017 (Pages 3 - 22)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) DM/16/03450/OUT - Land to the West of Blackhall Colliery and South of Hesleden Road, Blackhall Colliery (Pages 23 - 38)  
Outline application for erection of up to 97 dwellings.
  - b) DM/17/00700/FPA - Holmside, Fieldhouse Lane, Durham (Pages 39 - 48)  
Change of use from C3 dwelling to C4 HMO for a temporary period of up to 3 years to enable occupation in compatible environment for the duration of studies.
  - c) DM/16/01970/FPA - Land to the west of Fennel Grove, Easington Village (Pages 49 - 66)  
74 no. dwellings.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Clare Pattinson**  
Interim Head of Legal and Democratic Services

County Hall  
Durham  
3 April 2017

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 14 March 2017** at **1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors A Bell, G Bleasdale, J Clark, P Conway, D Freeman, S Iveson, C Kay, J Lethbridge, B Moir and H Bennett (substitute for A Laing)

**Apologies:**

Apologies for absence were received from Councillors M Davinson and K Shaw

**Also Present:**

Councillors R Ormerod and M Wilkes

**1 Apologies for Absence**

Apologies for absence were received from Councillors M Davinson and K Shaw.

**2 Substitute Members**

Councillor H Bennett substituted for Councillor A Laing.

**3 Minutes of the meeting held 14 February 2017**

The minutes of the meeting held on 14 February 2017 were confirmed as a correct record by the Committee and signed by the Chairman.

**4 Declarations of Interest, if any**

There were no declarations of interest submitted.

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

**a DM/16/03342/FPA - 40 South Street, Durham**

The Planning Officer, Susan Hyde, gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the change of use from dwelling to 8 bedroom guest house with operators' accommodation on first floor and care taker/night porter accommodation on ground floor, consent for rear extension and retention of rear orangery (amended description) and was recommended for approval subject to conditions.

The Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that a rear wall was shared with St. Margaret's Churchyard, forming part of the orangery and that this area of the churchyard was less formal, more overgrown and with a lesser amount of public access. Members noted residential properties to the north and south with existing extensions and the restrictions in terms of parking.

The Committee noted that the orangery had been constructed approximately 5 years ago, with a large roof lantern and the application sought retrospective consent. It was added that the application also included for a new extension for the night porter accommodation and, through long discussions between the applicant and the Diocese, there was agreement in terms of retention of the churchyard wall and also a new churchyard wall in front of the existing orangery to give a continuity of materials, a stone wall with coping stones.

Members noted that the property was very spacious, with the application to create 10 bedrooms in total, 8 for letting, 1 for the operator, and the new extension being 1 for the night porter.

In terms of representations, the Planning Officer noted no objections from statutory consultees. It was added that there had been 13 objections, with the main issue being that of congestion and pressure on the already limited parking. It was explained that the location was considered sustainable by Officers due to its location near to amenities and local transport links. The Planning Officer added that objectors also cited additional concerns in terms of additional visitors to the property; however Environmental Health had noted no objections. Members were informed as regards the orangery window lantern and added that Officers did not feel that residential amenity would be detrimentally affected.

The Planning Officer added that objections also included concern as regards the Conservation Area and nearby listed buildings.

It was explained that Officers had looked at the application in detail and when also considering other development that had already taken place at South Street, the application was considered acceptable and was therefore recommended for approval, subject to the conditions set out within the report.

The Chairman thanked the Planning Officer and asked Mr R Cornwell to speak on behalf of the City of Durham Trust in relation to the Application.

Mr R Cornwell thanked the Chairman and noted that Members may have noticed on their site visit a number of available parking spaces on-street. It was added that this was because residents were at work and had driven there: this was also the reason they had been unable to come to the Committee meeting. Mr R Cornwell explained that residents' concern was that when they return in the evening there would not be spaces for them and that these would have been taken up by guests at Grafton House.

Mr R Cornwell noted that since 2010 garages previously available to residents of South Street were being demolished and some extra housing built in its place, all parking was now on-street.

Mr R Cornwell noted that in 2010 planning permission was given to convert the property back to a private house from the hotel and restaurant it had previously been. The Case Officer, the same one presenting today said in her Delegated Report: "The amount of parking and coming and going to the property is considered to reduce with the change of use to a single dwelling as there will be less people occupying the premises hence less parking and noise from the comings and goings". Mr R Cornwell added the Officer was right and that of course if you reverse the change you reverse the benefits.

Mr R Cornwell noted that the applicants had said that they will make it explicitly clear in their publicity material and on their website that parking was limited. Mr R Cornwell noted that unfortunately they would have less control over what goes into the aggregator websites such as bookings.com, Trivago and Expedia. It was added that the applicants' other property, Gadds Town House, was listed on five of these sites and some guests would book via these rather than direct with the proprietors and would be less aware, or unaware, of the parking restrictions. Mr R Cornwell noted that since guesthouses can apply for up to four books of visitor permits per month that would be 60 scratch cards which was enough for two or three extra cars per night. It was noted that the restrictions only applied during the day from 8am to 6pm.

Mr R Cornwell added that the applicants were giving a personal undertaking about the publicity and were they to sell their property on then these undertakings would lapse. Mr R Cornwell noted that indeed checking up on whether they were abiding by them would be difficult and time consuming, and enforcement next-to-impossible.

Mr R Cornwell noted that Members would have seen that Grafton House was in the narrowest part of the street, making deliveries difficult.

He added that he was not sure if the Members' coach was able to get down the street this morning and noted when he was at South Street yesterday the owners' Land Rover was partly parked on the pavement.

Mr R Cornwell noted that the City of Durham Trust was very unhappy about the retrospective application for the orangery, and in the manner that St. Margaret's graveyard wall was treated in order to accommodate it. It was added that neighbours had complained about their privacy being breached and since this was a retrospective application it was not speculation, they could see and be seen.

Mr R Cornwell added that the City of Durham Trust also queried the infill which was not small but would mean that virtually the whole of the curtilage had been built over, quite unique in South Street.

Mr R Cornwell explained that in terms of grounds for refusal, Policy T1 of the saved City of Durham Local Plan would apply, and referred Members to paragraph 39 of the report. Mr R Cornwell added he felt the County Highways Officer was being unduly optimistic and that the traffic generated by the development would have a significant effect on the amenity of occupiers of neighbouring property. Mr R Cornwell noted that as argued previously, not all guests would see the publicity put out by the owners, they would be booking online via intermediary websites, so more would arrive by car than the Committee report anticipates.

Mr R Cornwell noted Policy H13 requires planning permission to be withheld for changes of use that have a significant adverse effect on the character and appearance of a residential area or the amenities of residents within them. It was added that there had been complaints when the property was a guesthouse ten years ago, under different ownership, but the problems would be similar.

Mr R Cornwell explained that Policy Q9 required alterations or extensions to residential properties to respect the privacy of adjoining neighbours. It was added that the Committee report stated that it was only a bathroom: "which is considered to be a non-habitable window". Mr R Cornwell noted that this may be, but it was a room where one expects privacy. It was added that the change of use meant that the overlooking, which includes a private garden, would be by members of the public not ones neighbours.

Mr R Cornwell concluded by noting that the City of Durham trust asked the Committee to refuse the application.

The Chairman thanked Mr R Cornwell and asked the Planning Officer to respond to the points raised.

The Planning Officer noted she was the Officer that had considered the previous permission for change of use to a private dwelling under delegated powers and that in returning to a guesthouse there would be increased comings and goings however from the Officers point of view the property was very large, greater than a normal domestic property and the increased comings and goings would not be sufficient to warrant refusal. It was added that Environmental Health had not considered there to be sufficient detriment to warrant a refusal of the application.

The Planning Officer explained that while the personal assurance had been given by the owner, it was noted that this did not carry much weight in terms of when Planning Officers look at an application, and issues such as Visit County Durham stating there was a need and demand for such “boutique” hotels in the city were more relevant.

In terms of the impact of the orangery, the Planning Officer added the bathroom opposite was clear glazed, however you would normally expect a bathroom window to be obscure glazed however this was the neighbouring property owner’s choice.

The Planning Officer reiterated that the application was felt to be in line with Local Plan Policies and was recommended for approval.

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

Councillor D Freeman explained he would find it difficult to accept a guest house within the middle of a residential street as being appropriate as it inevitably would have some effect on amenity. However, he added there was a precedent in relation to the property previously being used as a guest house. Councillor D Freeman added that parking was an issue, being already difficult and limited and that people visiting may need to park a substantial distance away. It was added that he had noted the Planning Officer had accepted that more parking would be generated, and with the owner being resident would mean they would retain their scratch cards in terms of parking.

Councillor D Freeman noted that the Committee did not like retrospective applications in general, and he felt that the applicants should have known as regards the church wall, however, with no objections from St. Margaret’s it could only be assumed that agreement between the applicants and St. Margaret’s had been reached.

Councillor D Freeman noted he did not feel it was appropriate, however the Case Officer had presented the case well and the property had been used as a guest house in the recent past.

The Chairman noted that it was not ideal for retrospective applications; however, such applications were permitted within planning legislation.

Councillor B Moir noted that if the application was simply the retrospective aspect he may have had a different view on the application. He added that historically the area was ripe for development and that if you had visited the street 200 years ago it would have been likely to be very busy. Councillor B Moir added that he too noted that the property had previously been used as a guest house and added that the owners were some of the bravest business people in Durham, creating an offer for tourists visiting the City, investing in the City and increasing opportunities. He added that the view from the property was a very expensive one and that offering this view at the cost of bed and breakfast was an act of altruism on behalf of the owners. Councillor B Moir noted he proposed that the application be approved.

Councillor C Kay asked for clarification whether weight could be giving to a previous use of a property or was it not relevant. The Planning Officer noted that the former use had ceased therefore no weight was being afforded to that former use, the application had been considered as a “fresh” application and had been considered appropriate and therefore had been recommended for approval.

Councillor J Clark noted this had been the second time she had visited this street and there had been significant amounts of car movement up and down the street, at speed, and there did not appear to be any parking along the street where the property was. However, Councillor J Clark added that this did not detract sufficiently and that she would therefore second the proposal.

Councillor J Lethbridge added that he felt in the sunshine it was a delightful street and that while there were some passing cars he felt no great weight of traffic. He added that the street was diverse in style and overall was very attractive, and took reassurance from the Officer’s statement of “protracted discussions” as this showed that a lot of thought had been put into this application. Councillor J Lethbridge added in terms of conservation he felt the current exterior was very good and when looking over the wall into the churchyard he was able to understand the issues that had been pointed out by the Planning Officer. He noted he disputed the claims as regards the overlooking from the orangery to the bathroom window, feeling that the height and angle meant this presented no problems.

Councillor B Moir moved that the application be approved; he was seconded by Councillor J Clark.

## **RESOLVED**

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

### **b DM/16/03568/FPA - Land to the South of The Wynds, Esh Winning**

The Planning Officer gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent (amended plans) and was recommended for approval subject to conditions.

The Planning Officer explained that the site had contained a former library, community centre and car parking and was close to a local school and the centre of Esh Winning, with a good range of services within walking distance. Members noted a bus stop was within the area of the application and that it was proposed that this would be relocated within the site. Members were referred to trees that bordered the site that would be retained, with some smaller individual trees within the site being lost. It was added that as the application site was slightly higher than the nearby The Wynds, the trees along Cemetery Road would also be retained.

Members were referred to a site plan which highlighted the different property types noting a number of bungalows backing onto The Wynds, with the remainder being 2 storey properties with 2 or 3 bedrooms. Members noted a 1.8 metre high fence that would help protect the amenity of those properties at The Wynds and also that access to the site would be via Cemetery Road. It was explained that the properties were of a fairly traditional design and that those in the area varied from Victorian properties through to some Local Authority housing. Members noted that negotiations had resulted in windows to gable ends of some of the proposed properties to break up the elevations, on non-habitable rooms. The planning Officer explained that the materials were similar to nearby properties, with red brick and black tiles, and buff brick with red tiles.

