

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00993/FPA
FULL APPLICATION DESCRIPTION:	Erection of 14 no. dwellings along with associated access, roadways, parking and landscaping
NAME OF APPLICANT:	Bellway Homes Ltd
ADDRESS:	Former Durham Johnston Annex Redhills Lane Durham DH1 4SU
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of the former Durham Johnston Annex buildings and land adjacent within the Durham Johnston School site at Crossgate Moor. The annex buildings are adjacent to Redhills Lane and are vacant. Three buildings are located within the application site, the two nearest Redhills Lane are two storey buildings of part brick and part render finish with slate roofs and chimneys. A single storey building which housed an observatory is located to the rear of these. Hardstandings are located within the immediate surrounds of the buildings and access to Redhills Lane runs between the pair of two storey buildings.
2. The remains of the site comprises of grassed land with a number of trees and hedging. A lengthy stretch of hedge forms the boundary to Redhills Lane itself interspersed with trees at the eastern end of the site. A grouping of sliver birch and cherry trees surround the existing access into the site whilst another grouping of silver birch are located towards the western fringe of the site. Further trees intersperse a hedgerow that forms the northern boundary of the site.
3. Adjacent to the application site to the north and west lay school playing fields and sports courts, to the immediate east lies a small parcel of grass containing a number of trees and beyond further sports fields.

4. The site lies adjacent to a residential area with residential properties located directly opposite on Redhills Lane. The A167 Newcastle Road lies less than 200m to the west of the application site. The application site is located outside of the Durham City Conservation Area though the boundary is located just to the east. Flass Vale site of nature conservation is also located close to the site just beyond the school playing fields to the north east. The Durham Cathedral and Castle World Heritage Site is located just over 1000m to the east of the application site and sections of the Cathedral Tower can be viewed from within the application site and on neighbouring land. The site also lies in the vicinity of the Nevilles Cross Battlefield.

The Proposal

5. This application seeks planning permission to demolish the existing buildings on site and erect 14 no. dwellinghouses. The proposed dwellinghouses are all detached properties varying from 4 to 5 bed. All accommodation is proposed on two storeys with no second floor accommodation proposed. The maximum height of the highest dwelling is 8.2m to ridge.
6. The proposed access to the site is proposed via Red Hills Lane within the same location as the existing access. The proposed access to serve the development would need to be widened and provided to an adoptable standard. The proposed development is to be served by an internal road located in the middle of the site with properties to be located to the north, south, east and west of this road.
7. The proposed dwellings vary in appearance but all utilise simple traditional architecture with the use of pitched roofs, chimneys and head and cill detailing. All dwellings are to face inwards onto the new residential development. Each property is to be served by parking spaces and garaging with a minimum of 3 spaces per property.
8. This application is being presented to Committee as it constitutes a major development proposal.

PLANNING HISTORY

9. The application site relates only to vacant former annex buildings and adjacent parcels of land to which no planning history of relevance relates.
10. Planning permission was granted in 2007 for the redevelopment of the wider Durham Johnston School site with the demolition of existing buildings, erection of a new school and landscape remodelling.
11. Development Briefs have in the past been formed by the Council both for the redevelopment of the wider Durham Johnston School site but also this application relating to the annex buildings.

PLANNING POLICY

NATIONAL POLICY

12. National Planning Policy Framework
13. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions

to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/letternppf>

14. *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.
15. *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.
16. *Planning Policy Statement 5 (PPS5): Planning for the Historic Environment* replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
17. *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.
18. *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.
19. 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.
20. *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 ensure new development is not affected by pollution.
21. *Planning Policy Statement 25 (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.

22. 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.
23. 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.
24. The Planning Policy Statements and Planning Policy Guidance Notes above have now been cancelled and superseded by the National Planning Policy Framework coming into effect on 27th March 2012

REGIONAL PLANNING POLICY

25. *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.
26. 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:
27. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
28. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
29. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
30. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
31. *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.
32. *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.

33. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
34. *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.
35. *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)

36. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
37. *Policy E6 - Durham City Centre Conservation Area* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
38. *Policy E10 – Areas of Landscape Value* – is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
39. *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.
40. *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.
41. *Policy E18 – Sites of Nature Conservation Importance* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
42. *Policy E22 - Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

43. *Policy E24 – Ancient Monuments and Archaeological Remains* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
44. *Policy E25 – Nevilles Cross Battlefield* seeks to protect and enhance the battlefield site through not permitting development which would adversely affect the interpretation of the battle, seeking the provision of appropriate interpretation material on the battle site and not permitting development harmful to the Conservation Area or scheduled ancient monuments and archaeological remains.
45. *Policy H2 - New Housing Development in Durham City* states that the development of previously developed, or 'brownfield' land will be permitted providing it accords with the more detailed development proposals of the Council.
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 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.
48. *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.
49. *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.
50. *Policy R4 – Land Surplus to Educational Requirement* states that land within school sites surplus to requirements may be developed upon provided that the land has been demonstrated as not be required for future educational or community purposes or it will not result in the loss of recreational land of value and overall standards of open space or outdoor recreation land will not be reduced.
51. *Policy C6 – Durham Johnston Comprehensive School – Crossgate Moor Site* states that Land is safeguarded at the existing Crossgate Moor site for the development of Durham Johnston as a single site comprehensive school.
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 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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

59. The *Highway Authority* have raised no objections to the proposed development.
60. *Northumbrian Water* have raised no objections though a condition is advised for attachment on any approval to agree the disposal of surface water from the site.
61. *The Coal Authority* have raised no objections to the proposed development.
62. *Natural England* have assessed the proposal against their standing advice and raised no objections considering that the development would be licensable.

INTERNAL CONSULTEE RESPONSES:

63. *Design and Conservation* have commented on the application and though no objections are raised to residential development at the site in principle, concerns are raised with regards to the scale and design of dwellings, degree of development proposed at the site and in turn impacts upon the street scene, and longer distance impacts with reference to the setting of Flass Vale, Conservation Area and World Heritage Site.
64. *The Senior Ecologist* has raised no objections to the application though advises that the mitigation measures within the submitted ecological report are conditioned on any approval and bat bricks must be provided within the development.

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. *The Senior Low Carbon Officer* has stated that a fabric first approach is essential to achieving energy reduction and renewable technologies must be part of the overall mix in order to meet the planning obligations (10% energy reduction).
67. *Landscape* have commented on the application and several groupings of trees are considered to be of value and it is recommended that a tree preservation order is placed on those trees of value. The hedgerow bordering Redhills Lane is considered to provide a strong landscape feature. Concerns are raised over the impact of the development in long distance views. The development should be amended in such a way as to retain as many trees and landscape features as possible. Trees of particular value are considered to be the grouping around the proposed access, those to the western fringes of the site and those interspersing the hedge towards the east of the site. Concerns are raised that the proposed access will cause harm to the trees around the access and likely require removal of this grouping. A detailed landscape scheme should be devised.
68. *The Senior Tree Officer* has commented on the application and reiterates comments from *Landscape* considering that it would be appropriate to protect trees of value within the application site. Trees to be retained should be protected during construction works, a redesign of the proposal may allow for the retention of additional trees. In conjunction with the views of *Landscape* it is considered that the proposed access will cause harm to the trees around the access and likely require removal of this grouping
69. *Planning Policy* have raised no objections to the proposal considering that the land is no longer required as part of the Durham Johnston redevelopment. The site is rated as suitable and having potential for residential use in the SHLAA.
70. *Archaeology* have raised no objections to the development though a condition with regards to archaeological evaluation and mitigation should be attached on any approval.

