

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00774/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 30 no. dwellinghouses with formation of new access and closure of existing access (resubmission)
<b>NAME OF APPLICANT:</b>	Durham Villages Regeneration Company
<b>ADDRESS:</b>	Land at Woodland Terrace and College View, Esh Winning, Durham
<b>ELECTORAL DIVISION:</b>	Deerness Valley
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises of an enclosed parcel of land containing grassland and a hardsurfaced access track situated adjacent to the existing Esh Winning Primary School at the junction of Woodland Terrace and College View.
2. The site contains a small grouping of trees adjacent to the gable end of No. 47 College View with further trees located just beyond but adjacent to the site at the neighbouring school.
3. The site has residential properties on College View located to its north and west. On the opposite side of Woodland Terrace there lies a cemetery and adjacent to this a library and community centre. To the south of the site is the existing primary school, a new school site is currently being constructed beyond. A bus stop is situated on Woodland Terrace immediately adjacent to the site.
4. The main village centre of Esh Winning is located nearby, around 315m to the east of the application site.

#### The Proposal

5. This application seeks planning permission for the erection of 30 no. dwellings. A mixture of 2 and 3 bed properties are proposed and these comprise of two storey and

two and a half storey semi-detached properties, terraced properties and linked bungalows.

6. Properties on Woodland Terrace, which is adjacent to the site, would be orientated to address the road, similarly properties would face onto College View with the exception of the gable end at plot 11.
7. Access is proposed at the northern end of the site from College View with the internal road providing access to the majority of properties within the development. Plots 1 to 6 would gain access directly from Woodland Terrace to parking spaces and garages.
8. Each property would be served by its own private garden space and each property would have private parking. Visitor spaces are shown throughout the development site.
9. Of the proposed 30 no. dwellings, 22 are to be HCA backed affordable homes transferred to a registered social landlord. The application is accompanied by a S106 agreement to this end.
10. As part of the proposed works it is proposed for the existing bus stop to be moved marginally (around 5m) to the north west, speed humps on Woodland Terrace are also proposed for relocation so that the accesses to plots 1 to 6 can be achieved.
11. This application is a resubmission of a previous proposal for 31 dwellings on the site by Durham Villages Regeneration Company (DVRC).
12. The application is being presented to Committee as it comprises a major development.

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## **PLANNING HISTORY**

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13. An outline planning application for a residential development was submitted in 2000 but later withdrawn.
14. In the Esh Winning Village Appraisal (2006) part of the site was identified for being suitable for a small scale residential development. A Masterplanning exercise subsequently undertaken in 2007 for the village identified the site as an opportunity for development.
15. In 2009 an application was submitted for the erection of 31 dwellings on the site. At Planning Committee in March 2009 members resolved to approve the application subject to the signing of a S106 agreement. However, a challenge that the site could be claimed as village green ensued and that planning permission was never issued and the application later withdrawn. However, the land was not successfully claimed as village green.
16. This application is a revised and resubmitted application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

17. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions,

development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

18. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
19. *Planning Policy Statement 3 (PPS3): Housing* - underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
20. *Planning Policy Statement 9 (PPS9): 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.
21. *Planning Policy Guidance Note 13 (PPG13): 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. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
22. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
23. *Planning Policy Guidance Note 17(PPG17): Sport and Recreation* - describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.
24. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation.
25. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest.
26. It discusses the role of all levels of plan, planning agreements, and the use of local authority land and compulsory purchase powers. It discusses provision in urban areas, the urban fringe, the Green Belts, and the countryside and particular sports including football stadia, water sports and golf.
27. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* - sets out the planning approach to pollution control, the location of polluting development and where possible ensures new development is not affected by pollution.

28. *Planning Policy Statement (PPS25): Development and Flood Risk* explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.
29. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.
30. The PPS says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues and that developers should fund flood defences, where they are required because of the development.