The Planning Officer noted no objections from statutory and internal consultees, with the Highways Section noting the work on parking, access and sight lines. It was also noted there had been a lot of work undertaken in terms of landscape design, including retaining trees. It was explained that there had been 4 letters of representation from local residents, citing concerns in terms of drainage at the site. It was noted that Northumbrian Water and the Council's Drainage Officer had no objections to the application. It was added the objections also included a desire to retain more trees at the site, some objections in terms of wanting more trees to be removed from the site, with the balanced view taken by Officers that those trees with the most amenity benefit would be retained.

The Planning Officer noted that the development represented part brownfield, part greenfield development, however, it was noted that the central location and site layout meant the development would be sustainable and not affect residential amenity. It was added that separation distances as set out by saved Local Plan Policy Q8 were met and the 100% affordable housing was greater than the 20% requirement. Members noted bat boxes on the site were found to be empty, and would be relocated to nearby trees.

The Planning Officer noted that the recommendation was for Committee to be mindful to approve the application, subject to the completion of a Section 106 Legal Agreement in terms of securing the affordable housing and a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality.

The Planning Officer noted a number of proposed changes to the conditions set out within the report, including; a new materials schedule; amendment to condition 3 in terms of commencement and drainage schemes; deletion of condition 7 as Environmental Health have agreed these issues; and removal of "before development starts" in terms of condition 10. It was added that these were to enable development as soon as possible allowing the developer to be able to access grants which needed to be secured prior to April. It was noted that there were 2 new conditions proposed that: all parking regarding the development would be on the application site until an appropriate car parking management plan was submitted to the Local Authority; and that there would be no deliveries between 8.30 and 9.15 and 15.15 and 16.00 Monday to Friday, to avoid school start and finish times.

The Chairman thanked the Planning Officer and asked Mr A Moss of Ward Hadaway to speak on behalf of the applicant in relation to the Application.

Mr A Moss thanked the Chairman and reiterated the proposed changes to the conditions set out within the report, as explained by the Planning Officer. He added that these changes were acceptable to the applicant but that in terms of a parking condition it had been envisaged that parking would be managed informally as the applicant would work to usual Health and Safety practices and therefore a condition was not necessary. It was also noted that the applicant was a registered considerate constructor and therefore the condition as regard delivery times would also not necessarily be required.

The Chairman asked the Planning Officer for comments as regards the 2 additional proposed conditions.

The Planning Officer noted concern as regards the primary school opposite the site was the reason for the condition regarding site deliveries prior to details being supplied to the Local Authority and Officers felt those conditions were necessary.

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

Councillor B Moir noted he was delighted for a scheme such as this coming forward for affordable housing, and while the Local Members were not in attendance he could only assume they welcomed such development. In terms of the proposed additional conditions, he noted that all Councillors would have had calls as regards developments that take place in their Divisions and that it was important to monitor and enforce where necessary to ensure safety. Accordingly, Councillor B Moir proposed that the application be approved, subject to the legal agreement and the conditions within the report, as amended by the Planning Officer's comments and the 2 additional conditions as stated.

Councillor A Bell noted he felt the design of the properties left a lot to be desired, however the boundary treatment and retention of trees was good.

Councillor B Moir moved that the application be approved; he was seconded by Councillor J Lethbridge.

## **RESOLVED**

That the Committee was **MINDED TO APPROVE** the application, subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments and additional conditions as described by the Planning Officer.

**c DM/16/03751/FPA - Durham Johnston Comprehensive School, Whinney Hill, Durham**

The Senior Planning Officer, Chris Baxter, gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for demolition of former Durham Johnston School Whinney Hill and the erection of 75 no. dwellings with associated infrastructure, landscaping and car parking and was recommended for approval subject to conditions.

The Senior Planning Officer explained that there were a number of changes in terms of the conditions listed within the report, namely: to condition 2, with plans referring to Cragside amended to state "Cragside special"; to condition 4 to ensure a Traffic Regulation Order (TRO) as in place within 6 months of a certificate of completion; and additional condition in terms of parking being in place; to remove condition 6; to condition 9 to reflect and updated Bat Survey; to condition 10 to require a statement in terms of archaeological work; and an additional condition as regards restricting all properties on site to C3, use as residential dwellings. It was added that the stated financial contribution of 1% of the build cost was now to be an amount in the sum of £50,000.

The Senior Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that there was ancient woodland to the east of the site and existing properties to the south. It was explained that the site was within a Conservation Area and that there was a north and south access to the site, with it being proposed that a one-way system would be in place, vehicles entering the site from the north entrance, exiting via the south. The Senior Planning Officer added that proposed layout for the site was primarily dictated by the changing levels across the site, with a range of properties including detached, semi-detached, terraced and apartments, the apartments being at the lowest end of the site. Members noted some elevations of properties showed split levels, to take into account the changes in level across the site.

The Senior Planning Officer noted no objections from statutory consultees, with internal consultees being satisfied subject to additional information, as set out within the conditions. It was noted there were 2 letters of representation, from the City of Durham Trust and the Whinney Hill Community Group, as set out within the report.

The Senior Planning Officer explained that the site was brownfield, in a sustainable location, separation distances were acceptable, the design was acceptable and there had been no objections from the Highways Section in terms of the scheme. Members noted that there would be affordable housing on site and a contribution towards open space and public art and the recommendation was for the Committee to be minded to approve the application, subject to a Legal Agreement, the conditions set out within the report and the amended conditions and additional condition as mentioned.

The Chairman thanked the Planning Officer and asked Mr A McVickers of Persimmon Homes, the applicant, to speak in relation to the Application.

Mr A McVickers thanked the Chairman as noted that the site was the most sustainable site available and the proposed development was in line with the saved City of Durham Local Plan. Members noted the services and transport links available within the City, with bus stops on the main road running alongside the site. It was added that the mixed development of houses and apartments would help to meet demands for properties and it was explained that the applicant had sought early discussions with Planning Officers at the pre-application stage, building upon the work undertaken in terms of the site of the former Police Headquarters. Mr A McVickers explained that the design was of a new character; however, this was such to preserve or enhance the Conservation Area, working with the levels of the land as mentioned by the Senior Planning Officer. Mr A McVickers reiterated as regards public spaces and the retention of many trees on the site and that a suite of accompanying reports linked to the application had been submitted, including relating to: heritage; transport; flood risk; and archaeology.

Mr A McVickers explained that a Section 106 Agreement would secure 20% affordable housing and contributions in terms of green space, public art, education and rights of way in the area. It was added that concerns raised by local residents pre-application as regards parking and possible use as house in multiple occupation were addressed in the proposed TRO and the restriction of use to Class C3, alongside the Article 4 Direction that was in place. Mr A McVickers also noted there would be an estate covenant in place preventing use of the properties for student housing. It was added that there was housing lag and that it could not be demonstrated that the area could meet a 5 year supply of housing and therefore the National Planning Policy Framework (NPPF) noted that in such cases there should be presumption to grant permission. Mr A McVickers noted that site surveys had not highlighted any technical reasons for any further revisions to the scheme and that as the development presented no detriment he asked the Committee to support the Officers recommendation and approve the application.

The Chairman noted with some sadness the loss of the school, however recognised the site had been vacant and an application had been brought forward. The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor D Freeman explained that 33 years ago he would have been sat in a class at the Durham Johnson School and noted that he would not have thought he would be sitting years later on a Committee considering the demolition of the building, noting "that was anarchy for you". Councillor D Freeman noted that the site was one of the, if not the, last sites within the city for C3 not C4 use. He added that the proposals were in line with the development brief for the site and the site had been empty for the last 10 years. Councillor D Freeman added that he could not praise the application enough, the Section 106 Agreement and the associated contributions and also the one-way system in terms of access. Accordingly, Councillor D Freeman noted he formally proposed the application be approved, subject to the Legal Agreement, conditions as set out and amendments as explained by the Senior Planning Officer.

Councillor B Moir noted that when his father attended the School in 1933 he would not have thought his son would be at a Committee considering such an application. Councillor B Moir noted that it looked as if the place would be a splendid place to live, and while it was sad to see the loss of the school building itself, the application was welcome.

Councillor A Bell asked as regards the 20% affordable housing and whether this would be of rent or sale and how this would affect the marketing of these properties.

Councillor J Lethbridge noted there had been some discussions as regards the old school and he could not disagree with the sentiment, indeed there was a tinge of sadness noting many areas within Durham that were being knocked down, demolishing history. Councillor J Lethbridge noted he supported the recommendation of the Officer and was pleased to note the retention of some trees, and noted the proximity to an Iron Age site and ancient woodland adding that we should value these things that we have. Councillor J Lethbridge concluded by noting that the restriction in terms of C3 use was very welcome.

The Senior Planning Officer noted that is set out at paragraph 83 of the report that 10 units would be at affordable rent, with 5 discount market sale units.

Mr A McVickers noted the financial contribution would be £315,215 towards education. The Senior Planning Officer agreed that the financial contribution towards education would be £315,215

Councillor D Freeman moved that the application be approved; he was seconded by Councillor B Moir.

## **RESOLVED**

That the Committee was **MINDED TO APPROVE** the application, subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments and additional condition as described by the Senior Planning Officer.

### **d DM/16/03998/OUT - Finchale Training College, Newton Hall, Durham**

The Senior Planning Officer, Chris Baxter, gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works and was recommended for approval subject to conditions.

The Senior Planning Officer explained that the application was for enabling development and that indicative drawings had indicated a potential site layout with 93 properties, retaining woodland to the north and south of the site. Members noted the proposed access was via Chester Low Road and there was proposed for an additional condition in terms of trees not being able to be removed without formal agreement by the Authority. It was added that a Section 106 Legal Agreement was proposed to secure funding towards green infrastructure, public art, education, and upgrades to highway footpaths and street lighting in the local area. The Senior Planning Officer also noted that there was an additional requirement in the Section 106 agreement which will require the developer to fund consultation on speed restrictions on Low Chester Road and to pay for any subsequent works if required. Members noted the application site was all within the Durham City Greenbelt and the rail line ran near to the site.

The Senior Planning Officer explained that there had been no objections from statutory consultees and internal consultees had only asked for additional information and this had been dealt with by conditions. Members noted there had been 5 objections from the City of Durham Trust, the Campaign for Rural England, Friends of the Durham Green Belt and local residents as set out within the report.

The Senior Planning Officer added that it was acknowledge that development would be harmful to the openness of the greenbelt, and pointed out that paragraph 84 of his report, was more about the visual impact. It was added that within local and national policy where “very special circumstances” existed then development could be justifiable, and in this case it was noted in terms of the viability and relocation of the Finchale College Charity. It was noted as there were existing buildings on the site, it was considered brownfield and also the site was close to some facilities, namely the Arnison Centre.

The Senior Planning Officer noted that the Highways Section was satisfied and there was no impact in terms of protected species. Members noted the sections within the report set out the position in terms of 5 year land supply. However, in accordance with paragraph 14 of the NPPF, the greenbelt policy test was the primary consideration. The Senior Planning Officer concluded by noting Officers felt that the social and economic benefits of development outweighed the harm and therefore the application was recommended for approval subject to conditions.

The Chairman thanked the Senior Planning Officer and asked Councillor M Wilkes, a Local Member, to speak in relation to the Application.

Councillor M Wilkes thanked the Chairman and noted he would be willing to allow the City of Durham Trust to speak first. The Chairman noted he would prefer to stick to the usual protocol for Local Members to speak first.

