

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00893/FPA

FULL APPLICATION DESCRIPTION: Erection of 20 dwellings comprising 11 no. affordable dwellings and 9 no. young parent apartments (including 1 no. wheelchair accessible unit) together with young parent communal facility, all with associated landscaping, parking and revised access arrangements

NAME OF APPLICANT: Tees Valley Housing Limited

SITE ADDRESS: Former Durham Gilesgate Primary School
Kepier Crescent
Gilesgate Moor
Durham

ELECTORAL DIVISION: Gilesgate

CASE OFFICER: Andrew Inch, Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to the former Durham Gilesgate Primary School, which is located approximately 1.3 miles to the north-west of Durham City Centre, within the northern part of Gilesgate, at the end of Bradford Crescent. The site is bordered to the east by the site access, Dixon's Lane, which leads from Bradford Crescent and Musgrave Gardens and beyond by a leafy pathway providing an important pedestrian route round the northern edge of the site to a small parade of shops. Beyond the access is Durham Gilesgate Junior School and its associated playing fields. To the south lies Kepier Community Clinic and the rear gardens of Whitwell Court, a recent residential development of bungalows. To the north and west lie the residential dwellings in Willowtree Avenue and Aspen Close, respectively.

2. The site itself has been vacant since 2004 when the former school buildings were demolished, having been deemed surplus to educational requirements. There remain areas of hardstanding and foundations. The south west corner of the site contains a group trees, whilst along the western and northern site boundaries there are a number of more mature and in some cases important trees.

3. Planning permission is sought for the redevelopment of the site for residential development comprising the erection of 11 two storey semi-detached (one detached) affordable dwellings. These properties would be located along the southern and eastern site boundaries adjacent to Aspen Close and Whitwell Court. The second part of the proposals comprises a development of 9 apartments with an associated communal facility for occupation solely by young parents. The facility would be staffed during the day to offer guidance and assistance to the occupiers in adapting to life as young parents. Amenity space in the form of play facilities and allotments will be provided for the residents of this element of the scheme. All of the twenty proposed dwellings would be of traditional pitched roof construction with grey tiles, while facing elevations would feature a mix of brickwork, through colour render and timber cladding.

4. Access to the site would be retained from the Musgrave Gardens/Bradford Crescent junction, and would be shared with the adjacent school. However, a number of improvements would be made to the access including the installation of new drop kerbs for pedestrians, the widening of the carriageway to provide 2m wide footpaths with new associated barriers, as well as rumble strips. The existing site access is modified slightly, and leads into the site where a total of 33 parking spaces would be provided, two of which would be for disabled users.

5. Accompanying the application is a number of detailed reports including: Planning Statement; Design and Access Statement; Statement of Community Involvement; Arboricultural Impact Assessment; Contaminated Land Desk Study Report; and, Extended Phase 1 and Protected Species Survey.

6. The application is reported to Committee as the number of units proposed is such that the scheme constitutes Major development.

PLANNING HISTORY

7. There is no planning history for the site of direct relevance to the application.

PLANNING POLICY

8. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Statement 22: Renewable Energy, sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

Planning Policy Statement 23: Planning and Pollution Control, contains the policies and the advice that are material to decisions on individual planning applications and where proposals involve development on land likely to be contaminated, applications shall be accompanied by a survey of the site to assess the likely extent, if any, of contamination.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

9. REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance to this application are the following policies:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralized or low-carbon sources.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/hestore/docs/planning/rss/rss.pdf>

10. LOCAL PLAN POLICY:

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals that would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. 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.

Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. As far as possible, unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified.

Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity.

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.

Policy H16 (Residential Institutions and Student Halls of Residence) states that the Council will be permissive of such developments provided that: they are well related to existing facilities and services; satisfactory amenity space for residents is provided; they do not detract from the character or the appearance of the surroundings; and, that the amenity of surrounding residents is not adversely affected.

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.

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.

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

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.

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.

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.

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.

Policy U14 (Energy Conservation) states that the Council will encourage the effective use of passive solar energy and the reduction of wind-chill in the layout, design and orientation of buildings.

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/index.htm>

CONSULTATION AND PUBLICITY RESPONSES

11. STATUTORY RESPONSES:

The Highway Authority has provided a detailed response. The site has formerly been used as an Infants School and as such it had a vehicular access along a road of substandard width but which would have carried a modest level of traffic. The proposed use is a mix of affordable dwellings and a young parent scheme. The latter use is likely to result in very few vehicular trips with only occasional visitors using private cars. The number of affordable dwellings is only 11 and likely to result in around 60 to 80 trips per day; a light flow when spread across the day. The access road would be widened and improved to an adoptable standard with the pedestrian barrier being reinstated along the footway. The layout of the road in the vicinity of the primary school entrance will be altered to create a clear crossing point for children to enter the site and where the crossing patrol would operate. They are satisfied that the internal road layout is suitable for adoption and that the car parking

provision is adequate, and while they are aware of the congestion at the school entrance in the morning and afternoon this only exists for a short period, and the light traffic associated with proposed scheme would not cause increased danger to pedestrians than at present. Finally, the existing estate infrastructure can accommodate the level of development proposed, and consequently, the Highway Authority raises no objection to the proposals.

