

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00855/FPA
FULL APPLICATION DESCRIPTION:	Erection of 1 no. detached bungalow.
NAME OF APPLICANT:	Mr Gordon Pearson
ADDRESS:	Land At Flass Bungalow, Flass Vale, Durham.
ELECTORAL DIVISION:	Neville's Cross Susan Hyde Planning Officer
CASE OFFICER:	03000 263961

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the west of the existing 1950's Flass Bungalow and currently forms part of the defined residential curtilage of the bungalow. Whilst the proposed site for the detached dwelling is on a flat area of land the land slopes steeply downwards to the north of the site which towards a public footpath and this slope is wooded. All the planning application site for the dwelling and residential curtilage is within the green belt, High Landscape Area and Conservation Area the site is located adjacent to Flass Vale which is a local nature reserve and area of woodland with public access from footpaths to the north and west of the site. The site has trees within the red line application site and is also surrounded by mature trees to the north and west of the proposed site. To the south the site joins an existing garden that forms part of Highgate House and to the east is Flass Bungalow owned by the applicant. To the north and west rear of the site is the wooded, hillside backdrop known as Flass Vale which contains several public footpaths, is designated Green Belt, an area of high landscape value, local nature reserve and wildlife site and contains Maidens Bower Scheduled Ancient Monument immediately to the west of the application site. The application site is accessed via a relatively steep access lane off Ainsley Street that serves Flass bungalow and two other large detached dwellings with the application site forming the last property and the track then forming the public footpath only.

The Proposal

2. Full planning permission is sought for 1 detached two bedroomed bungalow which is proposed to be located to the north west of the existing bungalow. Vehicular access to the proposed bungalow is from an existing access and the siting of the proposed dwelling is set back from the public footpath located to the north of the application site and the existing trees on the application site are proposed to be retained. The building is proposed to be constructed of natural stone and timber walling with a tiled roof.

3. The application is before Members at the request of Councillor Brown as the proposal is in the Durham City Green Belt, is within the Flass Vale Nature Reserve and it is in close proximity to Maidens Bower, a Bronze Age burial site and she feels the proposal will be detrimental to this area.

PLANNING HISTORY

No planning history on this site.

PLANNING POLICY

NATIONAL POLICY

4. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
5. NPPF Part 2 Achieving sustainable development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
6. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
7. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
8. NPPF Part 12 Achieving Well-Designed Places - 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.
9. NPPF Part 13 Green Belt -
10. NPPF Part 15 Conserving and Enhancing the Natural Environment - 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.

11. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

12. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

13. The following policies of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007 are relevant to consideration of this planning application:
14. Policy E1 - Durham City Green Belt outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
15. Policy E3 - World Heritage Site – Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
16. Policy E6 - Durham City Centre Conservation Area states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
17. Policy E10 - Areas of Landscape Value is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
18. Policy E14 - Trees and Hedgerows sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
19. Policy E15 - Provision of New Trees and Hedgerows states that the Council will encourage tree and hedgerow planting.
20. Policy E16 - Protection and Promotion of Nature Conservation is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

21. Policy E18 - Sites of Nature Conservation Importance seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
22. Policy E22 - Conservation Areas seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
23. Policy E24 - Ancient Monuments and Archaeological Remains sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
24. Policy E25 - Nevilles Cross Battlefield seeks to protect and enhance the battlefield site through not permitting development which would adversely affect the interpretation of the battle, seeking the provision of appropriate interpretation material on the battle site and not permitting development harmful to the Conservation Area or scheduled ancient monuments and archaeological remains.
25. Policy H7 – City Centre Housing seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
26. 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.
27. 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.
28. Policy T10 - Parking – General Provision states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
29. Policy T21 - Safeguarding the Needs of Walkers states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network.
30. Q1 and Q2 - General Principles Designing for People and Accessibility states that the layout and design of all new development should take into account the requirements of all users.
31. Policy R11 - Public Rights of Way states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

32. Policy R11 - Public Rights of Way states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
33. Policy Q5 - Landscaping General Provision sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
34. Policy Q8 - Layout and Design – Residential Development sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
35. Policy U5 – Pollution Prevention states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
36. Policy U8a - Disposal of Foul and Surface Water requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
37. Policy U11 - Development on Contaminated Land sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

RELEVANT EMERGING POLICY:

Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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

<http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. County Highway Officer – The applicant currently has a shared drive access arrangement which links to Ainsley Street as means of access to the site, the site currently serves 3 number residential dwellings. These proposals add an additional 2 bedroom residential bungalow to the private shared access which takes the total to 4 number residential dwellings. In highway terms the vehicular trips generated by the bungalow would not impact on the public highway and 4 residential dwellings from a shared private access is acceptable.