Councillor M Wilkes noted that he originally was minded to object to the application; however given some of the additional information and conditions as set out by the Officer he was now minded to support the application at this stage.

He noted that it had been difficult to obtain information from both the developer and the Authority in terms of traffic issues at the site and was therefore pleased as regards the condition now included regarding the issue. Councillor M Wilkes asked whether the contribution in terms of public art and education was separate to that for footpaths.

He added that Policy E10 (Area of High Landscape Value) of the saved Local Plan noted 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...”

Councillor M Wilkes also referred to Policies E14 and E15 noting the protection of trees and hedgerows and noted a risk of an open plan site and asked for protection and “beefing-up” along the boundaries.

Councillor M Wilkes noted this was the second application within the greenbelt within his Electoral Division, the first being the Fire Station at Sniperley, and he noted the landscaping improvements that were in place at that site did not resemble those as described to the Planning Committee and therefore he was concerned as regards what was being promised for this site and what would be delivered. Councillor M Wilkes added that he hoped at the final application stage that Officers would work to ensure good screening for the site, incorporating some evergreens to shield the site and that also at that stage Local Members can see what was agreed in terms of a landscaping scheme. Councillor M Wilkes added that he also thought that 93 properties at the site may be slightly too high, and that provision of the affordable units off-site may be preferable, perhaps something to bear in mind at the full application stage.

The Chairman noted that planning applications do not just appear and that Local Members were important in being able to put across the views of residents and work with Officers and developers. The Chairman added that the Fire Station application had been considered by the County Planning Committee.

Councillor M Wilkes clarified, explaining that he had met with developers in respect of this application, rather the information as regards the changes was not known until the last moment.

The Senior Planning Officer noted that the site was adjacent to an area of high landscape value, important within the greenbelt and discussions at the pre-application stage had focused upon the impact on the surroundings. Members were reminded that the indicative scheme for 93 dwellings was to give an indication of what may be possible, however the application was for outline permission and the final number would be determined at reserved matters stage. However, it was added that the woodland would be retained, as would many trees on the western boundary of the site, and while some trees may need to go in terms of access and sight lines, the landscaping would be determined at the reserved matters stage, with a condition set out in the recommendations to this effect.

The Chairman thanked Councillor M Wilkes and the Senior Planning Officer and asked Mr J Ashby representing the Friends of Durham Green Belt and the City of Durham Trust to speak in relation to the application.

Mr J Ashby thanked the Chairman for the opportunity to speak to the Committee on behalf of the City of Durham trust and the Friends of Durham Green Belt.

Mr J Ashby noted that very special circumstances were claimed on the grounds that Finchale was in financial peril because of a loss of Government funding. He added that therefore the Committee was being asked to consider planning issues and funding issues.

Mr J Ashby explained that taking planning first, unfortunately the current application should be refused on the grounds: First the whole of the site was within the green belt, it was inappropriate development in the green belt and, by definition, harmful to the green belt as set out in NPPF paragraph 87 and saved Policy E1 of the City of Durham Local Plan; secondly, the County Council's Highways Manager had stated that the proposed site failed to meet acceptable levels of sustainable travel mode accessibility; thirdly, the scale of development was excessive, getting on for three times as much development as exists, and diminishing the openness of the locality; and fourthly, it represented development outside the existing built-up area of Durham City, but was not for agriculture or other appropriate countryside uses.

Mr J Ashby noted that on those grounds, Members should refuse the current application.

Mr J Ashby added that saved Policy E2 of the City of Durham Local Plan recognises Finchale as brownfield land and allows development on the site even though it was in the Durham Green Belt. He added that NPPF paragraph 89 specifically allows limited infilling or the partial or complete redevelopment of previously developed sites providing that it does not have a greater impact on openness or the green belt purposes. Mr J Ashby noted that if Members were minded to approve some development, then the issue was how many new dwellings without diminishing openness. He added that the current proposal stated that 38 homes would not be sufficient to solve the financial problems, and therefore 93 dwellings were proposed. Mr J Ashby explained that the Officer's report noted that the income from selling a planning permission for that many new dwellings may exceed the requirements of the charity; therefore fewer than 93 could be enough.

Mr J Ashby explained that this then brought in the money issue. He noted that the business case stated "the future of Finchale is critically dependent on the realisation of a significant capital return on the sale of the site." Mr J Ashby noted that this appeared to be totally contradictory to the position in the Charity's Annual Report approved by Trustees on 19 December 2016 and deposited on the Charity Commission's website. Mr J Ashby noted that this must represent the true position of the Board of Trustees as of 19 December 2016 and explained that upon finding the document last week he had immediately forwarded it to the Planning Department, pointing out the flat-out contradiction with the planning application documents.

Mr J Ashby noted to Planners that under the section “the Plans for the Future” the Charity’s Annual Report had made no mention of dealing with the financial situation by seeking to sell of the site; instead, it explicitly states “It is the Board’s planned aim to promote its availability and maximise its use as a commercial hub of business for diverse interacting clients thus generating and income through leasing, letting and hiring”.

Mr J Ashby added that the Annual Report had also said that it would “generate income from Government contracts, European contracts ESF, BDO, SES, YEI. Finchale is aligned with the prime contractors for the new DWP Work and Health programme which will replace the Work Choice and the Work Programme in late 2017.”

Mr J Ashby noted this gave a view that was very positive and rosy and that this in his view threw into sharp question the claims made in the business Case for the planning application. He noted that if the financial position was so much better than claimed, and the scale of housing development need was so much less and indeed the site “is to be promoted to maximise its use as a commercial hub of business”, then Committee needed clarification of what was going on.

Mr J Ashby noted that above all, he challenged the assertion that needing the money was a very exceptional circumstance, all developers need the money. He added that if the bar was lowered by introducing considerations of how much the applicant needs money then planning is having its leg cut from beneath it. Mr J Ashby noted that virtually all refusals upset the hopes and dreams of applicants; however this was the heavy duty for the Committee to carry.

Mr J Ashby concluded by stating that redeveloping Finchale’s brownfield site was ok in principle through saved Policy E2 and NPPF paragraph 89 and asked that the Committee did not augment that legitimate justification by endorsing that “needing the money” somehow represents very special circumstance, as it does not.

The Chairman thanked Mr J Ashby and asked Mr P Jones of Lichfields, representing the applicant, to speak in relation to the application.

Mr P Jones noted the balanced report of the Officers and that it recommended approval of the application. He added that there had been 12 months of work in terms of working for a low density development, of up to 100 homes. Noting consultation last year between July and December, involving Local Members, there had been no overwhelming objections, and in July over 50% of residents had said develop the site. It was added that there was an opportunity for affordable housing, in line with policy, and that the outline application had been given a clean bill of health by Officers.

Mr P Jones thanked Councillor M Wilkes for his comments as regards highways issues as a lot of work had been carried out in this regard. He added that in terms of the public art, this could be on-site or, if off-site, pooled according to Community Infrastructure Levy (CIL) regulations.

Mr P Jones briefly noted the 70 year history of the Finchale Charity, the way in which it received income via contracts, such as that with the DWP, and concerns for the future. It was added that as the current site was too large, this allowed scope for the Charity to move to a new site.

Mr P Jones concluded by noting that the NPPF allowed for building on existing brownfield sites, however, he felt as set out in the Officer's report that special circumstance had been demonstrated and therefore the application should be approved.

The Senior Planning Officer noted that in response to Councillor M Wilkes' question in terms of financial contributions, those for green space, public art and education were all separate.

The Chairman thanked Mr P Jones and the Senior Planning Officer and asked Members of the Committee for their questions and comments on the application.

Councillor A Bell noted that the operation at Finchale was a very well respected and needed service, however the report did not state where they proposed to move to and that if the application was approved would there be on-site play equipment as the site was relatively remote. He also queried how the relocation would be controlled and what measures would put in place to ensure that they did not disappear with the money.

Councillor P Conway noted that the Officer's report hinged upon paragraphs 79 – 83 within the report setting out the social and economic benefits to those living in County Durham. He added that Mr J Ashby had noted the tension between the residual land value and financial viability. Councillor P Conway noted that the late Dickie Annand VC, a war hero intimately linked to Finchale was desperate for its continuing sustainability; however the comments from Mr J Ashby had raised concerns and questions in terms of the protection needed to ensure the continuation of the charity. Councillor P Conway wondered if there was anyone from the Charity that would be able to provide some clarity; else he could almost see grounds for a deferral of the application.

The Chairman agreed that there was a need for more information, and asked the agent for the applicant if there could be any further comment on the matters raised. Mr P Jones noted that Mr W McGawley OBE, Chair of the Board of Directors of Finchale College was in attendance and may be able to answer some of the points raised. In addition, Mr P Jones noted that 3 potential sites for relocation were being considered, all 3 within County Durham and in terms of play facilities on-site, the plans shown were indicative and he would be happy to include details of play equipment at the reserved matters stage. Mr P Jones added that as he understood it, the sale would 100% be used to help ensure the continuation of the Charity.

Mr W McGawley explained that the reality was that income had reduced from £4 million 4 years ago to around £1 million and that the College was living on reserves and this was not sustainable in the long term. Mr W McGawley noted he signed the Annual Report 2016 and noted that it was a vision of a much reduced charity, starting with a zero base, though with a good residual business.

Councillor P Conway noted this information was helpful and asked whether 93 dwellings were required, or could it be fewer as this could help to reduce the impact on the green belt, while still satisfying the charity's financial position. The Chairman noted that the Committee was looking in terms of safeguard regarding funds.

Councillor M Wilkes thanked the Chairman for the further opportunity to speak and noted from meetings with the developer and charity that it had been made clear that there was a requirement for all 100 properties, now 93, and asked if it was the case that not all of the site be developed, and that whether working with the developer and charity could it be possible to understand why 93 properties was what was needed in terms of the charity's financial position.

The Senior Planning Officer explained that paragraph 80 set out the information as regards the business case provided by the applicant, and highlighted that this had been fully assessed by the Council's Policy and Assets Team. It was noted one scenario looked at was 38 dwellings, and this would not provide the funds for the charity to relocate, and another looked at 93 properties that would enable to fund a relocation but also be utilised to: implement a new IT system and marketing; clearance of pension fund deficits and the restoration of reserves to input into future training and employment programmes.

The Chairman noted that the case set out that the Charity needed 93 dwellings.

Councillor B Moir reminded Members that the application was in outline, with details to come through at the reserved matters stage and therefore he proposed that the application be approved subject to the conditions outlined within the report.

Councillor B Moir moved that the application be approved; he was seconded by Councillor P Conway.

## **RESOLVED**

That the Committee was **MINDED TO APPROVE** the application, subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments and additional condition as described by the Senior Planning Officer.

Councillor G Bleasdale noted that a relation was carrying out a similar activity to that set out in the next application and sought advice from the Solicitor in terms of declaring an interest in the next item. The Solicitor – Planning and Development, Neil Carter asked whether the development was in the area and did the Member feel affected. Councillor G Bleasdale noted she did not feel affected, the Solicitor – Planning and Development noted he did not feel that there was a need to declare an interest.

**e DM/16/01048/FPA - Harbour View Hotel, 18 North Terrace, Seaham**

The Planning Team Leader (Central and East), Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 demolition of derelict hotel and erection of a four storey mixed use development (part retrospective) and was recommended for approval subject to conditions.

Members noted that the reason for the part retrospective application was that fire damage to the hotel had been such that the building had collapsed and the site had therefore been cleared.

The Planning Team Leader (Central and East) explained that the proposals were for 4 storey mixed use, with visually the development looking as 3½ storeys. It was added that ground floor use would be for restaurant/café, with the second and third floor being for residential use.