The Police Architectural Liaison Officer has advised that as the scheme has been developed in accordance with Secured by Design standards, they have no objection.

Northumbrian Water Limited raises no objection but recommend the imposition of a condition requiring the submission of details regarding the disposal of surface water drainage from the scheme.

12. INTERNAL CONSULTEE RESPONSES:

The Area Planning Policy Section have no in principle policy objection to the application, as it would constitute windfall development within the built up area of Durham.

The Design and Historic Environment Section consider the development of the site to be appropriate; however, they have made a number of suggestions relating to the layout of the site, the elevational treatments and the loss of the trees and hedgerows. A number of conditions are proposed.

The Ecology Section has advised that the site is of low ecological value, but recommends that in order to safeguard wildlife, appropriate mitigation should be secured by condition.

The Environmental Health Section recommend a condition regarding site operating hours and methods, as well as a number of conditions regarding the need for further survey work to be undertaken regarding contaminated land. They raise no objection, however, to the application.

The Landscape Section initially raised concerns over the loss of a number of trees and hedgerows, however, following further discussions and the submission of a revised Arboricultural Impact Assessment, they are now satisfied that the minimum number of trees to facilitate the development are now proposed for removal, and consequently, subject to the imposition of appropriate conditions to protect the trees during construction, they raise no objection.

The Sustainability Section is supportive of the attainment of Code for Sustainable Homes Level 4, and this should be confirmed through the submission of a design stage assessment and a carbon emissions report.

13. PUBLIC RESPONSES:

Prior to the submission of the application, the applicants provided a public exhibition in October 2010 inviting local residents by individual letter to attend. The proposals subject of the application are a revised scheme to that presented at the exhibition, since the applicants have sought to take on board concerns raised by local residents. The layout of the site has, for example, been amended significantly to hand the two elements of the scheme.

The application was publicised by way of press and site notice, as well as individual letters to some 248 nearby properties. In view of the approaching festive period and inclement weather at the time of the consultation period, the statutory period of 21 days was extended by a further 7 days.

There is widespread public opposition to the application subject of this report. At the time of writing there have been some 199 individual representations objecting to the planning application. Members should note that the letters received include repeat responses and multiple responses from individual households.

Of the 199 representations received, 98 were in the form of two different standard signed letters. The first of the standard letters comprises 68 of the 98 responses received and the following issues are raised: traffic density on the approach roads is already too great for a residential area and the proposals will increase this at a busy six-point junction; young women of 16-18 years requiring specialist support for dealing with drugs, alcohol and domestic violence will be housed in the scheme, and this will lead to others with similar problems congregating, leading to antisocial behaviour and crime; the inclusion of CCTV is unsuitable for the area; the development is high density and out of keeping with the area; and, finally, the loss of trees will spoil the appearance of the area and affect wildlife.

The second standard letter comprises some 30 letters, all received after the expiration of the consultation period, and the following issues are raised: that children will be exposed to drug, alcohol and anti-social behaviour; risk of children finding needles and discarded drugs; increase in crime as a result of the criminal element that the site will attract; and an increased road safety risk around the school; and, that the scheme will be a burden on tax payers and the funding could be better spent helping unemployed people.

The remaining 101 letters of objection raise a number of material planning issues, however, in view of the number of responses received, together with their depth, it would be impracticable to provide an entire review of each response. Broadly the objections raised are in relation to the following main issues:

- The use of the existing access will cause additional congestion and increase the safety risk to children and pedestrians in and around an already complicated and excessively used junction;
- The site is not accessible in terms of shops or public transport, having only a single bus service which goes into the City Centre;
- Loss of light and privacy as a result of the two storey nature of the development proposed in comparison to the site as it currently exists and in relation to the former single storey buildings;
- The density of the scheme is excessive and not in keeping with the character of the area;
- Two storey development would not be in keeping with the area's character;
- Loss of trees in terms of the visual impact and the impact upon wildlife;
- The lack of an 'environmental study' or 'environment assessment' is queried given the impacts upon road traffic, congestion, safety and local wildlife;
- That the protected species survey was not informed by the detailed scheme proposed;
- Flood risk will be increased through further surface water run-off;

- The age of residents will increase noise and nuisance to local residents;
- The use of the site to treat drug, alcohol and domestic violence will lead to an increase in crime and anti-social behaviour in the area and that there is a direct correlation between such facilities and an increase in crime and anti-social behaviour in an area;
- The use of CCTV and security fencing suggests that the operators expect problems, and that the scheme would be unmanaged during the night;
- Comparisons are drawn with a similar scheme in Bishop Auckland, in terms of the effect on crime figures in that area since the facility opened. Specific crime figures are provided; and,
- Fear of being the subject of crime or antisocial behaviour.

The responses also refer to the development being used as a bail hostel and a facility specifically for the treatment of drug, alcohol, and domestic violence.