In terms of residential parking requirements, the site should be designed to fulfil the Highway Authority's Parking Standards. The applicant has not indicated any clear useable car parking space at the site, parking spaces should be provided for two average sized family vehicles as parking amenity space for the bungalow. The general residential car parking standards sizes are as follows. A double width drive for side by side parking is normally sized at 4.7m x 5.5m. A double length single width drive is normally 2.7m x 10.5m. An average sized family vehicle should be able to comfortably reverse manoeuvre safely and turn onsite to proceed onto the private shared access in forward gear.

Bin refuse collection

In accordance with the Councils refuse collection policy a bin storage area needs to be located on the site plan, which should be shared with the applicant and be located no further than a distance of 25 metres from the public highway for refuse collection.

The above highway matters need to be addressed and detailed with relevant dimensions on a clear accurate scaled block layout plan for highways approval.

Consultee Responses

39. Environmental Health – Noise – The application relates to a noise sensitive development and as such falls into the scope of the TANS. However the proposed development is such that it cannot be considered against the thresholds or other relevant guidance/standards contained within the TANS. Therefore the planning officer should consider the following supporting detail to inform their decision in relation to the possible impact of the development.

The proposed site is suitable for residential accommodation therefore there are no concerns when the proposal is operational. However there are currently residential properties near to the site and therefore during construction there may be noise and dust issues if suitable controls are not in place and as such noise management conditions are proposed.

40. Environmental Health – Contaminated Land – The Environmental Health Officer has reviewed the completed screening assessment form, dated 12/03/2019. The adjacent land use is identified as domestic historically, however Flass Quarry is shown to be directly adjacent to the proposed development. No information is known regarding the quarrying activities or if any infilling has taken place. Given this and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply.

41. Landscape Officer - This *Green Belt* property is within an *Area of High Landscape Value* and *Conservation Area*. A designated *Local Wildlife Site* surrounds the property. The bungalow and garden are visible from the adjacent public right of way. The heavily wooded surrounds serve to visually isolate the site. Some trees are further protected by *TPO's*. Large mature trees within the property overshadow much of the garden.

The site and its immediate surrounds are of high sensitivity to the effects of further built development. I was unable to find a detailed *Tree Constraints Plan* beyond the details shown on the *Site Plan*. The loss of only some of those trees identified in the Tree Survey, within this heavily tree covered location, would suggest minimal impact. However, it is unlikely that future occupants would be content to live in such shaded proximity to some of those trees scheduled for retention.

Despite these reservations, and subject to any detailed comments that the Senior Tree Officer may wish to make, the effects on the character and visual amenity value of the AHLV and Conservation Area would be less than significant with regards to impact on the landscape.

42. Tree Officer - The proposed site is within the Durham City Conservation Area, Local Wildlife site (LWS) and adjacent to the Local Nature Reserve (LNR); Tree Preservation Orders are also located adjacent to the property boundary. The Arboricultural report submitted is out of date, dated 8th June 2015. Within section 4.2 of the report it is not clear which tree numbers it is referring to, as no plan has been submitted that indicates tree numbers and root protection areas. Topographical survey and proposed plans do not show any of this.

As such the following information is required – before any further comments can be provided to assess the proposal:

- Tree Survey
- Arboricultural Impact Assessment
- Tree Protection Plan
- Arboricultural method Statement

All of which must comply with BS 5837 2012

43. Conservation Officer - The proposed dwelling is unlikely to cause a significant issue with visual impact upon the character and appearance of the surrounding conservation area given the screening afforded by the land form, trees and adjacent dwellings.

44. Ecology - This proposal is located directly adjacent Flass Vale Local Nature Reserve and surrounded by mature woodland. A Preliminary Ecological Assessment (PEA) of the site and the immediate surroundings is required to fully inform the application on the potential ecological impacts of the proposal. The PEA should assess the nature and quality of the habitats on the application site and at the edge of the woodland for the potential for the presence of protected species and Priority Species (NERC Act).

The PEA should also specifically address the risk of

- Bats using Flass Bungalow
- Bats using mature trees around the edge of the woodland
- An assessment of the impacts of increased lighting and noise disturbance on bat commuting or foraging routes
- Badgers
- Risk of Great Crested Newts

45. Archaeology – Comments are awaited and Members will be updated at Planning Committee.

PUBLIC RESPONSES:

46. City of Durham Parish Council - The Parish Council objects to this proposed development in Flass Vale. In particular we note that the intended development would breach the protected Green Belt in this part of the City. The presumption in favour of sustainable development does not apply when the site is Green Belt land (NPPF para 11). The application does not meet any of the exceptions set out in paragraphs 143-147 of the NPPF, and the applicant has not addressed these criteria in his submission.