## **REGIONAL PLANNING POLICY**

31. *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.
32. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
33. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
34. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
35. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
36. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
37. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
38. *Policy 30 - Improving Inclusivity and Affordability* sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.

39. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
40. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

**LOCAL PLAN POLICY:** (City of Durham Local Plan 2004)

41. *Policy E5a - Open Spaces within Settlement Boundaries* does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
42. *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.
43. *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.
44. *Policy H3 - New Housing Development within the Villages* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units. Exceptionally, the limited development of small greenfield sites will be permitted in the coalfield villages most in need of regeneration provided
45. *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. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.
46. *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.

47. *Policy H14 - Improving & Creating More Attractive Residential Areas* seeks to improve the environment of existing residential areas and their housing stock
48. *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.
49. *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.
50. *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. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
51. *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.
52. *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.
53. *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.
54. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
55. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
56. *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.
57. *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.
58. *Policy U13 - Development on Unstable Land* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.

59. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

*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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

60. The *Highway Authority* initially raised objection to the development as the proposed accesses to Woodland Terrace for plots 1-4 would conflict with an existing bus stop and traffic regulation order. Following further negotiation between the applicant and Highway Authority it is considered that a very slight movement of the bus stop by approximately 5m would remove the conflict with the proposed accesses and said objection has been withdrawn by the Highway Authority. The scheme would also require the relocation of speed humps on Woodland Terrace. It is understood that approval of this relocation would have to occur via Highways Committee.
61. Parking provision proposed within the site is considered acceptable. The internal road layout is considered suitable for adoption subject to improved pedestrian facilities comprising of a delineated footpath on both sides of the road being provided. Some concern is raised over a fence situated adjacent to No. 46 College View that restricts visibility.
62. *The Coal Authority* have raised no objections to the proposed development.
63. *Northumbrian Water* have requested conditions on any approval with regards to details of surface water discharge and a scheme proposing an adequate sewer diversion.

### **INTERNAL CONSULTEE RESPONSES:**

64. *Public Rights of Way* have raised no objections to the proposal.
65. *Environmental Health* have raised no objections but recommendations are made with regards to limiting working hours on site, dust suppression, reducing noise and vibration during the construction and prevention of burning materials on site.
66. *Landscape* have raised no objections to the development as such but several requests for additional information and clarity are sought in relation to impact upon existing trees and details with regards to the proposed planting plan.
67. *Ecology* have raised no objections to the development but recommend that the mitigation measures within the submitted protected species report are conditioned on any approval and if possible the ecological enhancements suggested within the Code for Sustainable Homes Assessment also conditioned.
68. *The Councils Senior Low Carbon Officer* considers that standard 10% energy reduction condition applies to the development, the application has not included detail demonstrating that this has been achieved.

### **PUBLIC RESPONSES:**

69. Three letters of objection have been received with regards to the application.

70. Objection is raised to the loss of a parcel of open space used for play by children. Children are now forced to play in the street due to an absence of open space in the area. A query is raised as to how permission was granted for the fence which has been erected at the site. Concerns are raised over traffic. Objection is raised as to how the village green status of the land did not materialise.
71. As more houses have been built in Esh Winning it is considered that there is an absence of additional community facilities, services and provision for children.
72. Objection is raised at the presence of housing on the site and the loss of views of the forest in the background beyond.
73. It was understood that as part of the Esh Winning Masterplan the housing on the site was meant for the occupiers of The Oaks but those residents have been rehoused elsewhere. The houses should be built at The Oaks and on Pine Tree when those houses are demolished.

#### **APPLICANTS STATEMENT:**

74. The application has been accompanied by a design and access statement in support of the proposal. This supporting statement considers that the proposed layout of the development provides strong visual frontages to Woodland Terrace and College View. The number and form of the proposed dwellings is considered suitable to the site and the local area.
75. The scale of the proposed dwellings is considered appropriate given neighbouring properties. The density of the development deemed to accord with PPS3.
76. The proposed access and internal road are to be provided to adoptable standard. A landscaping scheme is proposed in the interests of visual amenity with native species chosen.
77. Within the Durham City area 30% affordable housing is sought on residential estates, this proposal would provide 73% affordable housing. The development of this site would serve as a catalyst for other redevelopment proposals within Esh Winning.