The Local Member for Parliament has provided detailed comments on the scheme. She is concerned that the proposed access road to the site will pose a risk to the safety of children going to and from the Primary School due to an increased flow of traffic, and is uncertain that enough measures have been put in place to ensure the safety of pedestrians in this area. Aside from this, she considered there to be no other reasons for objection on planning grounds, finding that the need for such a scheme in North Durham, and particularly in Durham City, is well evidenced, and that as a brownfield site in a residential area this plot has always been a favourable location for housing development. The site is not public open space but a former school site which Durham County Council has identified as “suitable for development within the next 5 years” in the Strategic Housing Land Availability Assessment 2008/09. As well as delivering affordable housing, this development also contains a small unit for young mothers who would struggle to bring up their young children without support. She considers it unfortunate that many objectors have been misled about the nature of this scheme but hopes that Members of the committee will recognise the valuable service it will provide.

Belmont Parish Council expresses their disappointment at not having been informed of the consultation event undertaken by the applicants. They object to the scheme and raise issues including: the lack of an ‘Environmental Impact Study’; the density of the development; the impact on the drainage system; the very limited play and recreation space provided; the effect of two storey dwellings on properties in Aspen Close and Whitwell Court; possible sound nuisance effects; and, the removal of all trees from the site. Their particular concern is the shared access with the school and that the development could pose a danger to pedestrians, especially children, and also give rise to congestion. They recommend the application be refused.

Carrville and Belmont Residents Association have expressed concerns on behalf of local residents. Such concerns relate to the inappropriateness of the site due to its location adjacent the school and Aged Miners bungalows; concern over the access road; the inadequacy of the consultation carried out by both the applicants and the Council’s Planning Services Section in terms of time-scale and circulation; and finally, serious concerns about the nature of the development and its management as staff would not be present during the night.

14. APPLICANTS STATEMENT:

Representatives from TVHL have met with the adjoining School and Durham County Council's Highway Department and a design for the proposed access to the development has been developed, taking into consideration the close proximity of the school and the safe access required for pupils.

We will continue to work with the school closely to ensure that adequate speed measures, signage and barriers to segregate pupils and traffic will be put in place as part of the final specification of the road, its markings and signage.

The access road to the development will as set out in the proposals be wider than the existing access and we have ensured that the homes have adequate parking on site. Therefore there should be no impact for existing residents because of parking issues and subject to agreement of the detailed design and specifications with the highways department we expect to improve the safety of the pupils through improvements to existing arrangements.

Our identical young parents scheme in Bishop Auckland has been open since 2007 and during this time no complaints have been received from residents living nearby to the scheme. Parents of children at a nearby school park in the parking area adjoining the scheme and walk their children to the nearby primary school which demonstrates that parents of children of that school are comfortable with the customers at our young parents scheme.

The young parents supported by the service will come from a range of backgrounds, but the reason for the provision is to help them to gain life skills for independent living in order to improve their life chances and those of their young children. This includes helping them to get education, training and access to work as well as improving their life skills and parenting skills. Staff from Tees Valley Housing will be on site and are able to support the young people with these personal developments.

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=10/00893/FP A>

PLANNING CONSIDERATIONS AND ASSESSMENT

15. The main issues to consider are the principle of redeveloping the site for residential development, whether there would be significant adverse effects upon visual amenity, the amenity of nearby residents, particularly addressing public concern about anti social behaviour, as well as highway safety, the interests of flora and fauna, flooding and drainage, sustainable construction, and contaminated land.

Principle of Residential Development

16. The application site comprises some 0.5ha of land, which has remained vacant since the demolition of the former school buildings in 2004, which were deemed to be surplus to educational requirements. Areas of hardstanding and foundations on the site demonstrate that the site is previously-developed or brownfield. The redevelopment of the site which is within the settlement limits of Durham City as defined on the Local Plan Proposals Map would therefore represent the windfall development of previously-developed

land, which accords fully with the aims of PPS3, Policy 4 of the RSS and Policy H2 of the Local Plan. In addition, the site has been identified in the 2008/09 Strategic Housing Land Availability Assessment (SHLAA) as a suitable housing site appropriate for development in the period up to 2013. The principle of redeveloping the site for residential purposes is therefore acceptable. The precise nature of the residential uses involved will be discussed later in this report.

17. In terms of the site's sustainability and accessibility, a small shopping parade can be found on Willowtree Avenue, around 100m from the site, while 300m from the site are the various shops and services on Marshall Terrace including convenience food stores and hot food takeaways. Slightly further from the site but within walking distance is the Durham City Retail Park, the Dragon Lane Retail Park and Tesco superstore. Access to public transport is also considered sufficient, as the number 63 bus passes through Musgrave Gardens providing a direct link to both the City Centre and other destinations around the City. The site therefore lies in a highly sustainable and easily accessible location where reliance on the private car to access shops, services and employment opportunities are minimized. Indeed it is for these reasons, together with the proximity to a range of educational facilities, that the site has been chosen as a suitable location for not only new affordable family housing, but for a scheme designed to specifically cater for parents with children.