Members were referred to a slide highlighting the application site and noted other similar commercial use in the area. It was explained that the application site was within the Seaham Conservation area and was near to the War Memorial, former Police Station and listed buildings.

Members noted photos of the site and the adjoining building, also owned by the applicant, and the proposed elevations were shown and the proposed materials were noted as red brick, slate roof and grey aluminium window, with negotiations with the Conservation Officers having taken place, with the application being supported by those Officers.

It was explained that in terms of representations, there had been comments from Seaham Town Council stating they were not keen on the aluminium windows. The Planning Team Leader (Central and East) noted no other objections from consultees.

In terms of the principle of development, it was noted that there was similar use for other properties in the area and evidence had been supplied to Planning that the retention of the building after the fire damage was not viable, borne out by the subsequent collapse. In terms of the design it was the Officer's view that the application would enhance the Conservation Area and passed the test as set out at Section 72 of the Act in as well as providing opportunities in terms of regeneration, business and employment.

The Planning Team Leader (Central and East) concluded by noting the application was recommended for approval, subject to the conditions as set out within the report.

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

Councillor G Bleasdale noted that local people were looking forward to the site being developed in keeping with all the works carried out in the area to date, getting better and better. Councillor G Bleasdale noted she proposed the application be approved.

Councillor J Clark noted the area was one she visited frequently and that there were a lot of attractions in the area, including Tommy a sculpture of a First World War Soldier, which brought in a lot of visitors to Seaham. Councillor J Clark noted paragraph 43 of the report noted 75 jobs to be created and speculated that this must be including the construction work and not just be the ongoing employment once works had been completed. Councillor J Clark noted the site was on a busy main road and asked whether there would be an appropriate construction management plan in place to address any potential issues.

The Planning Team Leader (Central and East) noted a condition set out on page 101 of the report looking to deal with construction management and while there were not hours of operation set out within the condition, this could be possible should Members wish this. Councillor J Clark noted that it was to be mindful of where the application site was, and where the construction traffic would be based. The Planning Team Leader (Central and East) noted there was a requirement for a construction management plan to be submitted to and agreed by the Authority prior to the commencement of works.

Councillor D Freeman, added that he had recently visit Seaham and had enjoyed the marina, the Tommy sculpture and that the gap where the property had burned down should be filled with an appropriate building and he therefore welcomed the application.

Councillor G Bleasdale moved that the application be approved; she was seconded by Councillor J Clark.

## **RESOLVED**

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

### **f DM/16/02536/FPA - Shinwell Centre, North East Industrial Estate, Stephenson Road, Peterlee**

The Planning Team Leader (Central and East) gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 erection of 50 no. 2, 3 and 4 bedroom two storey dwellings with associated works and was recommended for approval subject to conditions. The Planning Team Leader (Central and East) explained that the application was now for 49 dwellings and also there was an update in terms of the figures set out in the recommendations on page 114 of the report such that £12,500 would be for ecology and £24,500 for play facilities.

It was explained that the site was a former adult learning centre and there was not affordable housing provision, with the developer noting lack of viability and evidence supplied to Planning having been noted as being satisfactory. Members noted the proximity of the site to the Walkers Crisp Factory and noted the site was also near to the large site at Lowhills Road with proposals for 900 properties in total, 300 of which had approval. It was added the site was brownfield, having already been cleared and the trees on the boundary of the site would be retained. It was noted the main point of access would be from the north, Essington Way.

The Planning Team Leader (Central and East) noted that there had been 1 representation as regards concerns regarding wildlife at the site; this concern was not shared by the Council's Ecology Section. It was noted that Business Durham had asked as regards how the development would relate to the Walkers site and it was explained the change of 50 to 49 properties had looked to address this with a little offset and some acoustic measures would also be put in place, with no objections from Environmental Health.

It was explained that the site was sustainable and while the site was listed as employment land within the Easington Local Plan, the use as an adult learning centre had not been employment use and the application was deemed acceptable.

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

Councillor H Bennett noted that there had not been discussions with Local Members in respect of this application.

Councillor A Bell noted he supported the scheme and recommended the approval in line with the Officer's report.

Councillor J Lethbridge supported the application and asked whether the name could be retained within the development, given the strong political implications.

The Planning Team Leader (Central and East) explained that the naming was beyond the scope of planning; however the street naming team would be the appropriate section to speak to. It was added that as the site was not one identified from the Local Plan and therefore not one where formal consultation would take place, as it was a Durham County Council asset that had been disposed of it would have been dealt with in that capacity by the Council's Asset Management section.

Councillor A Bell moved that the application be approved; he was seconded by Councillor J Lethbridge.

## **RESOLVED**

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

# COMMITTEE REPORT

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## APPLICATION DETAILS

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|--------------------------------------|--|
| <b>APPLICATION NO:</b>               | <b>DM/16/03450/OUT</b>   |
| <b>FULL APPLICATION DESCRIPTION:</b> | <b>Erection of up to 97 dwellings, construction of new vehicular access, open space (including dog walking area) and associated infrastructure</b>         |
| <b>NAME OF APPLICANT:</b>            | <b>Hesland Green Ltd</b>   |
| <b>ADDRESS:</b>                      | <b>Land to the West of Blackhall Colliery and South of Hesleden Road, Blackhall Colliery</b>   |
| <b>ELECTORAL DIVISION:</b>           | <b>Blackhalls</b>  |
| <b>CASE OFFICER:</b>                 | <b>Chris Baxter</b><br><b>Senior Planning Officer</b><br><b>03000 263944</b><br><a href="mailto:chris.baxter@durham.gov.uk">chris.baxter@durham.gov.uk</a> |

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a parcel of agricultural land, approximately 4 hectares size, and located to south of Hesleden Road (B1281) at Blackhall. The site is situated on the edge of settlement and lies to the south of existing housing development in Stuart Close and Orchid Court. The site is roughly rectangular in shape and is part of a larger field extending towards Mickle Hill Road to the south. The site is bounded by agricultural land to the west and south, and allotments to the east. There is an existing cemetery to the south east of the site.

### The Proposal

2. This application seeks outline planning permission for residential development for up to 97 properties. All matters are reserved for future consideration except for access which will be assessed as part of this application. An illustrative layout plan has been submitted and details within the application indicate that the scheme would look to provide a mix of 2, 3 and 4 bedroom properties including bungalows, semi-detached, terraced and detached properties.
3. This application is being referred to the planning committee as it constitutes a major planning application.

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## PLANNING HISTORY

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4. There is no planning history on this site.

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## PLANNING POLICY

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### 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 21<sup>st</sup> 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:**

### **District of Easington Local Plan**

15. 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.
16. *Policy 3* – Development limits are defined for the settlements of the District and are shown on the proposals map and the settlement insert maps. Development outside the ‘settlement limits’ will be regarded as development within the countryside.
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 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.
27. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
28. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.
29. *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

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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

31. *County Highways Authority* has not raised any objections to the proposed access and highway improvements along the B1281 Hesleden Road.
32. *Northumbrian Water* has not raised any objections however further details are required in relation to the disposal of foul and surface water
33. *The Coal Authority* has confirmed that the site does not fall within a defined Development High Risk Area.
34. *The Environment Agency* has not raised any objections.
35. *County Drainage Team* has not raised any objections in principle.
36. *Police Architectural Liaison Officer* has not raised any objections however advice is offered with respect to the design and layout of the proposed residential scheme.

## **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* supports the retention of roadside trees and remnant hedging and reinforcement along visibility splays and structural planting to the west and south boundaries would need to be generous given the rural context of the site.
39. *Tree Officer* has not raised any objections to the scheme.
40. *Environmental Management (Noise)* has indicated that there is no objections to the proposed development. There is the potential for the construction phase to impact on existing residents. Planning conditions are recommended to ensure adequate mitigation is put in place during development.
41. *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.
42. *Public Rights of Way* has not raised any objections to the proposed scheme.
43. *Archaeology Officer* has not raised any objections but has indicated that further survey work would be required.
44. *Design and Conservation* has not raised any objections to the scheme.
45. *Education Team* has confirmed that there are sufficient primary and secondary school places in the area to accommodate pupils from the proposed development.
46. *Housing Team* has indicated that there is a 10% affordable housing requirement in the east of the County. The Planning Statement proposes 15 affordable housing units which should be a split of 75% affordable rent and 25% affordable home ownership units.

## **PUBLIC RESPONSES:**

47. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. Eleven letters of representation have been received including responses from the Local Councillors, the Parish Council, the Campaign to Protect Rural England, Durham Bird Club and local residents.
48. Two letters of objection have been received raising concerns over the access, pedestrian access and the impacts on traffic. There are concerns that the scheme is overdevelopment and would be too dense. Comments indicate that surrounding footpaths need to be improved and additional planting and landscaping is required. It is considered that the assertion that 150 jobs will be created is false, and there is no need for affordable housing, and there is no capacity in local schools. There are also concerns that the proposal would impact on ecology and drainage and flooding in and around the site.

49. The Campaign to Protect Rural England considers that the proposed development site is unsuitable in that it is an island housing site, separated from main housing in Blackhall, and would be an intrusion into the countryside.
50. Monk Hesleden Parish Council have not raised any objections in principle but comments have been raised in relation to drainage and flooding; unmade footpaths on the west boundary; and impacts on the Hesleden Road.
51. Six letters of support has been received which indicate that the proposed development would support local businesses and bring investment into the area. It has also been noted that the proposed housing is essential for the area.
52. Councillor Crute and Pounder have indicated their considerable support for the scheme but has indicated that the following should be taken into consideration; impact of flooding and drainage; impacts on highways; lack of public rights of way; and commitment to bungalows on the scheme.

#### **APPLICANTS STATEMENT:**

53. This application will deliver a wide range and choice of high quality well designed homes including bungalows and up to 15 affordable houses. Building new homes on sites like this helps the Council deliver its five year supply of housing while also bringing significant investment and important economic benefits to the area. Providing new homes will keep local people in this community and develop new job opportunities. Through the efforts made to address localised drainage issues and highway safety improvements for the wider highway network we hope the Committee will support the application.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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54. 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

55. Blackhall is considered to be a sustainable settlement which provides a good range of shops, services and public facilities, including good public transport links. The proposed site is on the edge of the settlement and within close proximity to the shops and services which Blackhall offers. Currently direct linkages to shops and services are not ideal as the site is separated from the Blackhall settlement by the B1281 Hersedden Road. This application is proposing a couple of pedestrian crossing points which will provide pedestrians direct and safe linkages across the B1281 from the residential site towards the shops and services within Blackhall. Whilst it is accepted that the proposed site would be located beyond the settlement limits as defined on the proposals maps and under policy 3 of the local plan, the proposed site is considered to be well related to the built environment of the Blackhall settlement and would not constitute encroachment into the open countryside.
56. With the improvements of pedestrians links across the B1281, it is considered that the proposed scheme would be a sustainable development with good links to shops, services and public facilities within the settlement of Blackhall. The proposal would therefore considered to be in accordance with the sustainable principles of the NPPF.

## 5 year land supply

57. Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need (OAN) for housing is yet to be fully tested. The council is to consult on preferred options for the County Durham Plan shortly and this may give rise to a change in this stance.

58. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

| Scenario                      | Dwellings per annum | Years supply against |
|-------------------------------|---------------------|----------------------|
| Population Growth Short Term  | 1,533               | 4.65                 |
| Population Growth Combination | 1,629               | 4.31                 |
| Population Growth Long Term   | 1,717               | 4.04                 |

59. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. As such, the weight to be applied to the residential framework is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.

60. The main purpose of the Framework is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment. In providing housing a key theme of the NPPF is to seek to boost significantly the supply of housing and expects LPAs to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (including meeting the needs of people who wish to build their own homes) (Paragraphs 47 – 55 of NPPF).