*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://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00774/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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78. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon the character and appearance of the area, the provision of affordable housing, impact upon the amenity of nearby occupiers, impact upon trees, highway safety and protected species.

#### Principle of the Development

79. The application site, comprising a parcel of grassland with only a section of hardsurfaced track must be considered to be predominantly greenfield land.



80. Local Plan Policy H3 relates to residential development in the Durham villages and states that residential development on previously developed land is acceptable in principle. Exceptionally, the development of greenfield parcels of land can be accepted in some instances where no more than 10 units are proposed and the developable area is no greater than 0.33ha. This application proposes 30 units and the site area exceeds 0.33ha. As a result, this application represents a departure from the adopted Local Plan.
81. National guidance contained within PPS3 supported by Policy 4 of the RSS also states that previously developed land is sequentially preferable for development. This national and regional policy guidance is more recently published and up to date than the Local Plan. PPS3 does not state that all residential developments must be on previously developed but rather establishes a target of 60% of development being on previously developed land. PPS3 emphasises the need for housing to be located in sustainable locations close to services, community facilities and a range of transport modes.
82. The application is located in a sustainable location, a new school is being built on Woodland Terrace itself, on the opposite side of Woodland Terrace there is a community centre and library and the main village centre a short walk away. Immediately adjacent to the site is a bus stop with service to Durham.
83. The draft National Planning Policy Framework, recently published has some material weight and establishes a presumption in favour of sustainable development.
84. The development seeks to provide 22 affordable homes to be let by a registered social landlord. Such a proportion of affordable homes is well above both national and local requirements for this scale of residential development. The development forms part of a wider Esh Winning Masterplan with future new development proposed close by, such as Ridding Road to regenerate parts of the village. The value of the provision of such a proportion of affordable homes, particularly in the current economic climate should be given significant weight.
85. Some public objection to the development objects to the loss of a parcel of open space which could be used for recreational purposes and there has, in the past, been a claim that the land be designated village green, though this was not successful. Policy E5a of the Local Plan does seek to protect those parcels of open space of particular value to an area. Further objection is raised that there is an absence of facilities and services for the new housing within Esh Winning.
86. The application site has been fenced off and inaccessible for approximately 2 years and in this regard cannot be considered to have been used recreationally for a significant length of time. Local residents concerns of a loss of a local area for play is appreciated.
87. This must be balanced against the potential benefits of the scheme, most notably the provision of affordable housing and potential catalyst for further investment and development in the local area.
88. A large parcel of open space and playspace area is located at nearby Newhouse Road. The Esh Winning Masterplan also contains a commitment to the enhancement of recreational spaces within Esh Winning.
89. On balance, officers consider that the principle of the development is acceptable. This site forms part of wider proposals for newbuild and regeneration within Esh Winning. The site is well situated, adjacent to school facilities and close to community facilities and local services. The development proposes a high proportion of affordable housing at a time when many sites struggle to bring forward such housing due to problems of viability. The loss of greenfield land and a parcel of land once used for informal

recreation would result but this must be balanced against the aforementioned broad benefits of the proposal.

90. The draft National Planning Policy Framework establishes a principle in favour of sustainable development and officers consider that this development would represent such a development.
91. Although the planning application was ultimately withdrawn it must also be noted that at the Planning Committee in March 2009 Members of the then Durham City Council resolved to grant planning permission for 31 dwellings of the site.
92. Officers therefore accept the principle of residential development on the land.