18. A significant part of the proposals are 11 affordable two storey dwellings. Although the applicants have indicated that these would be affordable (4 being social rented and 7 shared ownership) and managed by a Registered Social Landlord, the scheme as a whole is below the number of units identified at Policy H12 of the Local Plan and the accompanying Supplementary Planning Document, where it would be appropriate to seek a proportion of affordable housing, and as such, there is no requirement to secure the delivery of the affordable housing either by way of planning agreement or condition.

Scale, Density, Design, and Materials

19. Policies H2 and Q8 of the Local Plan require that new residential developments are appropriate in scale, form, density and materials to the character of the surroundings. The proposed development would be two storey's and some 7.5 to 8.5m in height which is in-keeping with the predominant character of the area, as evidenced by properties in the adjacent Willowtree Avenue, Bradford Crescent and Musgrave Gardens, for example. Although a number of properties in Aspen Close, which adjoins the site to the east, are Dutch-style dormer bungalow's their scale is consistent with two storey dwellings, while the Aged Miners bungalows in the adjoining Whitwell Court and the buildings formerly on the site are acknowledged as single storey, a scheme of two storey buildings would not, it is considered, be discordant and would not be harmful to the character of the area.

20. A number of objectors are particularly concerned that the scheme is too dense and out of keeping with the character of the area. The scheme proposes some 20 residential units on a site of 0.5ha, thereby achieving a dwelling per hectare density (dph) of 40. PPS3, whilst still seeking to ensure the efficient and effective use of previously-developed, was amended in June 2010 to remove reference to minimum density levels that ought to be provided and in doing so, removed any reference to an appropriate figure for density at national, regional or local planning policy levels. The Strategic Housing Market Assessment (SHMA) for County Durham undertaken in 2008, indicated that in the absence of identified density policies, in urban and suburban environments a minimum density should be in the region of 30 to 40 dph. The density figure of 40 dph is considered to be appropriate and comparable to the density of surrounding residential development, and is considered to not be excessive. In this regard, the scheme complies with Policies H2 and Q8 of the Local Plan.

21. In terms of design, the buildings would be of traditional pitched roof construction, but a number of design features are incorporated in order to provide a more attractive and contemporary appearance. Such features include the use of a mix of materials, pitched roof gable features to front elevations, feature canopies over doors and articulation of elevations between buildings all adding visual interest. The surrounding area is comprised of a wide range of architectural styles, and it is this range which gives the area part of its character. The proposed dwellings, with their slightly contemporary appearance would add further to the character of the area. The careful use of materials including a mix of colour-through renders, red brickwork, timber cladding and grey tiled roofs will ensure the buildings are distinctive but not discordant to the character of the area. In these respects, it is considered that the scheme accords with Policies H2 and Q8.

22. Policy Q8 also requires the provision of open and play space within developments of 10 or more units in accordance with Policy R2 and Appendix 3 of the Local Plan. While the scheme does include open and play space provision to some extent along the northern site boundary in the form of play facilities and allotments, there is an identified deficiency in the overall level. Where such a deficiency is identified, developers are required to enter into a Section 106 planning agreement to facilitate the provision of new or improved play areas and recreational/leisure facilities to serve the development. The applicants have submitted a unilateral undertaking under s106 to provide a financial contribution of some £1000 per residential unit in lieu of on-site provision. This accords with Policies R2 and Q8 of the Local Plan.

Residential Amenity

23. Policy Q8 of the Local Plan sets out separation distances that should be achieved between existing and proposed dwellings, in order to ensure that the residential amenity of existing and prospective occupiers is safeguarded in terms of outlook, privacy and loss of light, for example. Required distances are that 21m is provided where habitable room windows would face one another, and 13m in the case of a blank gable to habitable room windows. In this case, the site has been laid out in such a way that the distance between no.s 6 and 7 Aspen Close and the rear elevations of plots 9-11 would be a minimum of 20.5m, which is considered to not be so significantly below the 21m that it would cause significant adverse effects upon the amenities of either the existing or prospective residents such that the scheme could be reasonably resisted. Distances of at least 23m are provided between proposed dwellings and those in Whitwell Court, with the exception of plot 7 and 4 Whitwell Court. A distance of 18.5m would be provided between the ground floor dining room window of the proposed dwelling and the rear of 4 Whitwell Court. Whilst below the recommended distance, it is considered that factors including that the proposed dwellings are on lower ground level and to the north of Whitwell Court together with a 2m high boundary fence are such that the amenity of the existing occupiers would be safeguarded in terms of privacy and overshadowing. It is therefore considered that the layout of the proposed buildings would not give rise to privacy loss, loss of outlook or overshadowing for the occupiers of either existing or proposed dwellings, in accordance with Policies H2, H13 and Q8 of the Local Plan.

Public Concern

24. Public fear and apprehension about the impact of a development is capable of being a land use related material consideration, as established in the case of the West Midlands Probation Committee v Secretary of State in 1997. The level of objection to the young parent element of the scheme proposed is significant. The majority of correspondence received

makes reference to the intended occupiers, problems which they may be suffering from and consequent links are made to increases in crime and antisocial behaviour and therefore apprehension of fear about the possible effects on the area and its residents. Therefore while the fear or apprehension of crime and antisocial behaviour is a material consideration, whether or not it is rational or fact based, it must be balanced against the likelihood that the perceived affects would occur.