61. It has already been established that the Council does not have a five year supply of housing land. In the context of paragraph 14, any adverse impacts of the proposal must therefore significantly and demonstrably outweigh the benefits if it is to be refused on the basis of the sustainability of its location.

## Highway and access issues

62. The County Highways Officer had originally raised objections to the proposed scheme due to concerns over excessive speeds along the B1281 from vehicles and inadequate pedestrian crossing points from the site to main pedestrian links north of the B1281.

63. Negotiations have taken place between the applicant and Officers in relation to how to progress the scheme and ensure highway safety would not be compromised. The Council's Highways Team provided a solution which involves introducing a roundabout to the western part of the site on the B1281. This roundabout would ensure that vehicles speeds would be reduced and also provide a safe pedestrian link across the B1281. A pedestrian crossing towards the east of the site across the B1281 would also be required. The applicant has agreed to these highway improvements along the B1281. A condition is therefore recommended to ensure that these highway improvement works are provided as part of the residential scheme.
64. Providing a roundabout along with other pedestrian crossings are provided along the B1281 then it is considered that the proposed development would not compromise highway safety.

#### Affordable housing and S106 contributions

65. 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". A development of this scheme usually expects 10% of the housing on the site to be affordable homes with a mix of affordable rent and an affordable home ownership. The Housing Team has indicated that the affordable housing split should be 75% affordable rent and 25% affordable home ownership and the applicant has agreed to this. The provision of the affordable housing will be secured through a section 106 legal agreement.
66. 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

67. 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.
68. 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.

69. 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.
70. 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 site however a scheme has been submitted which indicates that the existing unmade walkway along the west boundary would be improved and upgraded and linked with existing public rights of way further west of the site. The unmade walkway would be fully surfaced to provide adequate walking facilities and the linkages to the existing public rights of way would provide a circular walk route which would encourage walkers including dog walkers to use this route and would reduce the impact on the coastal designations. The Council's Ecologist has assessed these details and is supportive of the scheme. Conditions are recommended to ensure that this scheme is provided with the final development.
71. 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

72. 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.
73. The proposed layout plan indicates that 97 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. The proposed layout shows areas of open space and landscaped areas, along with pedestrian linkages to existing footpaths which would provide a positive appearance and good linkages. It is noted that structural landscaping and planting along the west and south boundary is crucial and this would be sought through a reserved matters scheme. There has been no major objections from the Landscape Officer, Tree Officer, Public Rights of Way Officer or the Design and Conservation Officer.
74. 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

75. 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. Conditions are requested in relation to construction phase and for further site investigation to be undertaken in respect of contamination prior to development commencing. Conditions are recommended accordingly.

76. 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.
77. The Coal Authority and the Council's Archaeology Team have not raised any objections to the proposed scheme. A condition is recommended for further archaeology works to be undertaken. The Council's Education Team have also confirmed that there are no requirements for any contributions to local schools as there is sufficient capacity within the area.

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## **CONCLUSION**

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78. Blackhall is considered to be a sustainable settlement which provides a good range of shops, services and public facilities, including good public transport links. With the improvements of pedestrians links across the B1281, it is considered that the proposed scheme would be a sustainable development with good links to shops, services and public facilities within the settlement of Blackhall. The proposal would therefore considered to be in accordance with the sustainable principles of the NPPF.
79. The proposed scheme would introduce a roundabout along the B1281 Hesleden Road and another pedestrian crossing point. These improvements would ensure that vehicle speeds are reduced along this section of road and provide adequate crossing points for pedestrians. Highways Authority have not raised any objections subject to these highway improvements being introduced. It is not considered that the proposed development would compromise highway safety.
80. 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.
81. 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. A scheme to improve walking facilities in the immediate area has been provided 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.
82. 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.

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## RECOMMENDATION

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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; 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:

| <b>Plan Ref No.</b> | <b>Description</b> | <b>Date Received</b> |
|---------------------|--------------------|----------------------|
| Y81:996:01          | Site Location Plan | 28/10/2016           |

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

4. No development shall take place until a detailed highway scheme including a roundabout and pedestrian crossing along the B1281 Hesleden Road 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 prior to first occupation of the development.

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

5. 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.*

6. 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.*

7. 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.*

8. Prior to the submission of reserved matters the applicant must secure the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);
  - ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

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

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

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.*

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

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

10. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
  2. Details of methods and means of noise reduction
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
  5. Designation, layout and design of construction access and egress points;
  6. Details for the provision of directional signage (on and off site);
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of residential amenity having regards to policy 1 of the District of Easington Local Plan.*

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

*Reason: In the interests of residential amenity having regards to policy 1 of the District of Easington Local Plan.*

12. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Appraisal & Bat Survey Report prepared by Quants Environmental Ltd dated August 2016.

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

13. No development shall take place until a detailed scheme showing improvements to the adjacent footways and linkages to the nearby public rights of way has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development.

*Reason: To conserve protected species and their habitat and protect the heritage coastal designations in accordance with the objectives of part 11 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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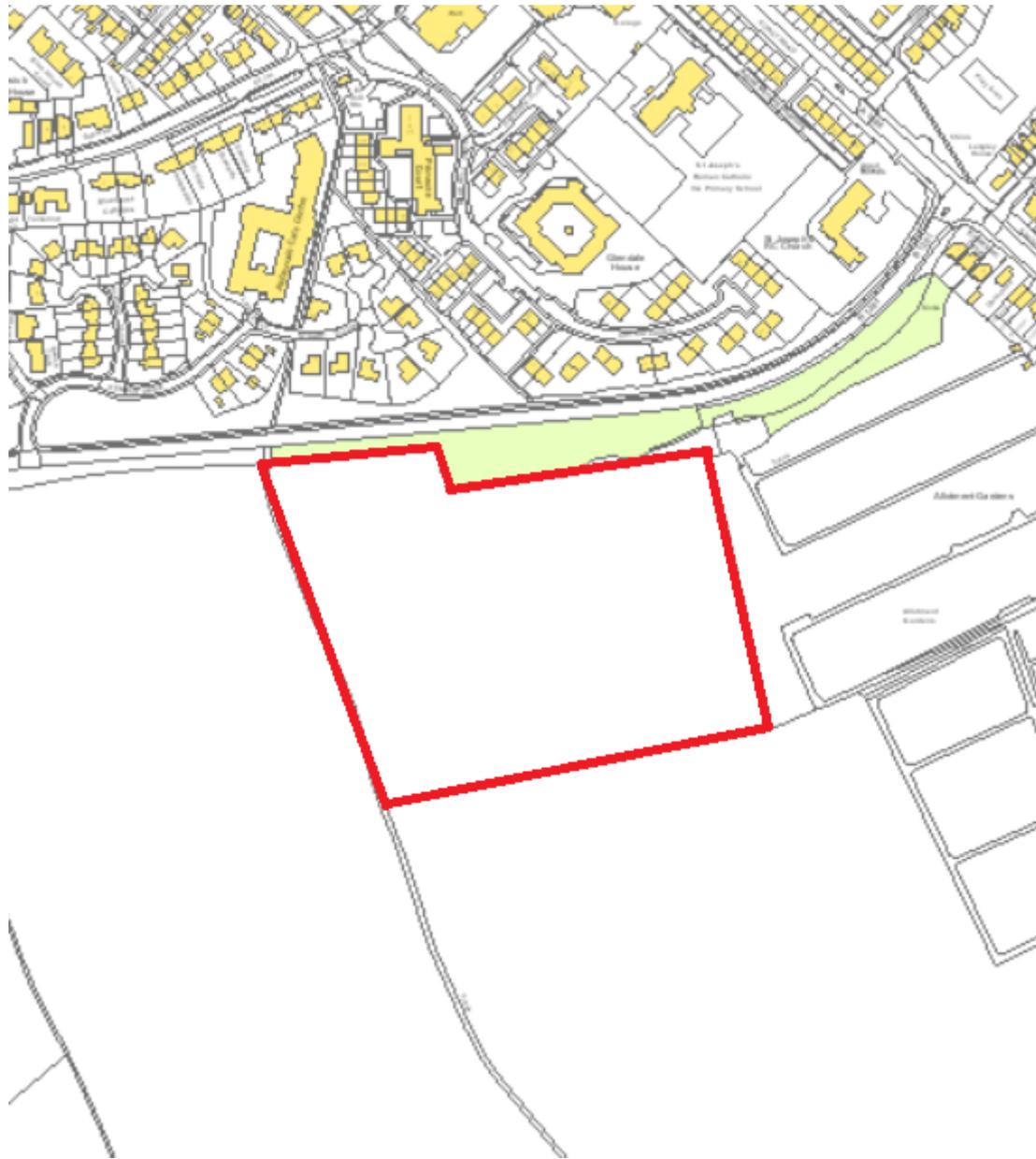
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.

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## **BACKGROUND PAPERS**

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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



**Planning Services**

**Outline application for erection of up to 97 dwellings, construction of new vehicular access, open space (including dog walking area) and associated infrastructure at land to the West of Blackhall Colliery and South of Hesleden Road, Blackhall Colliery Ref: DM/16/03450/OUT**

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**Date**  
**11<sup>th</sup> April 2017**

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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|                                      |  |
|--------------------------------------|--|
| <b>APPLICATION NO:</b>               | DM/17/00700/FPA  |
| <b>FULL APPLICATION DESCRIPTION:</b> | Change of use from C3 dwelling to C4 HMO for a temporary period of up to 3 years to enable occupation in compatible environment for the duration of studies. |
| <b>NAME OF APPLICANT:</b>            | Paul & Angela Helm   |
| <b>ADDRESS:</b>                      | Holmside, Fieldhouse Lane, Durham  |
| <b>ELECTORAL DIVISION:</b>           | Nevilles Cross<br>Chris Baxter   |
| <b>CASE OFFICER:</b>                 | Senior Planning Officer<br>03000 263944<br>chris.baxter@durham.gov.uk  |

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a C3 residential property known as Holmside located on Fieldhouse Lane in Durham. The property is a two storey semi-detached property located in a predominantly residential area, with neighbouring properties to the south, east and west. To the north, opposite the main road is St. Leonards Secondary School.

#### The Proposal

2. This application seeks temporary planning permission for the change of use of the property from C3 family house to a C4 house in multiple occupation (HMO) for a period of three years. The change of use of the property is required for the applicants daughter and her three friends to reside in the property for a three year period whilst she studies at Durham University. The applicants daughter suffers from a condition known as electro-sensitivity (ES) which is a sensitivity to electromagnetic radiation, which includes Wi-Fi, Bluetooth and mobile technologies and the associated transmitters.
3. This application is being reported to Planning Committee at the request of Cllr Holland.

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### PLANNING HISTORY

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4. There is no planning history relevant to the current application.

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## PLANNING POLICY

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### 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 dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 1 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
12. *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.
13. *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.
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 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

## LOCAL PLAN POLICY:

### City of Durham Local Plan

17. Policy H9 (Multiple Occupation / Student Households) states that the sub division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that it does not adversely impact on other planning considerations.
18. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
19. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

## EMERGING COUNTY DURHAM PLAN:

### The County Durham Plan

20. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

21. *Highway Authority* has no objection to the application.

### INTERNAL CONSULTEE RESPONSES:

22. *Spatial Planning Policy* has indicated that applying the interim policy on student accommodation, 11.6% of properties within 100 metres of the site are currently occupied as HMOs.
23. *Noise Action Section* have indicated that the proposal is unlikely to cause a statutory nuisance.

24. *Design and Conservation Officer* offers no objection to the application.