#### Impact upon Visual Amenity and the Character and Appearance of the Area

93. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of the village.
94. PPS1 and PPS3 promote high quality design and development that is sympathetic to its surroundings. This approach is replicated in Policy 8 of the Regional Spatial Strategy of the North East of England which requires that all developments are sympathetic to their surroundings.
95. Policies H3, H13, Q8 of the Local Plan also identify that development will not be considered acceptable where it would have an adverse effect on the character of the surrounding area whilst Policy E14 seeks to retain trees and hedges of value where possible and replace those which are lost to development.
96. The local area is predominantly residential, characterised by Local Authority housing stock of brick built semi-detached properties and bungalows. This application proposes a mixture of single, two and two and a half storey properties arranged as semi-detached properties or in small groupings of attached properties of up to four in number. Properties are orientated in such a manner that they address the main public vantage points of Woodland Terrace and College View.
97. As a proposed Durham Villages Regeneration Company scheme in partnership with Keepmoat Homes the proposed house types and appearances relate and indeed in some cases are identical to those approved elsewhere within the village in recent planning applications such as nearby Ridding Road.
98. A mix of brick and roofing materials are proposed for the development to provide differentiation and interest to the estate. Similarly the internal access road proposes a mix of materials and colours to provide visual relief to hardsurfaces. Means of enclosures are restricted to rear and side curtilages leaving fronts of the properties with an open feel and a condition to retain control over front enclosures is recommended for attachment on any approval.
99. Overall the proposed dwellings and layout are considered to be acceptable. The dwelling types are commensurate with and would assimilate successfully into the local area.
100. The site generally comprises grassland but there are trees within the site and also others adjacent to the site. A grouping of trees within the site, close to No. 47 College View would be lost to the development. None of these trees, however, are worthy of

protection. Trees outside of the site are to be protected during development works. A landscape scheme is proposed as part of the development with compensatory planting of replacement native species trees. The Councils Landscape Architect has commented on the application and no objections are raised as such but further clarity and information is provided with regards to elements of the landscape proposals. Further details have since been submitted with regards to landscaping proposals and a thorough landscaping scheme submitted. A condition can be attached to any approval requiring the protection of those trees to be retained.

101. Overall the proposed development would cause no harm to the character or appearance of the area with appropriate house types sought, a layout that appropriately addresses the main public vantage points and a suitable choice of external materials and finishes. The development in respects to its impacts upon the character and appearance of the area is considered to accord with Policies E14, H3, H13, Q3, Q5 and Q8 of the Local Plan.

#### Impact upon Residential Amenity

102. Policies H3, Q8 and H13 of the Local Plan seek to ensure that the amenities of neighbouring residents and land users are preserved through new developments.
103. No objections from local residents have been received with regards to matters of privacy or amenity.
104. Policy Q8 of the Local Plan provides advice on the layout of residential development and provides separation distances guidance seeking to ensure that the residential amenity of all occupiers is retained within a development. This guidance states that from a window to a single storey gable 6m separation should be maintained and to a two storey gable 13m should be maintained. This is to ensure that adequate outlook is retained for occupiers and that one development is not too overbearing upon another. In terms of privacy Policy Q8 advises that 21m should remain between the main facing windows.
105. The largest dwellings proposed are two and half storey properties with a ridge height of 9m. These properties are to front Woodland Terrace and are sited away from existing properties and face towards the cemetery towards the north east. These larger properties will not cause any loss of amenity for nearby residents.
106. The siting, orientation and separation of properties both within the site and with existing properties beyond is considered appropriate with no significant harm caused to amenity. There are certain specific relationships which have required most careful consideration. The gable end of No. 47 College View contains a first floor window and this is understood to be to a bedroom. The properties proposed adjacent to this gable are bungalows rather than two storey properties reducing concern with regards to a loss of privacy and amenity. The proposed plot 6 property is orientated towards and sited from No. 46 College View by around 19m. This distance is slightly less than the separation recommended within Policy Q8. However, the separation is not so significantly below the guidance as to be deemed particularly harmful. No objection has been received from the occupiers of No. 46 College View. Other relationships between properties both within and beyond the application site accord or exceed the recommendations of Policy Q8 of the Local Plan.
107. To ensure that relationships between properties remain acceptable in the future, officers do recommend that some permitted development rights with regards to extensions are removed.