Its construction would also damage the Flass Vale Nature Reserve which is protected. Furthermore, it conflicts with the protected locality of Maiden's Bower, a Bronze Age burial site.

We note the applicant's assertion that this is a brownfield site. However, it is possible that land which has at some point in the past been developed can, by the action of nature, revert to greenfield. That is what has happened in this case.

Attempts have been made in the past to enclose this parcel of land and also to build on this area. Those attempts have always been thwarted by the appropriate planning authority and there have been no relevant or material changes in planning policies since then.

We believe that this application should be refused because it is contrary to a raft of Environmental Policies (E1, E8, E10, E20, E21, E22, and E24) and Policy R3 in the Saved Durham City Local Plan 2004 and Policy 13, (paragraphs 135, 143 and 144), Policy 15 (paragraphs 174 and 176) and Policy 16 (paragraphs 184, 185 and 189 - 195) in the NPPF 2018.

47. City of Durham Trust - Trustees object to this application. They suggest that it is contrary to so many saved Local Plan policies that it should be dismissed out of hand. (That is without reference to NPPF.) It is a Local Nature Reserve (E20), in Green Belt (E1, and not meriting one of the possible six exceptional types of development therein), Area of High Landscape Value (E10), adjacent to Ancient Woodland (E14) and section of the Neville's Cross Battlefield (E25) and ancient Maiden's Bower. Trustees' conclusion, therefore, is to disagree with the applicant that the proposal "will not impact significantly" and that choice of materials to lessen the impact of a new building is irrelevant in view of infringement of policies.

APPLICANTS STATEMENT: The applicant has opted not to submit a statement.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Development Plan

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on the character and appearance of the surrounding area, ecology and highway safety.

Principle of Development

49. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The City of Durham Local Plan (CDLP) was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up to date/is time expired.
50. On this basis, given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to date objective assessment of need, and must now be considered out of date, and the weight to be afforded to the policies reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.

51. The application site for the proposed dwelling is all located within the designated green belt on the CDLP, with the boundary of the green belt being located to the east of the application site, including most of the applicants bungalow, Flass Bungalow. Policy E1 of the CDLP is relevant as it relates to the policy for the defined green belt boundary and explains in the justification that the fundamental aim of the Green Belt is to prevent urban sprawl and defines 5 purposes for including land in the Green Belt that include:
- . to check the unrestricted sprawl of large built up areas;
 - . to preserve the setting and special character of historic towns.
52. Officers consider national policy in NPPF is broadly consistent with Policy E1 and in paragraph 133 includes the same fundamental aim to prevent urban sprawl and provides the same 5 purposes in paragraph 134 including the two highlighted above.
53. In this case the defined Green Belt encloses an open woodland area that includes a Local Nature Reserve (located to the north of the application site) and the City of Durham Conservation Area includes the green wooded valley including the application site. This open wooded area forms an attractive green lung that runs from open countryside to the west of Durham City towards the central area of Durham City. Officers consider the Green Belt boundary is still relevant and is required to serve the above purposes of preventing urban sprawl by keeping the land open and also assists in preserving the setting and special character of Durham City. Officers consider it is pertinent that this green wooded valley forms part of the Conservation Area.
54. Policy E1 defines new development in the green belt as 'inappropriate' unless it falls within specific criteria. The national policy in NPPF is consistent with Policy E1 and states in Paragraph 143 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. The specific categories in the national and local policy relate to uses such as agricultural or forestry use, replacement of an existing dwelling, conversion of existing buildings and limited extensions to existing buildings. The green belt policy therefore defines a new dwelling that is not required for a genuine agricultural purpose as inappropriate development. In this case no supporting case has been submitted on agricultural grounds, and the proposed dwelling is therefore considered to be 'inappropriate' development in the greenbelt. A balancing exercise in accordance with Policy E1 of the CDLP and Part 13 of the NPPF is set out later in this report
55. As the development plan policy E1 is considered to be the most important policy for the determination of the application and is considered to have a high degree of consistency with the NPPF, Paragraph 11 of the NPPF, which establishes a presumption in favour of sustainable development, is not considered to be engaged in this case.

Five year Housing Land Supply

56. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

57. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

58. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.