PUBLIC RESPONSES:

71. Six letters of representation have been received in response to the Council's public consultation exercise.
72. Objection is raised to the applicant's consultation exercise which was considered to be misleading with regards to the amount of development that is proposed. The consultation letters issued by the Council were received during the holiday period, effectively reducing the consultation period. The site is considered to be mainly greenfield not brownfield. Objections are raised to the degree of tree loss and loss of sections of boundary hedge. Requests are made that additional landscaping is provided to compensate for tree loss including to the east of the application site to better screen the development.
73. The 2007 design brief for the Durham Johnston redevelopment was understood to propose the retention of an open aspect in the eastern section of the site, this development proposes dwellings in this area. Development on this eastern section of the site would result in the loss of views to the Cathedral and affect views from the Cathedral. Concerns are raised over whether adequate parking provision is proposed and the impact of the development upon highway safety. A loss of privacy and overlooking is a concern for some residents. The development would result in the loss of views across playing fields, Flass Vale and to Penshaw Monument. Further concerns

are raised over the height of the development proposed and impacts in long distance views across the City. The development would result in the loss of a parcel of land used for play by children.

74. Some objection is raised to the house design. Queries are raised as to whether services such as electrical and water supplies can cope with the new development. It is considered that the application lacks a detailed visual impact analysis. Archaeological investigations should be undertaken by a reputable organisation. One objector considers that the water supply has already been marked out and this comes to within 13 inches of their boundary wall.

APPLICANTS STATEMENT:

75. The application has been accompanied by a planning statement and design and access statement. The applicant considers that the site is located within a sustainable location and would redevelop a parcel of previously developed land that is surplus to educational requirements. The proposal has been designed with the proximity to the Conservation Area and World Heritage Site in mind. Efforts have been made to retain as many trees and landscape features as possible. The application is accompanied by supporting reports and documentation in relation to key matters such as archaeology, tree works and ecology.
76. Public consultation exercises have been undertaken prior to the applications submission.
77. Financial contributions by way of a S106 are proposed with regards to open space and public art.

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=11/00993/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

78. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, the National Planning Policy Framework (NPPF), 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 and the World Heritage Site, impact upon the amenity of nearby occupiers, impact upon highway safety and impacts upon protected species.

Principle of the Development

79. Within the Local Plan, the application site is covered by Policy C6 relating to the Durham Johnston School. This policy seeks to protect land within the school grounds from non-educational development to allow for the development of a single site comprehensive school. However, since the adoption of the Local Plan the redevelopment of the site and closure of the Whinney Hill Durham Johnston site has already occurred. The land subject to this planning application has not been required for the redevelopment. Similarly Policy R4 of the Local Plan relates to educational land deemed surplus to requirements and seeks to safeguard the long term interests of the school and community by ensuring that the land is not required in the future and that levels or

outdoor recreation provision do not suffer. The Council has previously considered the long term value of the land and a development brief formed in relation to the site confirmed that the site is now surplus to requirements and suitable for redevelopment in principle.

80. Some public objection to the development considers that parts of the application site are not previously developed land. The application site boundary does include grassed areas with trees and hedgerows most notably a grassed parcel of land is located to the east of the buildings. Previously developed land comprises of buildings, the curtilage associated with buildings and any associated fixed surface infrastructure. This application site comprising in part of the annex buildings themselves, associated hardstandings and curtilage associated is considered to be previously developed land.
81. Policy H2 of the Local Plan accepts the principle of residential development on previously developed land within Durham City. National guidance contained within the NPPF and Policy 4 of the RSS also state that previously developed land is sequentially preferable for development.
82. Within the public responses received with regards to the development objection is raised to the development of the parcel of land at the east of the site with the objectors stating that the design brief for the Durham Johnston redevelopment dating from 2007 was understood to propose the retention of an open aspect in the eastern section of the site.
83. However, the most received development brief updated in 2011 specifically regarding the annex land it does not state that the easternmost sections of landscaped land cannot be considered for development. Notwithstanding this the development brief is not formally adopted policy but is intended as an aid for developers.
84. The entirety of the application site is located within the settlement boundary of Durham, located close to services, public transport routes and schools. The application site is considered to be located within a sustainable location and the proposal considered to comprise of a sustainable development in principle, in reusing previously developed land. Furthermore Planning Policy have been consulted on the planning application and no objections have been raised to the development.
85. No objections are therefore raised to the development in principle, the acceptability of the scheme considered to rest with detailed issues in accordance with Policies E3, E6, E10, E14, E16, E18, E22, E24, E25, H2, H13, T1, T10, R2, R4, C6, Q5, Q8, Q15, U5, and U8A, U11 and U14 of the Local Plan.