25. On the evidence of a number of the objections received, and as the Local Member for Parliament notes in her submission, there are undoubtedly a significant number of misconceptions about the precise nature of the young parent's scheme. The young parent's scheme is not a facility specifically for the treatment of people suffering from drug or alcohol addiction or the effects of domestic abuse or violence, and it is not a bail hostel as is alleged in some correspondence. The proposals involve the provision of 9 apartments with a communal facility for occupation by young parents, typically young women in the 16 to 18 age group who require support in adjusting to life as young parents and where the support of a partner or a family, for example, is not always available. As such the scheme seeks to, amongst other things: promote independent living; provide access to training and education; promote positive parenting; reduce conception rates; provide support with tenancy issues; and, promote healthy living.

26. While some residents, by no means all, may have experienced some effects of drug or alcohol addiction or suffered the effects of domestic abuse or violence, the facility is in no way catering specifically for people with any or all such problems. Concerns are expressed that the apartments are not staffed 24 hours a day, however, staff are not present on site for security reasons but are solely there to provide support and encourage independent living, and hence there is no need to provide 24 hour staffing. Similarly, whilst CCTV is provided, this is not a monitored system and is only there in the event that there may have been an incident. CCTV often forms a regular part of any supported housing scheme for vulnerable people, be it young parents or elderly people in a care home. Similarly, the security fencing referred to by a number of correspondents is not evident on the plans which include a range of timber fencing or brick walling with detailed railings above.

27. Direct comparisons to a scheme at Coney Avenue on the Woodhouse Close Estate in Bishop Auckland have been made in letters of objection, and where a number of crime statistics have been provided by Durham Constabulary. The figures provided to residents under the Freedom of Information Act have, however, since been amended after a significant error was identified in this data. Fact based fears about crime and antisocial behaviour increasing at Coney Avenue and the surrounding area as a result of the young parents scheme there are unfounded. Crime statistics show that the number of Police Officer attended events in the estate around Coney Avenue area have fallen from 1777 in 2007 to 1456 in 2010; a fall of some 18%, while incidence of crime fell by 33%. Further evidence provided by Police Officers operating in the area, indicates that since the scheme opened in September 2007, there have been 8 incidents of anti-social behaviour directly associated with the development, all of which have been described as minor incidents. Police Officers covering the area have advised that the Coney Avenue development does not add to any of the underlying issues concerning the Woodhouse Close Estate and that it can only have a positive impact on the lives of young parent's who become involved with the initiative.

28. There is therefore no evidence that the proposed use of the site as a supported housing scheme for young parents would, having regard to a similar scheme described above, lead to any material increase in crime or anti-social behaviour on the part of its residents and it is therefore considered that the significant increases in crime and anti-social

behaviour envisaged among objectors is unsubstantiated by facts whether rational or not. Such levels of public concern are considered not to be of such material weight given the limited likelihood of such feared events materialising, that the proposals could reasonably resisted for these reasons. The proposals would not conflict with Policies H13 and H16 of the Local Plan in this regard. In order to ensure that the scheme is occupied in the way in which planning permission has been sought, a planning condition to restrict the occupancy of the apartments would be appropriate.

Highway Safety

29. There is widespread concern among residents, the Local Member for Parliament and the Parish Council, that traffic directly associated with the proposed scheme will cause an increased risk to the safety of pedestrians and particularly school children at both the junction with Bradford Crescent and Musgrave Gardens but also within Dixon's Lane, and that the surrounding road network is incapable of catering for the additional traffic. Policy T1 of the Local Plan states that planning permission will not be granted for development that would be detrimental to highway safety. The proposed scheme includes the provision of a number of highway improvements which include the provision of dropped kerbs at the junction to ensure the safe passage of pedestrians and particularly school children, together with a widened carriageway including footpaths and new barriers. The Highway Authority has provided a detailed response to the application and considers that the layout of the site and level of parking to be provided is commensurate with the use and amount of development. Similarly, they consider that the level of traffic directly associated with the scheme can be catered for within the existing highway network.

30. As identified at paragraph 17 above, the site is well served by public transport and local amenities are located nearby, such that the level of traffic generated would not be significant, perhaps around 60 to 80 movements spread throughout the day. There is acknowledged congestion in the area at the start and end of the school day, a common problem around most schools, however, one that will not be exacerbated by the opposed scheme. Residents with children attending the school would have no need to use their cars, and any traffic movements at these times is not likely to be so significant that it would unduly worsen the existing congestion. It is therefore considered, having due regard to the view of the Highway Authority that the particular uses proposed, improved highway layout and likely level of traffic to be generated that the proposals would not be to the detriment of highway safety, and accordingly, there is no conflict with Policy T1 of the Local Plan.