59. Accordingly, the benefit of boosting housing land and delivering new housing would be less than if a shortfall in supply existed.

Locational Sustainability of the Site

60. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

61. In this regard the application site performs well with the site being within 500 metres of the bus station, a range of commercial services and within 600 metres of the train station. In addition, a primary school is located about 600 metres from the site and a secondary school about 800 metres.

Impacts upon the Character and Appearance of the Area and Heritage Assets

62. The application site lies within the Durham City Centre Conservation Area, immediately abuts Flass Vale and is within the designated green belt and an Area of High Landscape Value. The designated Local Nature and Wildlife Reserve is located to the north of the application site and Maidens Bower Scheduled Ancient Monument is located to the north of the application site boundary. Trees within part of the site are protected by the Flass Vale TPO of 1973. This includes the tree to the east of the application site fronting onto the public right of way to the front of the application site.

63. The site therefore lies within a sensitive location and careful consideration must be given to the impacts of the development upon the area and the various local land designations.

64. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of a conservation area.

Design and Conservation officers have been consulted on the application and have raised no objections subject to the proposal not leading to a loss of the mature trees (this is discussed below). Providing this is achieved no harm to the character, appearance or setting of the Conservation Area is considered to occur. Design and Conservation officers consider that the site is currently well screened due its setting within the existing mature trees and surrounded by wooded embankments and the proposed bungalow in the materials of natural stone and timber walling and a tiled roof would have a neutral impact on the Conservation Area.

65. Flass Vale is designated within the Local Plan as an Area of High Landscape Value, and is within the Green Belt. The allocations of the green belt and the high landscape area cover the planning application for the proposed dwelling and residential curtilage. The site of the local nature reserve is not on the planning application site but is to the north of it. Policies E10, E18 and E1 of the Local Plan respectively seek to protect such areas from inappropriate development. The character of this area is of a mature woodland setting and the designation as an Area of High Landscape Value reflects this. Policy E10 seeks to protect the landscape value of the area and resist development which would have an unacceptable adverse impact on the landscape. This is considered to be consistent with Paragraph 170 of the NPPF that seeks to protect and enhance valued landscapes. In addition, Policy E14 of the CDLP seeks to retain areas of woodland, important groups of trees and require a full tree survey to accompany planning applications when development may affect trees.
66. In this case the Landscape Officer and Tree Officer have both noted that the submitted tree report is out of date and that there are mature trees on site, including some that are the subject of a TPO. The tree officer and landscape officer have noted that they cannot provide detailed comments on the impact of the development on the trees without adequate updated information including a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural method Statement. This information is required to assess the impact of the new dwelling on the existing trees. Officers therefore consider there is insufficient information with regard to trees on the application site.
67. However officers also note that the proposed siting is within a group of mature trees where limited light will penetrate to windows and concerns are raised that a dwelling in this location would lead to requests for pruning / tree removal to improve light into the site to the detriment of existing tree cover.

Archaeology

68. Maidens Bower Scheduled Ancient Monument is located to the north of the planning application site and is close to the boundary of the Neville's Cross Battlefield. Policies E24 and E25 of the Local Plan relate to archaeological remains, ancient monuments and the Nevilles Cross battlefield and seek to protect archaeological remains (requiring preservation in situ where necessary), ancient monuments and the interpretation of the Neville's Cross Battlefield. Part 16 of the NPPF is consistent with the aims of these policies. Comments from the archaeology officer will be provided to members at planning committee.

Highways Issues

69. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 9 of the NPPF also seeks to promote sustainable transport choices. In addition, Policies Q1 and Q2 of the Local Plan relate to general principles and designing for people and accessibility and state that the layout and design of all new development should take into account the requirements of all users.

70. The Highway Authority have been consulted on the application and raised no objection to the access being used to serve the new dwelling. However the highway officer has requested further information with regard to the car parking being provided within the planning application to ensure suitably sized spaces are available. Officers consider sufficient space is available within the red line application site to provide the car parking, subject to an assessment of the impact on any trees. In addition, bin storage facilities within 25 metres of the adopted highway are requested to be provided. The agent was made aware of these requests for additional information and given the option to provide additional information in the context that the proposal was unlikely to be supported on greenbelt grounds.
71. Officers note that Waddington Street, Ainsley Street and the immediate area on the adopted highway are covered by the City Centre parking control area and therefore anyone wishing to park on these streets would have to use the pay and display ticket machines.