Impact upon Visual Amenity and the Character and Appearance of the Area and Impacts upon the World Heritage Site

86. 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 Durham and any impacts upon the setting of the World Heritage Site.
87. Within the Local Plan only Policy C6 relating to Durham Johnston School specifically designates the land subject to the application. However, the application site is located just outside but adjacent to the Durham City Conservation Area. Flass Vale, a site of nature conservation is also located close to the site just beyond the school playing fields to the north east. The Durham Cathedral and Castle World Heritage Site is located just over 1000m to the east of the application site and sections of the Cathedral Tower can

be viewed from within the application site and on neighbouring land. The site also lies within the boundary of the Nevilles Cross Battlefield. The application site is therefore located within a relatively sensitive wider setting.

88. Aside from Durham Johnston School the local area is predominantly residential with a mix of properties nearby largely comprising of two storey semi-detached properties and bungalows. A more recent development of townhouses with accommodation on three floors is located close by to the west at Archers Court.
89. Policy 8 of the Regional Spatial Strategy of the North East of England promotes a high quality of design and requires that all developments are sympathetic to their surroundings. The NPPF also attributes significant weight to good design considering that it is a key aspect to sustainable development and is indivisible from good planning.
90. Policies H2, H13 and 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.
91. The development proposes large detached properties. Some objection to the design of the dwellings has been raised during the public consultation exercise whilst officers in Design and Conservation have also raised concerns over the amount of development, scale and detailed appearance of the proposed dwellings taking into account the local area though objections to residential development in principle at the site are not raised. The proposed development has had revisions made to the layout and house types during the course of the application predominantly to reduce the pressure on trees and the front boundary hedge and also to reduce and better break up the massing of the roofscape of the development. The development largely retains the same character from that first submitted, however.
92. Officers consider that both the layout of the development and appearance of the proposed dwellings is acceptable. The proposed house types utilise simple traditional architecture which would not appear out of place within a residential area of suburban semis and bungalows. The revised plans incorporate a mix of hipped roofs and gable ends and incorporation of chimneys, providing both variety and breaking up massing and the roofscape in longer distance views which was a request of Design and Conservation. In terms of the scale of the dwellings, the proposed dwellings are larger in floorspace than the nearest residential properties though the height of the dwellings has been kept modest with no property proposing accommodation within the roofspace. The larger detached nature of the proposed dwellings and visual impact of this must also be balanced, to a degree, against the need to provide a variety of housing options within the area, there is recognition within both the RSS and the 2008 Strategic Housing Market Assessment (SHMA) that there are areas of the County with a shortfall in the level of executive housing. This proposed development would contribute towards providing further executive housing options.
93. Officers consider that both the appearance of the dwellings and the proposed layout are sympathetic to and would adequately assimilate into the local area.
94. The impact of the development upon trees and hedgerows has been a key consideration during the course of the application. Both the Councils Senior Landscape Officer and Senior Tree Officer have identified trees of value within the application site namely the grouping interspersing the boundary hedge to Redhills Lane, the grouping around the proposed access and the grouping towards the western fringe of the site.