108. On balance officers consider that the impacts of the development upon residential amenity are acceptable and do not consider that such demonstrable harm to adjacent occupiers would occur that would warrant refusal of the application on amenity grounds.

### Highways Issues

109. Policy T1 of the Local Plan seeks to ensure that new developments are not harmful to highway safety whilst Policy T10 seeks to limit parking provision to encourage alternative modes and transport and reduce the land take of development.
110. Some public objection has been raised over concerns with regards to highway safety, more specifically concerns over children playing in the street.
111. The Highway Authority initially raised objection to the development as the proposed accesses to Woodland Terrace for plots 1-4 would conflict with an existing bus stop and traffic regulation order. Following further negotiation between the applicant and Highway Authority it is considered that a very slight movement of the bus stop by approximately 5m would remove the conflict with the proposed accesses and said objection has been withdrawn by the Highway Authority. The scheme would also require the relocation of speed humps on Woodland Terrace. It is understood that approval of this relocation would have to occur via Highways Committee.
112. Parking provision proposed within the site is considered acceptable. The internal road layout is considered suitable for adoption subject to improved pedestrian facilities comprising of a delineated footpath on both sides of the road being provided and this can be conditioned. Some concern is raised over a fence situated adjacent to No. 46 College View. Being outside the site, this fence is beyond the control of the applicant and they are unable to revise this relationship. The impact of this fence is not considered to be so significantly detrimental to highway safety to warrant refusal of the application.
113. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan. However, the development will require the agreement of the Highway Authority with regards to bus and speed hump relocation.

### Impact upon Protected Species

114. The application has been accompanied by a phase 1 habitats survey and protected species survey. This report considers that the site is of low ecological value. The site is not considered to support protected species with the trees on site unsuitable for use at bat roosts and the potential for great crested newts, badgers, reptiles and otters ruled out due to specific site conditions. There is, however, the potential for nesting birds to be present in trees.
115. Mitigation measures are proposed within the report seeking to ensure that the felling of trees occurs outwith of the bird breeding season unless they are specifically checked and that there is an adequate replacement planting scheme using native species.
116. The Councils Ecologist has been consulted on the application and no objections are raised. The mitigation measures proposed within the submitted report can be conditioned.

117. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy E16 of the Local Plan, Policy 33 of the RSS and PPS9 and having full regards to the requirements the species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended).

#### Other Issues

118. Some public objection to the development is concerned with regards to a loss of a view of the forest hillside beyond. Limited weight can be attributed to the loss of a private view, a view is only considered a material planning consideration where that view is of wider public value, officers do not consider that such a view of wider public value would be lost to the development.
119. Objection is raised by one local resident that the proposed development was understood to house the residents of The Oaks but they have been rehoused and that the new dwellings should be located at the site of The Oaks. The arrangements for rehousing residents in Local Authority homes is ultimately a matter for the housing department. Officers from housing are a key stakeholder in the Durham Villages Regeneration Company, fully up to date on planning applications. No objections have been raised from colleagues in housing. It is also understood that future redevelopment of the Oaks and Pine Tree is planned as part of the wider regeneration proposals in Esh Winning.
120. Public objection has queried how the village green claim was not successful. Matters surrounding village green legislation and claims are separate legal matters beyond the remit of the Local Planning Authority. Another query is raised as to how the fence enclosing the land could be erected. Having viewed the siting and height of the fence officers consider that it was erected under permitted development rights, planning permission not being required.
121. PPS23 relates to pollution control in planning and Local Plan Policy U11 relates to contaminated land on development sites. The application has been accompanied by a geo-environmental assessment. No comments have been received from Environmental Health with regards to the specific content of the report, however. It is therefore considered appropriate that a condition be attached to any approval requiring that a scheme to deal with any potential site contaminants is agreed at a later date.
122. Environmental health do consider that there is the potential for noise disturbance during works and it is recommended that a condition restricting working hours is attached to any permission. The working methods and use of plant and machinery should be in accordance with BS5228 Noise and Vibration Control on Construction and Open Sites. It is also recommended that a condition be attached requiring the submission of a dust assessment and controlling methods. All waste material must be disposed of in the correct and proper manner and the burning of any materials on site shall be prohibited.
123. Officers consider that a condition could be attached to any approval limiting the hours at which works can occur, this is standard condition of larger scale developments.
124. Policy 38 of the RSS seeks to ensure that within all major development proposals a 10% energy efficiency reduction is achieved. The submitted application does not include information that such energy reduction can be achieved, a matter raised by the Councils Senior Low Carbon Officer. A condition is recommended for requiring the submission of a scheme to ensure energy reduction measures are incorporated into the development.
125. With regards to matters of flood prevention, the site does not lie within flood zones 2 or 3 and given the size of the site a flood risk assessment is not essential to support the