Arboricultural and Ecological Implications

31. Residents are concerned that the proposals involve the removal of all trees and hedgerows from the site, citing both impacts upon the character of the area and impact upon wildlife. The site, as a result of being developed in the past, is treed only to its periphery. The majority of these were intended to be removed, including a group of trees to the south-west corner and a number of more mature and visually important trees to the north site boundary. A revised Arboricultural Implications Assessment has now been submitted, which still sees the removal of a group of trees in the south-west corner as well as the trees and hedgerow immediately to the north of the site access. However, ten trees, most with some maturity and significance will not now be removed.

32. The most important trees visually are now retained and ensure the contribution they make to the character of the area will continue. Together with soft landscaping and planting of trees along the site frontage, in and around the access and within the rear garden areas,

this will ensure that there is an overall gain in tree numbers at the site. The proposals ensure therefore that important trees are retained and new ones are planted to compensate for those removed, and as such the scheme accords with Policy E15. Whilst the loss of the hedgerow immediately to the north of the site access is regrettable, its removal is necessary in order to accommodate the improved highway layout and an enable the erection of timber fencing to enclose the rear gardens of the proposed apartments and the amenity space where children will play. Compensatory planting will address this loss, however. Conditions would be appropriate to ensure the protection of retained trees during construction, the standard of works to retained trees and the submission of a detailed compensatory soft landscaping scheme.

33. Objectors are concerned that the removal of trees and hedgerows will adversely affect wildlife. As described above, the number of retained trees has markedly increased since submission to ensure that more mature trees likely to be used by nesting birds are retained, while it would be a condition of any planning permission that any trees or hedgerows which are to be removed would not be done during the bird breeding season (March to August inclusive) unless they have been checked by a suitably qualified ecologist. The Council's Ecologist has advised that the site is of low ecological value, having no evidence of use by species especially protected in law, and raises no objection to the proposal subject to a condition requiring adherence to the mitigation measures outlined in the revised Extended Phase 1 and Protected Species Survey. As such, the scheme would not be contrary to the requirements of Policy E16 of the Local Plan.

Flooding and Drainage

34. A number of objectors have been concerned about the likelihood of localised flooding as result of increased surface water run-off from the development in view of the removal of vegetation and the increased level of hardstanding and buildings on site. In order to ensure that an appropriate means of surface water disposal is provided, Northumbrian Water Limited have advised any planning permission should be subject to a condition requiring full surface water drainage to ensure that there is no increased flood risk. In terms of foul drainage, Northumbrian Water Limited is satisfied that sufficient capacity exists in the network to cater for the additional demand arising from the development.

Sustainable Construction

35. Policy 38 of the RSS requires planning proposals to achieve high energy efficiency and minimise consumption in terms of the Code for Sustainable Homes (CSH). The proposed development seeks to meet CSH level 4, a minimum of 44% efficiency level over and above that required by the 2006 Building Regulations. Policy 38 also requires schemes of 10 or more dwellings to secure at least 10% of their energy from supply from decentralised and renewable or low-carbon sources. In this case, the predominantly south-facing arrangement of buildings across the site enables the scheme to take advantage of passive solar gain, as required by Policy U14 of the Local Plan, in the form of solar photovoltaic panels to south, east and west-facing roofplanes in order to meet this requirement. A condition requiring the submission of details to show that the 10% requirement is achieved would be appropriate.

Contaminated Land

36. The application is accompanied by an extensive desk study examining the likelihood of the site being contaminated. The report concludes that on the basis of visiting the site and assessing data relating to historical land uses that any significant contamination is relatively

unlikely. There are some areas of made ground, however, which would be disturbed by the proposals and as such, further survey work is considered to be required in order to identify whether any made ground is contaminated, and if it is, the extent of decontamination measures required. The Environmental Health Section concurs with the conclusions of the submitted desk study and proposes the imposition of appropriate conditions to secure this. This approach is, in such circumstances, considered to accord with national advice in PPS23 and Policy U11 of the Local Plan.

Environmental Impact Assessment

37. The absence of an Environmental Statement has been queried by many objectors. Residential developments fall within Part 10, Major Infrastructure Projects, of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 (as amended), and as such the application has been the subject of a screening opinion. Having regard to the criteria set out at Schedule 3 of the regulations, it is considered that the characteristics of the development, in terms of residential development in a predominantly residential area, together with the location of the development and the scale of the development is such that it would not cause significant environmental impacts. The proposals do not amount to EIA development and an Environmental Statement is not required to accompany an application of this nature.

The weight of public opposition

38. There is undoubtedly significant public opposition to the proposals, with many material planning considerations being raised. However, Members should note that in a recent Ombudsman case, the Council was advised that “the number of objections should not be a significant factor in determining an application. Rather it is the nature of those objections and the planning considerations they raise that are important. It would be quite wrong for a Local Planning Authority to refuse an application on the basis of its popularity.” To this end it should also be noted that Local Planning Authorities are required by Section 38(6) of the Planning and Compensation Act 2004 to determine applications in accordance with the development plan unless other material considerations indicate otherwise. In this case, the application is considered to accord with the development plan for the area, and that the weight of opposition is not so significant a material consideration in its own right in this case as to justify a departure from the development plan.