95. The revisions to the proposal during the course of the application have in part been sought to reduce impact on trees and hedging within the site. The revised layout proposes access to all properties via the single internal access road. Previously, some individual accesses were proposed to properties that would cause the loss of sections of hedgerow onto Redhills Lane that forms an important landscape feature and loss of trees within this boundary. This impact has now been avoided with the revised plans. Properties at the eastern and western ends of the site have been adjusted in location and re-orientated so as that there is reduced need to remove trees in these areas with a grouping of mature trees on the western fringe of the site also capable of retention. Within the submitted application 6 no. trees within the application site would be required to be lost as a result of the development including two mature trees adjacent the proposed access. The application proposes the retention of other trees on site including 3 mature trees to the west of the access road. The Councils Senior Landscape Officer and Senior Tree Officer have concerns that the impact of the proposed access would cause harm to these trees and result in root severance notwithstanding mitigating protection measures that could be undertaken. The application does propose their retention and conditions can be attached to any approval to ensure protection of these trees in order to mitigate impact. It must also be considered that an existing hardsurfaced access lies within the same location as the proposed access and the trees have remained and withstood this impact. Discussions have been held with the Highway Authority and it has been agreed that provided several dropped kerbs for pedestrian access are provided around the site the proposed footpath adjacent to the trees around the access can be omitted which would ease impact further. In addition a condition can be placed on the approval which seeks to ensure that a special access road construction, though still to adoptable standards is undertaken, again to reduce impact on the trees. Through these measures the trees can be provided with the best protection against harm through the development though the longer term concerns of the impact from landscape colleagues is acknowledged.
96. It is proposed that on any approval conditions be attached to agree final submission of the works to/removal of trees required on site and agreement reached over any protection measures or special construction requirements.
97. Another key consideration of the development is the longer distance impact of the proposal including impacts on views from and in relation to the setting of the World Heritage Site.
98. Policy E3 specifically relates to the World Heritage Site and its protection, Policy E10 relates to designated Areas of High Landscape Value of which nearby Flass Vale is one and development that would have an unacceptable impact upon this landscape should be resisted. Though the application site is not within the Durham City Centre Conservation Area it is located adjacent to the boundary and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that the special character, appearance and setting of Conservation Areas are preserved. Policies E6 and E22 of the Local Plan relate to Conservation Areas.
99. Policy E3 seeks to safeguard long distance and local views to the Castle and Cathedral. The justification to this policy considers that the surrounding green and wooded hills, ridgelines and green fingers of land which penetrate the City form a setting for the Cathedral and Castle and this includes Flass Vale close by to the application site. The consideration of the impact of the development upon the setting of the World Heritage site and in longer distance views more generally is stressed by the Councils Landscape and Design and Conservation teams as well of some public respondents.
100. Officers have viewed the application site from the Cathedral Tower and in addition it is noted that in some longer distance such as Whinney Hill the application site and World

Heritage Site appear in the same view. A point raised within the comments submitted from Landscape. However, officers do not consider that the nature and scale of the development would be harmful to the setting of the World Heritage Site. An increase in build is proposed from the present annex buildings. However, it is not considered in key long distance views that this would be overly apparent or harmful. When atop of the Cathedral Tower the application site can be viewed although it is not prominent and despite the increase in build it is not considered that the proposed development would appear unduly prominent. When viewed from the Cathedral Tower the application site and proposed development would appear very much subservient to the broader Durham Johnston redevelopment and also become part of the wider residential framework.

101. Turning to the detailed design, the proposed development now incorporates the use of some hipped roofs and chimneys and these will contribute to the breaking up of the massing of the roofscape in longer distant views. The development will require the devising of a detailed landscaping scheme and it is proposed that this is included as a condition on any approval which is standard practice. Officers have also been discussing with both asset management and the developer the prospect of bolstering the line of trees located outside the application site to the east. This land is owned by the Council and therefore the Council have control over the land. It is considered that the landscape scheme submitted by the applicant can and should make provision for some additional planting in this area. This would bolster screening from the longer distant views in the context of Flass Vale and the setting of the World Heritage Site and compensate for some of the tree loss within the site as a result of the development. Such a request was made by a respondent to the public consultation exercise.
102. On balance, taking into consideration the scale and nature of the development of 14 no. dwellings, retention of a number of trees within the site and provision of further landscaping to bolster screening officers consider that long distance views of the site, impact upon Flass Vale and more widely the impact on World Heritage Site the Conservation Area would not be harmful and their setting preserved.
103. Some views of the Cathedral itself are available from the Durham Johnston School site and this includes from within the application site itself. Policy E3 states that local views of the World Heritage Site should also be safeguarded. From some sections of the site the existing annex buildings and landscaping block views to the Cathedral but in some locations particularly the eastern fringes of the application site views through trees to the Cathedral particularly when leaves are off trees during the winter months are available. Some public objection to the proposal makes reference to such views and objection is raised in part to the proposed development on the easternmost sections of the application site due to the loss of specific views to the Cathedral.
104. Officers have considered the impact of the development on these views from within the site. From a site visit it could be seen that the better views of the Cathedral in the immediate vicinity are from the land to the east of the application site on the embankment adjacent to the football pitches and also to the north of the application site adjacent to the enclosed sport courts. Such views for individuals within the school grounds will remain available as they are outside of the application site. Only more glimpsed views through landscaping which largely encloses the application site are available from within the site itself. Some of these views as presently available would be lost due to the siting of proposed dwellings with the eastern sections of the application. However, a judgement must be made as to whether these glimpsed and distant views of sections of the Cathedral are of such merit as to warrant protection and refusal of the application. Officers do not consider that refusal would be justified. The views from within the application site are not available to the wider public as such but only to those once within the school grounds. Since the annex buildings have been vacant, the application site itself is largely fenced off and locked from public access. The existing