development although the applicant has submitted a flood risk assessment irrespective of this. This flood risk assessment concludes that the risk of flooding at the site is low.

126. Northumbrian Water have been consulted on the application and have requested that conditions are attached with regards to surface water discharge and to agree a scheme of sewer diversion which crosses the site.
127. Such conditions can be attached to any approval and officers raise no objections with regards to flood risk or surface and foul water discharge in accordance with PPS25, Policy 35 of the RSS and Policy U8A of the Local Plan.
128. The Coal Authority have been consulted on the application and no objections have been raised.
129. With regards to planning obligations, as discussed earlier in the report the proposal seeks the provision of 22 affordable homes for transfer to a registered provider. A S106 agreement has been submitted to ensure this provision. The provision of affordable housing constitutes over 70% of the development and this is significantly higher than the 30% proportion that would ordinarily be sought on a development site.
130. Financial contributions via a S106 agreement have not been submitted with regards to public art or playspace facilities. However, officers consider that this must be considered and offset against the context of such a high proportion of affordable housing provision being proposed by the developer and with this in mind officers do not object to the proposal on the basis of the absence of further financial contributions. It should also be noted that the development is largely funded by the HCA who provide funding for affordable homes. This funding would not extend to financial contributions such as the provision of improved play equipment or public art facilities.

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## **CONCLUSION**

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131. This proposal seeks a residential development within a sustainable location within the settlement boundary of Esh Winning. The site is close to local services, a school and public transport links.
132. The development proposes the erection of 30 dwellings, 22 of which would be affordable, ensured by way of a S106 agreement. Such provision of affordable housing is very high, particularly within the existing economic climate and represents a significant benefit of the scheme. The development proposed comprises of part of a wider regeneration and development scheme within Esh Winning, informed by a Masterplan finalised in 2007. Considering the benefits of the scheme officers accept the loss of the parcel of greenfield land and accept the principle of the development.
133. The layout and design of the development is considered to be acceptable in the area both in terms of impact upon visual amenity and upon the amenity of residents.
134. Highway safety is considered to be preserved though the location of accesses to Woodland Terrace will require the separate agreement of the Highway Authority with regards to bus stop and speed hump relocation.
135. Matters of ecology, impact on upon trees, land contamination and flood risk have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.

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## RECOMMENDATION

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

The provision of 22 affordable housing units

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

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

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

QD231-P-30  
QD231-95-02  
QD231-860-01 received 3<sup>rd</sup> October 2011  
QD599-04-01 received 11<sup>th</sup> October 2011  
QD231-1011-01  
QD231-828-01  
QD231-763B-01  
QD231-945-01  
QD231-P-20  
QD231-665-01 received 14<sup>th</sup> October 2011  
0004888 received 1<sup>st</sup> November 2011  
QD599-95-01 received 16<sup>th</sup> November 2011  
QD599-675-01A  
C-782-01 Rev C  
QD599-01-01 B received 12<sup>th</sup> December 2011