**PUBLIC RESPONSES:**

25. The application has been publicised by way of site notice and individual notification letters to neighbouring properties. Two letters of objection have been received. These objections raise concerns over lack of parking; loss of residential amenity; increased disturbance and noise; and that the conversion to a student property would lead to a detrimental impact on the character of the area. It is also noted that the property is a three bedroom property not a four bedroom property as indicated in the application.
26. Questions have also been raised over the special circumstances for the application. There are questions asking if all the students have the condition, and whether the students would have mobile phones or tablets in the house. It is noted that the surrounding properties are very close and these would not be clear of electromagnetic devices. It has also been questioned if it is not possible for the student to continue living in her current University accommodation. Finally, it has been asked whether a condition can be imposed which would ensure that the property reverts back to a C3 use.

**APPLICANTS STATEMENT:**

27. The occupant suffers from electro-sensitivity, a sensitivity to electromagnetic radiation (EMR) which includes Wi-Fi, Bluetooth and mobile technologies and the associated transmitters. This leads to a variety of disorders including headaches, loss of concentration, rashes, overheating and an inability to sleep. A leaflet from ES UK which explains the condition was submitted with the application. The occupant is registered with the University as having a disability, and currently lives in an environment in University College which minimises these effects. The occupants' parents have tried without success to find suitable student accommodation. Rental accommodation is usually marketed as 'Wi-Fi' enabled and 'smart'. It is vital to the occupants' studies that they have daily respite from Wi-Fi environments, and this house has been fitted with Ethernet cabling. The occupant would occupy the house with student friends for a maximum of three years from July 2017.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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**PLANNING CONSIDERATIONS AND ASSESSMENT**

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28. 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, the impact upon residential amenity and highway safety.

The principle of development

29. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation HMOs). HMO's are small shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom. The application indicates that the proposal is such that the development would normally benefit from this provision contained within the GPDO. However, an Article 4 direction came into effect on 17<sup>th</sup> September 2016 withdrawing permitted development rights in this regard and as such planning permission is required.

30. Policy H9 of the Local Plan is therefore relevant which relates to the conversion of houses for multiple occupation. It states that such development will be permitted where adequate parking, privacy and amenity areas can be provided, where it will not adversely affect the amenities of nearby residents and is of a scale and character appropriate to its surroundings and where it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock.
31. Policy H13 of the Local Plan is also relevant and states that planning permission will not be granted for new development or changes of use in this regard which would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.
32. In addition the Council's Interim Policy relating to student accommodation is also relevant and states that the Local Planning Authority will not support the change of use of properties in instances where there is in excess of 10% of properties within 100 metres of the site already used as student accommodation. Whilst the Interim Policy has less weight than the saved policies of the City of Durham Local Plan it is nevertheless a material consideration and has been endorsed by cabinet and subject to a 6 week consultation period ending April 2016. The threshold of 10% was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', 2008 and in this respect is considered up to date and accords with the aims of the NPPF.
33. The Council's Spatial Policy Section advises that the most recent up to date Council Tax information identifies that 11.6% of those properties within 100 metres of the site are currently occupied as student let accommodation. This concentration is above the 10% threshold stated in the Interim Policy and as such the development would be contrary to the Interim Policy on Student Accommodation.
34. It is noted that in this application, the applicant has presented information relating to the unique medical needs of an individual student. Whilst this specific circumstance is not covered within the Interim Policy, these circumstances are considered to be material in the determination of this application.
35. The circumstances presented in this application relate to the applicants daughter, who has a medical condition known as electro-sensitivity (ES) which is a sensitivity to electromagnetic radiation, which includes Wi-Fi, Bluetooth and mobile technologies and the associated transmitters. Evidence has been submitted with the application, including letters from doctors, confirming the daughters medical condition. The applicant has also provided evidence indicating that approximately 30 different properties were looked at to see if it was possible to rent somewhere. These properties were discounted as either the houses were Wi-Fi enabled, they were too near to mobile phone masts; or Wi-Fi from neighbouring properties would have an impact. The property subject of this application is low lying and is protected from strong mobile signals. Special protection paint would be used on the side of the house which is shared with the neighbouring property and windows are been changed to specialist Pilkington K double glazing which blocks microwave signals. The property is considered appropriate to allow the applicants daughter to live in Durham and continue to function well and enjoy her studies at Durham University. The applicants have stated in the application documents that the property would be lived in by their daughter and her three friends for a three year period while she completes her studies at Durham University. The property would then return to a family home in class C3 use after the three year period.

36. Whilst it is accepted that the proposal is not in accordance with the Council's Interim Policy on Student Accommodation, there has been special circumstances presented in the application relating to the applicants daughters medical condition which is a significant material planning consideration. Another important factor and material consideration is that only a temporary permission has been sought for three years and the property would revert back to a C3 dwelling house. The aim of the Interim Policy is to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix. In the long term, the property would be retained as a C3 dwelling house and therefore an appropriate housing mix would be maintained in the area. The special circumstances described in the application are considered to be material and sufficient to justify approval of a change of use of the property to C4 use for a three year temporary period.
37. As the permission would revert back to a C3 dwelling house it is considered that an appropriate housing mix would be maintained in the area and would not adversely impact the character of the area in the long term. The proposal would not compromise the aims of policies H9 and H13 of the local plan and paragraph 50 of the NPPF.
38. To ensure that the property reverts back to a C3 dwelling house after three years, a condition is recommended.

#### Residential Amenity

39. Paragraph 123 of the NPPF requires that planning decisions avoid noise from development giving rise to significant adverse impacts on health and quality of life; and mitigate and reduce to a minimum other adverse impacts through the use of conditions. Policy H9 of the Local Plan displays broad accordance with the aims of paragraph 123 in this regard and states that the sub division or conversion of properties to provide student development will be permitted provided that it will not adversely affect the amenities of nearby residents.
40. In this instance the application site is a semi-detached property located within a residential area and as such the nearest residential units adjoins the application property to the west which is known as West View. Two residents have raised objection to the application citing the potential adverse impact upon residential amenity particularly from noise.
41. The Council's Environmental Health Section has not raised any objection to the application noting that the use itself does not lead to any specific/quantifiable noise impacts and is unlikely to result in any statutory nuisance as a result.
42. It is accepted that the proposed occupation of the building by 4 unrelated individuals may result in different patterns of behaviour when compared to a single family unit. However, there is no evidence to suggest that the proposed HMO would be materially more harmful than that of a large dwelling being occupied by a large family unit, to an extent that it would result in an increase to harm so significant as to warrant a refusal of this application. It is also noted that the property is owner occupied and not owned by a student letting company. In this regard it is noted that the Environmental Health Section does not raise any objection to the application noting that the use itself does not lead to any specific/quantifiable noise impacts.
43. In light of the above there are not considered to be sufficient grounds to warrant a reason for refusal on the basis of residential amenity in accordance with the requirements of policy H9 and Paragraph 123 of the NPPF.

## Highway Safety

44. The proposed property does not have any off street parking however the site does fall within the controlled parking zone. The Council's Highways Officer has been consulted on the proposals and no objections have been raised given parking would be suitably controlled by permits in the area. The proposal would not have an adverse impact on parking in the area and highway safety would not be compromised. The proposal accords with policy T1 of the local plan.

## Other Matters

45. Two letters of objections have been submitted against the application. Some of the comments raise specific questions regarding the nature of the medical condition suffered by the applicant's daughter. Confidential information has been submitted with the application in regards to the applicant's daughter's condition which is not considered appropriate to fully detail in this report. Officers are satisfied that the information submitted with the application is a true reflection of the applicant's daughter's medical condition. No information has been submitted indicating that any of the other residents of the proposed property would have a similar condition.

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## CONCLUSION

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46. Council Tax information identifies that 11.6% of those properties within 100 metres of the site are currently occupied as student let accommodation. This concentration is above the 10% threshold stated in the Interim Policy and as such the development would be contrary to the Interim Policy on Student Accommodation.
47. Special circumstances have been submitted with the application. These circumstances relate to the applicants daughters medical condition in which she suffers from a condition known as electro-sensitivity and therefore requires a specific home living environment. A temporary permission for three years has been requested and the property would return to a C3 dwelling house after the three years. It is considered that these special circumstances are material considerations sufficient to warrant approval in this instance. As the permission would revert back to a C3 dwelling house it is considered that an appropriate housing mix would be maintained in the area and would not adversely impact the character of the area in the long term. The proposal would not compromise the aims of policies H9 and H13 of the local plan and paragraph 50 of the NPPF.
48. The proposed change of use would not significantly compromise residential amenity currently enjoyed by neighbouring properties. The Council's Highways Officer has not raised any objections in terms of parking and highway safety would not be compromised. The proposal would be in accordance with policies H9 and T1 of the local plan.

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## RECOMMENDATION

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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. This consent is granted for a temporary period and the use hereby approved shall be discontinued and the building shall revert back to a C3 dwelling house use by 31<sup>st</sup> July 2020.

Reason: In order to retain an inclusive and mixed community as identified in Part 6 of the National Planning Policy Framework.

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

| <b>Description</b> | <b>Date Received</b> |
|--------------------|----------------------|
| Site Location Plan | 28/02/2017           |

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



**Planning Services**

Change of use from C3 dwelling to C4 HMO for a temporary period of up to 3 years to enable occupation in compatible environment for the duration of studies.

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**Comments**

**Date** 11<sup>th</sup> April 2017

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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|                                      |  |
|--------------------------------------|--|
| <b>APPLICATION NO:</b>               | DM/16/01970/FPA  |
| <b>FULL APPLICATION DESCRIPTION:</b> | 74 no. dwellings   |
| <b>NAME OF APPLICANT:</b>            | Persimmon Homes  |
| <b>ADDRESS:</b>                      | Land to the west of Fennel Grove, Easington Village                                    |
| <b>ELECTORAL DIVISION:</b>           | Easington  |
| <b>CASE OFFICER:</b>                 | Barry Gavillet, Senior Planning Officer, 03000 261958,<br>barry.gavillet@durham.gov.uk |

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site:

1. This application site is approximately 2.2 hectares in size and is located within the Electoral Division of Easington. The site is greenfield and is situated outside of, but directly adjoining the settlement boundary as defined in the District of Easington Local Plan. The site lies close to local services including bus routes, shops, schools and other community facilities within Easington Village and further east in Easington Colliery.
2. The site is located to the west of Fennel Grove which was developed by Persimmon Homes after being granted planning permission for 18 dwellings in 1998. The site is surrounded to the east, south and west by residential development whilst to the north there are agricultural fields.

#### Proposal:

3. This application seeks full planning consent for 74 dwellings which would be a mix of 2, 3 and 4 bedroomed terraced, semi-detached and detached homes, 7 of which would be classed as affordable housing. The application initially proposed 80 dwellings, however this has been reduced during the application process after negotiations with officers. The proposed dwellings would be constructed of traditional brick with concrete roof tiles, all would have front and rear gardens and off-street parking, visitor parking bays would also be provided. The design of the dwellings would be similar to those developed at the former Council Offices site on Seaside Lane with the same house types being used in some instances. House types would include features such as dormer windows, door canopies and brick heads and cills to windows. Access to the site would be off Sunderland Road to the east and via an existing turning head off Fennel Grove which was developed in the late 1990's.
4. At the entrance to the site off Fennel Grove it is proposed to create a grassed drainage basin which is intended to store and drain surface water after heavy rainfall events, the basin would be 85cm deep at its deepest point. It is anticipated that the basin would only fill in a 1 in 100 year rainfall event and would be dry for the vast majority of the time. It has also been designed to be 'dual purpose' with shallow 1 in 5 slopes to ensure that it can be also used as an area of amenity space.