vehicular access to Redhills Lane is gated and locked. The site is therefore not in a location readily available to the public in the first instance.

105. Furthermore the views from within the application site to the Cathedral are more obscure than those available just a few metres away but outside the application site and these views would remain available.
106. On balance officers consider that the views of the Cathedral from within the site are neither of the quality nor are of ready availability to raise significant objection to the application having regards to Policy E3 of the Local Plan.
107. Subject to the appropriate use of final materials, hard and soft landscaping which can be agreed by way of condition, the proposed scale, design and impact of the development is considered to be appropriate in the area and the development is considered to accord with Policies E3, E6, E10, E14, E22, H2, H13, Q5 and Q8 of the Local Plan. Removal of permitted development rights for enclosures to the front of the dwellings to maintain the open feel proposed is also recommended.

Impact upon Residential Amenity

108. Policies Q8 and H13 of the Local Plan seek to ensure that the amenities of neighbouring residents and land users are preserved through new developments.
109. 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 through 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.
110. Some representations from residents residing in properties on Redhills Lane have raised objections on the grounds of impact upon residential amenity, namely loss of privacy.
111. However, the proposed dwellings would be located at distances from existing properties on Redhills Lane that accords with the guidance within Policy Q8 of the Local Plan. The occupier of No. 13 Redhills Lane has objected to the proposal but the nearest element of the closest proposed property is located 21.4m from the windows within the side elevation of No. 13. The occupier of No. 13 has raised objection of overlooking of land and garden areas as well. However, the nearest property has a side elevation without main habitable windows located at first floor which could provide the best views over garden easing concerns. Furthermore several mature trees are located between No. 13 and the proposed development which would further reduce the prospect of overlooking and indeed the impact of the scale of the dwellings.
112. The occupiers of No. 24 Redhills Lane have also raised objection with regards to matters of privacy, however, the nearest elements of the nearest property within the proposed development, plot 12 is some 24m away in excess of the 21m required between main facing windows within Policy Q8. Separation distances to all other properties on the adjacent Redhills Lane exceed the guidances within Policy Q8 of the Local Plan and no objections are raised by officers with regards to loss of privacy, light or outlook.

113. Within the application site itself those properties to the eastern and western ends of the development, plots 1-3 and 9-12 fully adhere to the separation requirements contained within Policy Q8 of the Local Plan. Within the central sections of the site involving plots 4-8 and 13 and 14, window to window distances below that of 21m as prescribed within Policy Q8 of the Local Plan are proposed with some distances falling to a 16m separation. However, it must be noted that these relationships are those within the application site itself and prospective occupiers will be able to form a view on whether such a relationship is adequate to them as individuals. Overall the relationships between properties on the site as a whole are considered to be adequate by officers and do not warrant refusal of the planning application. The relationships to the existing residents in the area, as described above fully adhere to the requirements of Policy Q8 of the Local Plan so existing residents upon which the proposal would develop alongside would not be harmed through a loss of amenity or privacy. Officers do consider, however, that permitted development rights for some extensions and alterations to the proposed properties should be removed via condition so that the Local Planning Authority can retain control over such future works.