*Reason: To define the consent and ensure a satisfactory form of development having regards to Policies E5a, E14, E16, H3, H12, H13, H14, T1, T10, R2, Q3, Q5, Q8, Q15, U8A, U11, U13 and U14 of the City of Durham Local Plan 2004.*

3. Notwithstanding the details shown on the approved plans, all windows shall set in reveal by a minimum of 75mm.

*Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.*

4. The hereby approved development shall be carried out in accordance the landscaping scheme detailed on plan received and landscaping management details received 12<sup>th</sup> December 2011. The landscaping works shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the provision of an adequate landscaping scheme in accordance with Policy Q5 of the City of Durham Local Plan 2004.*

5. Prior to the commencement of development the trees identified as group G2 within the submitted tree report by Batson Environment received shall be protected with protective fencing erected in accordance with BS.5837:2005. The trees shall be protected for the entirety of the development works.

*Reason: In the interests of the protection of trees and visual amenity having regards to Policy E14 of the City of Durham Local Plan.*

6. Prior to the commencement of development full details of all hardsurfaced areas shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policies Q3 and Q8 of the City of Durham Local Plan 2004.*

7. No development approved by this permission shall be commenced until:
  - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the Local Planning Authority;
  - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the Local Planning Authority;
  - c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
  - d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority; and
  - e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

*Reason – To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.*

8. No development shall take place unless in accordance with the mitigation detailed within section D4 of the extended phase 1 and protected species survey by E3 Ecology received .

*Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.*

9. No development works shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 12 noon on a Saturday with no development to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to Policy H13 and Q8 of the City of Durham Local Plan 2004.*



10. Prior to the commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation and retained so in perpetuity.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East.*

11. Prior to the commencement of development full details of a clearly delineated footway to adoptable standard to both sides of the entirety of the internal road must be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

*Reason: In the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan 2004.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected forward of the forwardmost part of any dwelling facing the highway.

*Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.*

13. No development shall commence until a scheme for the provision of surface water drainage works and the diversion of the sewer that crosses the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water

*Reason: In the interests of satisfactory drainage having regards to Policy U8A of the City of Durham Local Plan 2004.*

14. The dwellinghouses hereby approved shall not be occupied until the bus stop adjacent to the site and speed humps on Woodland Terrace have been relocated in accordance with a scheme that shall first be submitted and approved by the Local Planning Authority.

*Reason: In the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan 2004.*

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## **REASONS FOR THE RECOMMENDATION**

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The development hereby proposed is considered to accord with policies E5a, E14, E16, H3, H12, H13, H14, T1, T10, Q8, Q5, Q3, U5, U8a, U11 and U14 of the City of Durham Local Plan. Policies 2, 4, 7, 8, 24, 30, 35 and 38 of the Regional Spatial Strategy and Planning Policy Statements 1, 3, 9, 13, 17, 23 and 25.

It is considered that the residential development of a sustainable site close to existing facilities and transport links should be supported, as it contributes significantly to the wider regeneration of Esh Winning and will provide for 22 out of 30 affordable homes which will be built out shortly using HCA backing. Whilst the contributions to art and amenity space are not forthcoming in this scheme the wider masterplan sites will make provision for these in future phases. The presumption in favour of sustainable economic development in the draft NPPF albeit of limited weight at this time also supports this development. Overall the overarching benefits of bringing forward a large tranche of affordable housing that will get built out by the DVRC overrides any of the negatives to look favourably on this proposal.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans and supporting documentation

Submitted Design and Access Statement

City of Durham Local Plan 2004

Regional Spatial Strategy

Planning Policy Statements 1, 3, 9, 23 and 25 and Planning Policy Guidance Notes 13 and 17