5. This application is being reported to committee as it is classed as a major development.

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## **PLANNING HISTORY**

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6. No planning application history relevant to this site, although the site is classed as being suitable for housing in the SHLAA (subject to coastal mitigation) and the site was a draft housing allocation in the submission version of the County Durham Plan.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

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

15. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

#### **LOCAL PLAN POLICY:**

##### District of Easington Local Plan

16. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
17. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
18. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
19. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
20. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
21. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
22. *Policy 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

## RELEVANT EMERGING POLICY:

### County Durham Plan

23. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

24. Natural England do not object on the basis that suitable mitigation is agreed in relation to European Protected Sites on the coast.

### INTERNAL CONSULTEE RESPONSES:

25. Highways officers have received various revisions to plans and there are no objections to the access or the level of resident and visitor parking provision.
26. Ecology have no objections on the basis that suitable mitigation is agreed in relation to European Protected Sites on the coast.
27. Drainage officers have no objections subject to conditions requiring accordance with the Flood Risk Assessment and the design of the drainage basin.
28. Pollution Control do not object but require conditions in relation to contaminated land and the submission of a construction management plan.
29. Design officers have welcomed revisions to the layout of the development. A condition should be imposed which requires samples of construction materials.
30. Affordable Housing officers have confirmed that the Strategic Housing Market Assessment requires 10% of dwellings to be affordable.
31. Archaeology officers have no objections subject to a condition requiring a scheme of archaeological work being carried out before construction.
32. Tree officers require the existing tree and hedgerow belt along the northern boundary to be retained and protected, and preferably removed from private garden areas.

33. Education officers have confirmed that there are sufficient primary and secondary school places in the area to accommodate 80 dwellings (now 74).

**PUBLIC RESPONSES:**

34. Northumbrian Water has no objections subject to a condition to control foul water discharge.
35. There have been 60 letters of objection received from 27 addresses in response to the consultation process. The main concerns are that the development would result in an increase in traffic and would result in highway safety issues, there are particular concerns regarding traffic using Sunderland Road when traffic is diverted from the A19. There are also concerns regarding loss of privacy, loss of view and impact on residential amenity some of which would be related to noise, air pollution and disturbance created by construction traffic.
36. Residents are also concerned that there is no need for the development and point out that there are several other developments being carried out nearby and there are lots of empty properties in the area. Residents feel that there is a lack of infrastructure in the area, with regard to such issues as lack of shops, capacity of roads, doctors' surgeries and particularly a lack of school places.
37. Other concerns raised by residents are that the site is greenbelt and development should focus on brownfield sites, that there would be a loss of wildlife and there is potential to increase flood risk.
38. 14 letters of support have been received in response to the consultation process. Supporters state that the site was allocated for housing in the draft County Durham Plan. They also state that the access is suitable and that there are adequate school places in the area.
39. Supporters feel that the proposals would lead to regeneration in the area which would improve the local image and economy whilst benefitting families. It is also stated that the proposals would lead to job opportunities and the creation of local businesses and shops.
40. The Member of Parliament for Easington has written to express his concerns about the proposals. His main concerns are that the proposals would lead to an increase in traffic and highway safety, particularly when traffic is diverted from the A19. He is also concerned about a lack of school places in the area and that the development may have an adverse landscape impact.
41. The MP's concerns are also reflected in a response from local County Councillor Surtees.

**APPLICANTS STATEMENT:**

42. This proposed development offers the opportunity to create a new, modern, sustainable and desirable residential development within the Easington area.
43. The application site is suitably located as it is surrounded on 3 sides by existing residential areas of Easington, and its proximity to the local centres of Easington and Easington Colliery and nearby larger key centres such as Peterlee, Durham and Sunderland, ensures that the site is highly sustainable in relation to local amenity with a wide variety of services, facilities, open space, recreational facilities, and local schools within close proximity to the development. Furthermore, the proximity to bus routes provides a high level of sustainable transport options for future residents.

44. The proposal for 74 dwellings provides an excellent range and choice of dwellings to satisfy current and future housing needs. With a selection of 2 to 4 bed properties of varying sizes and types proposed the development also seeks provides type and size of dwelling which are currently under provided within the housing market.
45. The scheme is also to provide a policy compliant 10% affordable housing provision in line with the most recent housing needs assessment to provide an excellent range and choice of dwellings to satisfy the current and future residential needs.
46. Within the County Durham 2013 SHLAA which was updated in early 2016, the proposed development site was considered suitable for housing as it could contribute towards sustainable, mixed communities. It was also further considered that given its location surrounded on 3 sides by existing residential areas, it would form a coherent extension to the settlement in this location and that the site is in a 'Secondary Town' as defined in the County Durham Settlement Study which has good access to facilities and services and a high standard of bus services to other main towns.
47. The site was included as a draft allocation (H72) within the submission version of the County Durham Plan (April 2014) for 'circa 60 units and the development of the site will include structural planting on its northern boundary'. However despite the withdrawal of the plan, the site remains suitable in meeting housing needs, and furthermore the other relevant evidence base documents for the consideration of this application are material including; the Five Year Housing Land Supply, the Strategic Housing Land Availability Assessment (SHLAA), the Strategic Housing Market Assessment (SHMA) and the County Durham Settlement Study 2012. The proposed scheme was formulated in accordance with previous draft allocations.
48. Throughout the planning process there have been a number of discussions between Persimmon Homes, Internal and External Consultees and the planning officers as to iron out all issues and meet the requests for amendments to the site which have arisen. As such to result in a development which meets the needs of all relevant parties and that no outstanding objections stand and therefore consider the application suitable and sustainable.
49. Finally, the impacts of the development have been mitigated via a planning gain package which includes off site play contributions and a contribution towards the Easington Colliery Coastal Access and the EU coastal protected site.
50. In conclusion it is considered that the proposed development of the site would result in the creation of a sustainable site, within a sustainable location, which helps towards meeting identified housing needs and therefore in accordance with paragraph 14 of the National Planning Policy Framework the application should benefit from the presumption in favour of sustainable development and approve development proposals that accord with the development plan without delay.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

## PLANNING CONSIDERATIONS AND ASSESSMENT

51. 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 planning issues to be considered in this instance are the principle of the development, design, layout and impact on surrounding occupiers, highways, affordable housing, ecology issues and responses from the public. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan and the Governments recently published National Planning Policy Framework (NPPF).

### Principle of the development

52. At the heart of the NPPF is 'the presumption in favour of sustainable development'. In terms of pursuing sustainable development the NPPF sets out five positive improvements to be sought which include;

- Moving from a net loss of bio-diversity to achieving net gains for nature
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high quality homes

53. It is considered that the development of the land in question has the potential to deliver these improvements. The NPPF encourages the reuse of brownfield land and saved Policy 3 of the District of Easington Local Plan advises that development within settlement boundaries such as proposed should be favoured over development in the countryside. Policy 67 of the Local Plan also advocates support for housing proposals provided they lie within the settlement limits and relate to previously developed land. The current proposal would therefore not be in accordance with this policy being considered a greenfield site albeit directly adjacent to the settlement boundary.

54. The local planning authority accept that District of Easington housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 14 of the NPPF, therefore reduced weight can be afforded to policy 67 and policy 3. Furthermore, the County Council is currently unable to demonstrate a 5 year land supply. Accordingly, the application must be assessed in the context of Paragraph 14 of the NPPF.

55. As noted above, Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need for housing is yet to be fully tested. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

| Scenario                      | Dwellings per annum | Years supply against |
|-------------------------------|---------------------|----------------------|
| Population Growth Short Term  | 1,533               | 4.65                 |
| Population Growth Combination | 1,629               | 4.31                 |
| Population Growth Long Term   | 1,717               | 4.04                 |

56. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. Paragraph 49 also makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. As such, the weight to be applied to the residential framework in the EDLP is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.
57. Consequently, it is considered that in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
58. The proposed development site is considered to be a highly sustainable location for residential development given its location in the adjacent to the settlement boundary of Easington Village, surrounded on three sides by residential development and with good access to community facilities such as schools, healthcare provision, shops and public transport links.
59. The site is well related to the settlement and residents would have access to a reasonable level of services and facilities within the village. This site was earmarked as a housing allocation within the County Durham Plan (CDP). However, as the CDP has been withdrawn, no weight can be attributed to this. It does though give an indication that the Council viewed the site as suitable for housing development. The site has also been considered acceptable in the Strategic Housing Land Availability Assessment.
60. Development of this site will help to boost the supply of housing within the County and would contribute towards the five year housing land supply. In principle, the approval of this application for residential development is considered acceptable as there are no significant adverse impacts that would outweigh the benefits. It is well related to the existing village which has a range of local services and community facilities.

### **Design, layout and impact on surrounding occupiers**

61. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

62. In terms of the street scene it is considered that the scheme is of a good quality. The development has been designed to have an attractive landscaped recreation area and drainage basin the east of the site which is the principle vehicular and pedestrian access. Although some trees around the perimeter of the site would be lost, the trees to the northern boundary of the site, which are considered the most valuable landscape buffer would be retained. It has also been agreed that these trees and hedges would be located outside of private gardens and retained and maintained in accordance with an agreed management plan which would be secured as part of a Section 106 legal agreement.
63. All dwellings would be 2 storeys in height, some with accommodation and dormer windows in the roofspace, and all would have their own front and rear garden areas along with off-street parking spaces, additional visitor spaces would also be provided throughout the site. The dwellings would be constructed from a mix of traditional facing brick and concrete roof tiles which is considered appropriate in this location although a condition should be imposed to require material samples to be submitted.
64. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing. These standards have also been taken into account along the boundary with Sunderland Road where there are existing bungalows and ground level changes.
65. A drainage strategy has been submitted with the application which finds that the surface water run-off from the site in a developed state could be managed in a sustainable manner. The drainage mitigation would involve the creation of a drainage basin near the entrance to the site off Fennel Grove. The grassed basin would be shallow with 1 in 5 slopes and would appear as an attractive landscaped feature at the entrance. It would be 85 centimetres at its deepest point and is designed only to fill in a 1 in 100 year rainfall event, for the vast majority of any year it would be dry. Officers have agreed that this area would be 'dual purpose', not only serving a drainage function but also being designed to serve a recreational purpose.
66. Subject to a condition requiring the drainage basin being carried out in accordance with agreed details, it is not considered that the development would lead to any additional flood risk than that which already exists and therefore the proposals would accord with part 10 of the National Planning Policy Framework. It is also considered that the area would be an attractive entrance feature to the site which would also serve as an area of recreation.
67. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is currently a site with no significant amenity or landscape value. There would be little or no impact on nearby residents given the distances involved. Having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.

## **Highways**

68. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.

69. As mentioned previously, the main vehicular and pedestrian access to the site would be from the east off Fennel Grove. Highways officers are satisfied that this access point and visibility splay onto Sunderland Road is acceptable. During the application process officers have requested several amendments to plans with regard to parking provision. The applicant has agreed to do this and amended the plans accordingly. Highways officers have now also confirmed that the level of residential and visitor parking provision is acceptable.
70. Some comments have been received regarding highway safety particularly in regard to Sunderland Road. It is noted that this road is occasionally used by traffic being diverted off the nearby A19 in the event of an accident. Highways officers are aware of this and raise no concerns in this regard. The NPPF states that developments should only be refused on highways grounds where a proposed development would lead to severe impacts, it is not considered that the scale and location of this development would result in such a scenario.
71. Overall, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

### **Affordable Housing**

72. 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”.
73. The County Durham Strategic Housing Market Assessment (SHMA) report was updated in 2016 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.
74. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.
75. The applicant has agreed to provide 10% affordable housing on site in the form of 7 units, 6 of which would be social rented and 8 would be discounted sale. Therefore the proposals are considered to accord with the requirements of the SHMA and the NPPF.

### **Ecology**

76. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
77. In order to take pressure from additional visitors away from the coastal designations of significant importance, the applicant has proposed to provide a financial contribution toward the provision and upgrading of footpaths at the former Easington Colliery pit site, designed to attract more visitors by providing an enjoyable natural environment for recreation as an alternative to the designated sites on the coast. This contribution of £41,218 is to be secured through a S106 Agreement.