CONCLUSION

39. In conclusion, it is considered that the proposed residential development comprising a mix of affordable family homes and supported apartments for young parents would represent the efficient and effective use of previously-developed land in a highly sustainable and accessible location, close to local amenities, public transport and educational facilities.

40. The proposals are of an appropriate design, scale, layout and materials which would not result in significant adverse affects upon the residential character of the area, the privacy of adjoining residents, flora and fauna, or detriment to highway safety through an improved access shared with the adjacent school. Whilst it is acknowledged that there is significant local opposition to the young parents element of the overall scheme, there is no evidence to suggest that the occupation by young parents would be likely to lead a material increase in crime and antisocial behaviour in the area. Therefore, while material, public fear and apprehension about the effects of the land use in this case, whether rational or not, are

considered to be of insufficient weight to outweigh the otherwise acceptable nature of the development proposed and its accordance with relevant development plan policies. Accordingly, approval of the application is recommended, subject to the completion of a planning agreement and the imposition of proposed conditions.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. 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. The development hereby approved shall be carried out in strict accordance with the following approved plans: Drawing No.s 08159/P100 rev C, 08159/P101 rev A, 08159/P102 rev B, 08159/P103 rev B and 08159/P104 rev A received 1 February 2011 and 08159/P105 rev B and 08159/P200 received 3 February 2010. Reason: In the interests of visual amenity in accordance with Policies H2, H13 and Q8 of the City of Durham Local Plan 2004.
3. Notwithstanding the submitted phase 1 report, an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and shall include a specification and verification for the location and treatment of the on site mine shafts. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report findings must include:
 - a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites; and, ancient monuments;
 - c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'. 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 risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.

4. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will

not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 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 risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 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 risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5. 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 risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.
7. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'. 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 risks to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan 2004.

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8. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies H2 and Q8 of the City of Durham Local Plan 2004.
 9. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details. Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with requirements of Policy U8a of the City of Durham Local Plan 2004.
 10. Within one month of the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. Reason: In the interests of visual amenity in accordance with Policies H2, Q3 and Q8 of the City of Durham Local Plan 2004.
 11. The highway improvement works shown on drawing nos. 08159/P100 rev C and 08159/P102 rev B shall be implemented fully in advance of the occupation of any dwelling hereby approved. Reason: In the interests of highway safety in accordance with Policy T1 of the City of Durham Local Plan 2004.
 12. Prior to the commencement of development, details, including samples, of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. Reason: In the interest of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.
 13. The 9 apartments and associated communal facility hereby approved shall not be used in connection with a bail hostel or as a drug/alcohol rehabilitation clinic. Reason: in the interests of the amenity of surrounding residential occupiers, in accordance with Policies H13 and H16 of the City of Durham Local Plan 2004.
 14. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity. Reason: In order to minimise energy consumption and to comply with RSS Policy 38 and Policy U14 of the City of Durham Local Plan 2004.

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15. No operation including movement or use of machinery shall take place outside of the hours of 8:00 to 17:30 Monday to Friday and between 8:00 and 12:00 on Saturdays. No work shall take place on any Sunday or Bank Holiday. Reason: In the interests of the amenity of surrounding residents in accordance with Policy H13 of the City of Durham Local Plan 2004.
 16. No development shall take place unless in accordance with the mitigation detailed within section D4 of the Extended Phase 1 and Protected Species Survey (E3 Ecology Ltd) including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; and, adherence to precautionary working methods. Reason: In the interests of nature conservation in accordance with Policy E16 of the City of Durham Local Plan 2004.
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REASONS FOR THE RECOMMENDATION