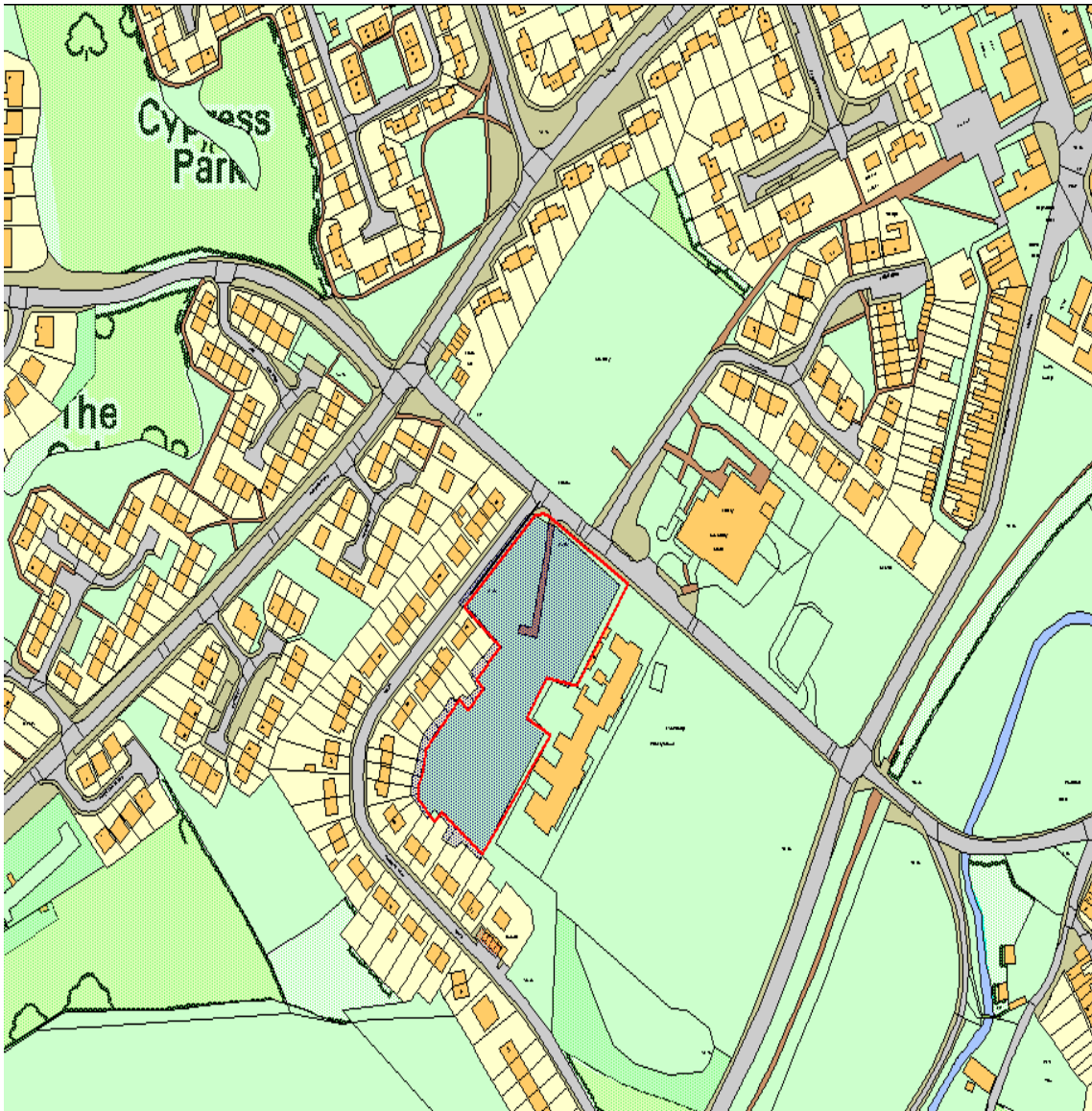
Responses from The Highway Authority, Coal Authority and Northumbrian Water

Internal consultee responses

Public responses

Planning Circulars 11/95

Draft National Planning Policy Framework



**Planning Services**

Erection of 30 no. dwellinghouses with formation of new access and closure of existing access (resubmission)

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**Comments**

**Date** 10<sup>th</sup> January 2012

**Scale** 1:2500