Ecology

72. With regards to matters of ecology the proximity of the site to the Local Nature Reserve, the site being within a designated Area of High Landscape Value and within 400 metres of Flass Bog wetland area is noted. Policy E16 of the Local Plan and Part 15 of the NPPF seek to conserve nature conservation assets and prevent harm to protected species through development. Policy E18 of the Local Plan relates specifically to Sites of Nature Conservation Importance and seeks their protection. The County Ecologist has highlighted that the application is required to be accompanied by a Preliminary Ecological Assessment (PEA) of the site and the immediate surroundings to fully inform the application on the potential ecological impacts of the proposal. The PEA should assess the nature and quality of the habitats on the application site and at the edge of the woodland for the potential for the presence of protected species and Priority Species (NERC Act). The County Ecologist has clarified that the following information should be included in the PEA to specifically address the risk of bats using Flass Bungalow, bats using mature trees around the edge of the woodland, an assessment of the impacts of increased lighting and noise disturbance on bat commuting or foraging routes, badgers and the risk to Great Crested Newts. As such at this stage the submitted application is not considered to have sufficient information to assess the impact of the dwelling on protected species.

Impact upon Residential Amenity

73. Policy Q8 of the CDLP requires new residential development to minimise impact upon the occupants of existing properties. This approach is considered to display a broad level of accord with the aims of paragraph 180 of the NPPF which requires that planning decisions 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.

74. The nearest residential property is Flass Bungalow located to the east of the application site. To the north and west is Flass Vale and to the south is the garden area of a neighbouring dwelling. Officers are satisfied the proposed dwelling would meet the minimum space about dwellings distances without adverse impact upon residential amenity.

Land Contamination

75. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.

76. The Council's Contaminated Land Section has no objection to the application subject to the inclusion of a planning condition which requires the submission and agreement of a contaminated land risk assessment, intrusive site investigation, remediation and verification where need is identified. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the requirements of paragraph 178 of the NPPF.

Greenbelt balance

77. As noted earlier the dwelling is located in the Green Belt and is inappropriate development which is by definition, harmful.

78. Whilst the site is well screened by trees in the summer months officers also raise concerns that a new dwelling in this location would detrimentally affect the openness of the green belt from the erection of the dwelling with the creation of the associated residential curtilage that includes the paraphernalia of cars, garden furniture, washing lines etc which would further detract from the openness of the greenbelt. Whilst views would be restricted to glimpse views from higher land within Flass Vale and from the public footpath adjacent to Flass Bungalow a further dwelling in this location would lead to a loss of openness of the greenbelt.

79. There are no considerations which would clearly outweigh the identified harm to the greenbelt and accordingly, very special circumstances do not exist. The proposal is therefore contrary to Policy E1 of the Local Plan and part 13 of the NPPF and is considered to be inappropriate development within the green belt.

CONCLUSION

80. This application has been fully assessed and considered in relation to the relevant policies including Policies E1, E6, E10, E14, E18, E21, E22, E24, Q8, T1 and T10 of the CDLP and criteria detailed in the NPPF. In reaching a recommendation on this application, supporting information submitted with the application has been fully considered along with comments received from consultees and local residents.

81. The application is submitted for one dwelling on the above site within the designated green belt, site of Nature Conservation, Area of High Landscape Value, Durham City Conservation Area and adjacent to sites of archaeological interest in Flass Vale. Officers conclude the introduction of one dwelling and associated curtilage in the green belt will constitute inappropriate development that will adversely affect the openness of the green belt and there are no very special circumstances which would clearly outweigh the identified harm. In addition, insufficient information has been submitted to demonstrate the impact of the proposed development on the mature trees and ecology in the area. For these reasons officers consider the application is not acceptable and is contrary to Policy E1, E10, E14 and E18 of the City of Durham Local Plan 2004.

82. The application is therefore recommended for refusal.

RECOMMENDATION

That the application be refused for the following reason:

1. The proposed detached dwelling would constitute inappropriate development in the Green Belt and detract from its openness, with no very special circumstances being demonstrated, contrary to the aims of Policy E1 of the City of Durham Local Plan and Part 13 of the NPPF.
2. Insufficient information has been submitted to demonstrate that there would not be adverse impacts of the development on mature trees and nature conservation interests in an area that is in the green belt, directly adjacent Flass Vale Local Nature Reserve, in close proximity to mature trees within an Area of High Landscape Value, the City of Durham Conservation Area and Tree Preservation Orders contrary to Policy E10, E14, E16 E18, and E22 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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. Unfortunately, a positive outcome was not achieved on this application. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District of Easington Local Plan 2001
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of 1 no. detached bungalow.</p>	
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