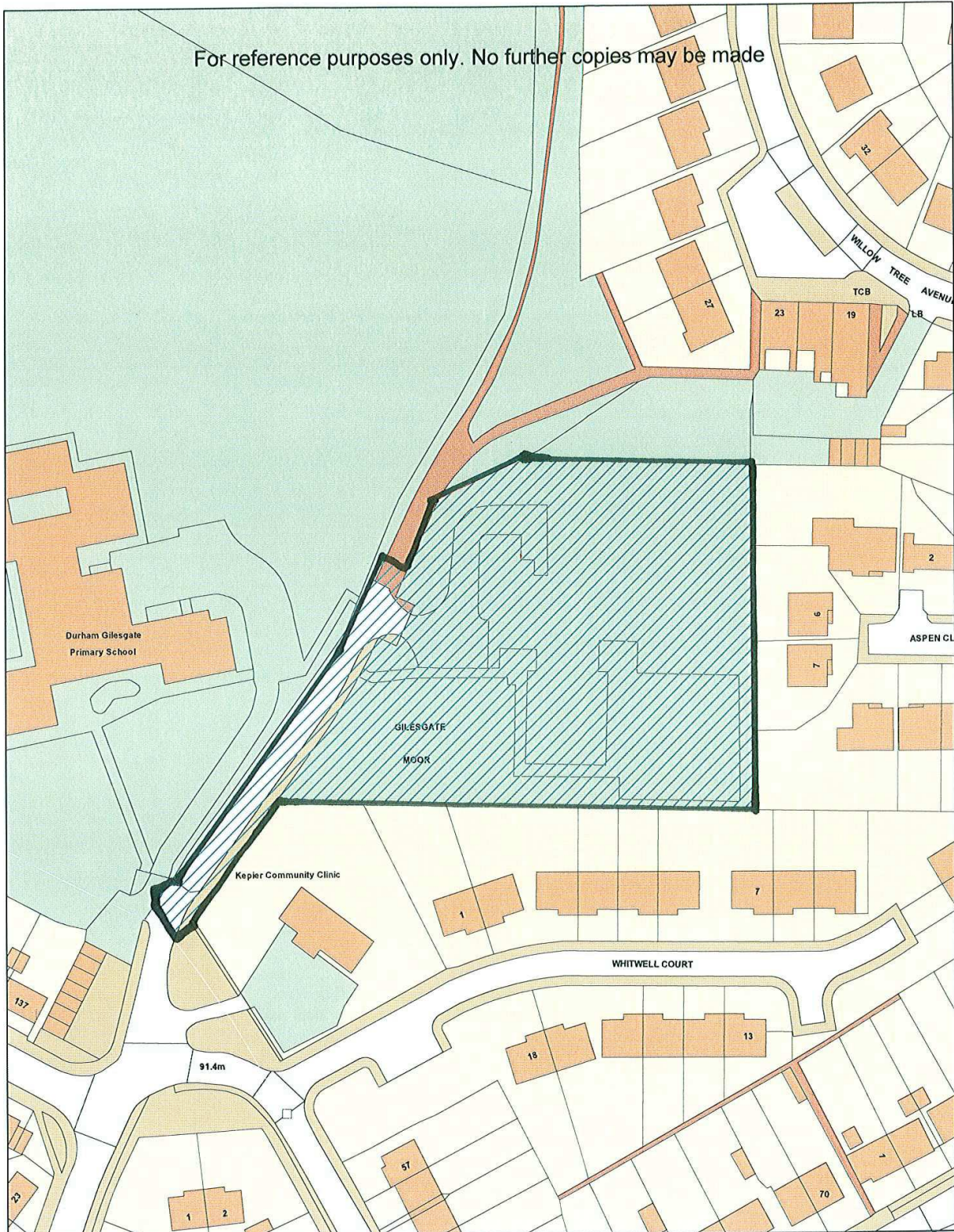
1. The proposed residential development comprising a mix of affordable family homes and supported apartments for young parents would represent the efficient and effective use of previously-developed land in a highly sustainable and accessible location, close to local amenities, public transport and educational facilities. The proposals are of an appropriate design, scale, layout and materials which would not result in significant adverse affects upon the residential character of the area, the privacy of adjoining residents, flora and fauna, or detriment to highway safety through an improved access shared with the adjacent school. As such the proposals are considered to comply with of Policies E14, E15, E16, H2, H13, H16, T1, T10, R2, Q3, Q8, U8a, U11 and U14 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 4, 7 and 24 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to the appropriateness of the scale, design and density of the scheme upon the character of the area, whether privacy, outlook or overshadowing affects would be significantly adverse, and whether the proposed highway improvements would ensure that the scheme could be accommodated without detriment to highway safety, acknowledging the use of the access by schoolchildren.
3. Whilst it is acknowledged that there is significant local opposition to the young parents element of the overall scheme, there is no evidence to suggest that the occupation by young parents would be likely to lead a material increase in crime and antisocial behaviour in the area. Therefore, while material, public fear and apprehension about the effects of the land use in this case, whether rational or not, are considered to be of insufficient weight to outweigh the otherwise acceptable nature of the development proposed. Other issues raised including highway safety, density of development and impacts upon flora and fauna are judged to be acceptable, in some cases following amendments to the proposals, and in other cases controlled through the imposition of appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Amended Plans
Planning Statement
Design and Access Statement
Statement of Community Involvement
Arboricultural Implications Assessment (amended)
Phase I Desk Study Report
Extended Phase 1 and Protected Species Survey (amended)
Planning Policy Statements: PPS1, PPS3, PPS9, PPS22 and PPS23
Planning Policy Guidance notes: PPG13
North East of England Plan Regional Spatial Strategy to 2021 (RSS), July 2008
City of Durham Local Plan 2004
Circular 11/95: Use of conditions in planning permission
SPD: Provision of Public Art as Part of Major New Development Schemes
SPD: Provision of Affordable Housing
Responses from Highway Authority, Northumbrian Water Limited and Police Architectural Liaison Officer
Internal responses from Area Planning Policy Section, Design and Historic Environment Section, Ecology Section, Environmental health Section, Landscaping Section and Sustainability Section
Public Consultation Responses
Response from Belmont Parish Council
Various File Notes and Correspondence



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Planning Services

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Former Durham Gilesgate Primary School

Comments

Date

09 February 2011

Scale

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