78. Both Natural England and ecology officers are in agreement with the proposed mitigation and as such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

## **Recreation**

79. In addition to the above, saved policy 66 of the District of Easington Local Plan states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. On this basis the applicant has agreed to make a financial contribution of £500 per dwelling towards the provision or improvement of offsite recreation in the electoral division.

## **Objections received from residents**

80. As noted above, 60 letters of objection received from 27 addresses in response to the consultation process. The main areas of concern include an increase in traffic and highway safety, the increase in pressure on local services such as schools, loss of privacy and views, impacts on wildlife and flood risk and disturbance during construction.
81. In terms of an increase in traffic, congestion and highway safety, these issues have been assessed by the Council's Highways Officers. Taking into account the scale of the development, it is not considered that this would lead to any significant increase that would warrant refusal of planning permission. Highways officers have also considered comments raised with relation to highway safety including diversions from the A19. Officers have no significant concerns in this regard and have noted that there has been no recorded personal injury Road Traffic Collisions on the B1432, Sunderland Road in the vicinity of the site in the last 5 years. There has been a single 'slight' severity recorded personal injury collision at the junction of the B1432, Sunderland Road with the B1283, Seaside Lane in the last 5 years (September 2014) which was turning related.
82. With regard to pressure on local services, the school places officer has been consulted as part of the application process and it has been advised that both Secondary schools and Primary Schools in the area have sufficient spaces to accommodate the population increase resulting from the proposed development. In terms of other infrastructure it is considered that the location has adequate facilities in the area and moreover, the proposed development is likely to result in an increase in footfall to local shops and businesses and would thereby increase trade and support the local area.
83. With regard to the loss of privacy and views it has been noted above that in all instances, the distance between proposed properties and existing properties is equal to or more than the standards set out in the District of Easington Local Plan which will ensure there is no loss of residential amenity in this regard. It is not considered that a loss of view is a material planning consideration.
84. Both Natural England and ecology officers have no concerns regarding loss of wildlife and the applicant has agreed to pay a financial contribution towards the aim of protecting EU protected sites on the coast which would be considered to constitute a biodiversity gain.

85. Finally, issues raised in terms of flood risk have been assessed by both Northumbrian Water and drainage officers who have agreed to a drainage scheme involving a drainage basin.
86. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts, are not considered to significantly and demonstrably outweigh the benefits of the development and give rise to grounds for refusal of planning permission.

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## **CONCLUSION**

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87. The National Planning Policy Framework advises that there should be a presumption in favour of sustainable development such as this identified allocation which is a part brownfield site and is partly within the settlement boundary of Easington. Officers consider that the development constitutes sustainable development; the key theme running through the NPPF and accords with paragraph 14 of the NPPF and therefore the principle of the development can therefore be accepted.
88. The scheme is considered to be in a sustainable location for residential development with sufficient community facilities including school places and public transport provision nearby. It is considered that the location of the development is a logical extension to the village being surrounded by residential developments on three sides. The proposal would provide affordable housing as well as enhanced recreation and footpath provision to the former Easington Colliery pit site, improving the recreational offer for existing and future residents. The benefits of the scheme would significantly and demonstrably outweigh any dis-benefits in accordance with the NPPF and on this basis it is recommended that the application is approved.

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## **RECOMMENDATION**

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

- i. 10% affordable housing on site.
- ii. A contribution of £41,218 towards the provision and upgrading of footpaths at the former Easington Colliery site.
- iii. Contribution of £37,000 toward enhancement or provision of play facilities in the Easington Electoral Division.
- iv. A tree and hedgerow management plan

### **Conditions:**

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

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

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

Proposed Site Layout FGE – 001 Rev P Date Received 7<sup>th</sup> March 2017  
Location Plan FGE – 002 Date Received 22<sup>nd</sup> June 2016  
Chedworth Village CD-W10 Rev P Date Received 10<sup>th</sup> October 2016  
Chedworth Corner Village CDC-WD16 Rev M Date Received 10<sup>th</sup> October 2016  
Lumley Village LY-WD16 Rev N Date Received 10<sup>th</sup> October 2016  
Kendal Village KL-WD10 Rev E Date Received 10<sup>th</sup> October 2016  
Winster Village WS-WD16 Rev U Date Received 10<sup>th</sup> October 2016  
Highcliff Village HC-WD016 Date Received 10<sup>th</sup> October 2016  
Midridge Village MR-WD16 Rev P Date Received 10<sup>th</sup> October 2016  
Chatsworth Village CT-WD11 Date Received 10<sup>th</sup> October 2016  
Souter Village SU-WD16 Rev U Date Received 10<sup>th</sup> October 2016  
Roseberry Village RS-WD16 Rev S Date Received 10<sup>th</sup> October 2016  
Moulton Village ML -WD16 Rev H Date Received 9<sup>th</sup> January 2017  
Eldridge Village EL-WD016 Rev P Date Received 8<sup>th</sup> March 2017  
Craghead Village CH-WD16 Date Received 8<sup>th</sup> March 2017  
Single/Double Garages SGD – 01 Date Received 23<sup>rd</sup> June 2016  
N14034 200 – P6 Engineering Date Received 21<sup>st</sup> March 2017  
N14034 210 – P2 Road and Sewer Longsections, Road 1 Date Received 21<sup>st</sup> March 2017  
N14034 211 – P1 Road and Sewer Longsections Roads 2 and 3 Date Received 21<sup>st</sup> March 2017  
N14034 230 – P6 Private Drainage Date Received 21<sup>st</sup> March 2017  
N14034 240 – P6 External Works Date Received 21<sup>st</sup> March 2017  
N14034 281 – P1 Permeable Private Drive Date Received 21<sup>st</sup> March 2017  
N14034 290 – P1 Drainage Details Date Received 21<sup>st</sup> March 2017  
N14034 291 – P2 Flow Control Chamber Details Date Received 21<sup>st</sup> March 2017  
N14034 250 – P3 Road Setting Out Sheet 1 Date Received 22<sup>nd</sup> March 2017  
N14034 260 – P3 Manhole Setting Out Date Received 22<sup>nd</sup> March 2017  
N14034 285 – P3 Section 38 Agreement Date Received 22<sup>nd</sup> March 2017  
N14034 295 – P3 Section 104 Agreement Date Received 22<sup>nd</sup> March 2017  
N14034 296 – P3 Section 185 Agreement Date Received 22<sup>nd</sup> March 2017

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

3. No development shall commence until a detailed scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and in accordance with BS 5837 2012.

*Reason: In the interests of the appearance of the area and to comply with part 7 of the National Planning Policy Framework.*

4. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Engineering Layout". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 6714, and ensure that surface water discharges to the surface water sewer at manhole 6716 at a restricted rate of 10l/sec.

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

5. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment by Patrick Parsons dated June 2016 – Revision E.

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

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

#### 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.*

7. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- Overall strategy for managing environmental impacts which arise during construction;
- Measures to control the emission of dust and dirt during construction;
- Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
- Designation, layout and design of construction access and egress points;
- Provision for emergency vehicles;
- Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
- Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Storage of plant and materials used in constructing the development;
- Enclosure of phase or development parcel development sites or development parcels and the erection and maintenance of security hoarding including decorative displays where appropriate;

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

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

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

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

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

10. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

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

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii; Post-fieldwork methodologies for assessment and analyses.
  - iv; Report content and arrangements for dissemination, and publication proposals
  - v; Archive preparation and deposition with recognised repositories.
  - vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.*

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

*Reason: To comply with para. 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

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## **BACKGROUND PAPERS**

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

The National Planning Policy Framework (2012)

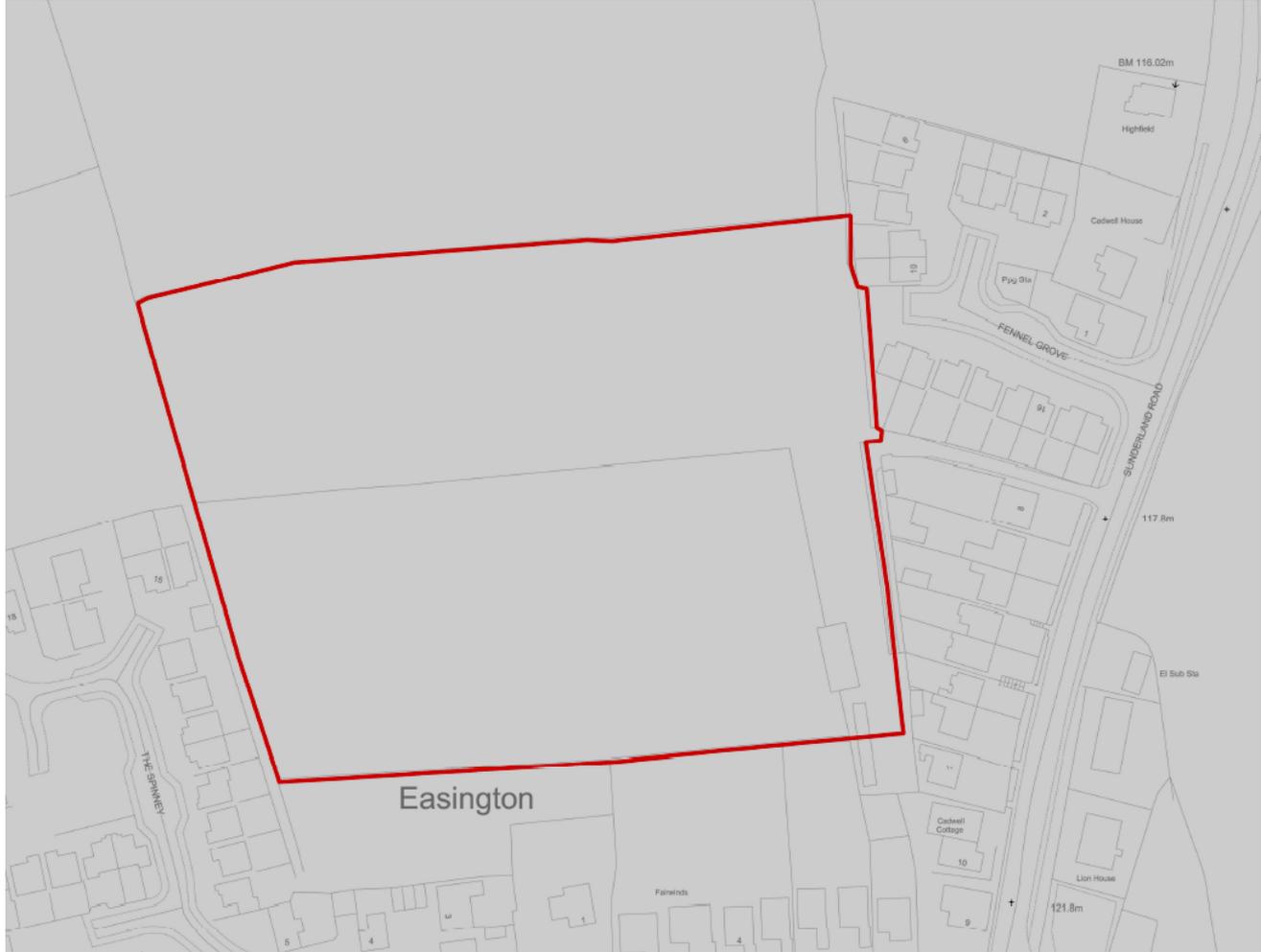
National Planning Practice Guidance Notes

District of Easington Local Plan

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses




**Planning Services**

74 no. dwellings. West of Fennel Grove, Easington Village

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**Comments**

**Date** April 2017

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