Highways Issues

114. 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.
115. Matters of highway safety and the adequacy of parking provision are matters raised within points of objection by some local residents.
116. The Highway Authority have commented on the revised layout and no objections to the development have been raised. The parking levels proposed are considered to be acceptable. Officers concur with these views. It is not considered that the proposed development by reason of the location of access, number of dwellings or levels of parking would cause a detriment to safety.
117. 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.

Impact upon Protected Species

118. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
119. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained

120. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
121. The application has been accompanied by an ecology report comprising of an extended phase 1 habitat survey and protected species surveys. The submitted report confirmed that a bat roost is located within the single storey building on site whilst evidence that bats have been present in the remaining two buildings is also presented.
122. No evidence was found that any other protected species are present within the site. A bat roost is within the site and would be affected by the development, however, a Natural England license will need to be obtained prior to works commencing on site. The submitted report proposes mitigation measures.
123. The Council's Senior Ecologist has commented on the application and no objections have been raised though the mitigation measures suggested within the submitted report are recommended to be conditioned on any approval in addition the proposed bat bricks and slates should be shown on plan and again this could be conditioned.
124. Natural England have been consulted on the application and have considered the proposal against their standing advice. The proposed mitigation measures are considered to be proportionate. The proposals are considered by Natural England to comply with article 12(1) of the Habitats Directive or would be licensable.
125. Officers concur with these views and consider that despite a bat roost being found within the building that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable. It is considered that the development would comply with article 12(1) of the Habitats Directive and that a license would be granted by Natural England if application be made, with the development being for reasons of overriding public interest and the submissions demonstrating that there is adequate mitigation possible and no satisfactory alternatives.
126. 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 and Policy 33 of the RSS.

Other Issues

127. Consultation has been undertaken with Archaeology and careful consideration has been given with regards to archaeological requirements taking into consideration proximity to the Nevilles Cross Battlefield site. Policy E24 of the Local Plan seeks to prevent damage to archaeological remains and preserve them wherever possible in situ whilst Policy E25 refers specifically to Nevilles Cross Battlefield and seeks to protect the interpretation of the battle and seeks the provision of appropriate interpretation material on the battle site.
128. Archaeology have recommended that trial trenching is undertaken. In this instance based upon the levels of knowledge of archaeological remains in the area it is considered that significant remains will unlikely be impacted upon and therefore matters of archaeology can be adequately covered by suitably worded conditions attached to any approval.
129. Some public objection to the application considers that the development would result in the loss of an area of playspace for children. However, the application site is not a parcel formally laid out for play purposes, though it is possible that children and young people enter parts of the site to play. The design brief updated most recently in 2011

established that the land within the application site was surplus for any educational or recreational purposes in accordance with the requirements of Policies C6 and R4 of the Local Plan. As a result no objections are raised to the loss of the land to redevelopment purposes.

130. Furthermore in accordance with the provisions of Policy R2 of the Local Plan the application is being accompanied by a S106 agreement proposing a financial contribution of £14,000 towards the improvement of play and recreational facilities in the area.
131. Some public objection raise concerns as to whether services and utilities can cope with the additional homes. The occupier of No. 13 Redhills Lane has stated that they have noted markings indicating the water supply as being within very close proximity to their property. Northumbrian Water have submitted comments on the application and no objections are raised in principle. Details of surface water disposal are sought by Northumbrian Water and can be conditioned in accordance with Policy U8a of the Local Plan. With regards to the proximity of any works to boundaries with neighbouring residents or the needs for any rights of access relating to this, this is essentially a civil matter which must be resolved between the parties. Officers do not consider that the the provision of another 14 no. dwellings within the area would cause any demonstrable harm to the provision of adequate services in the area.
132. 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 but a condition can be attached to any approval requiring that a scheme to cater with any potential site contaminants is agreed.
133. Environmental heath 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.
134. Officers consider that a condition could be attached to any approval limiting the hours at which works can occur, this is a standard condition of larger scale developments.
135. The Councils Senior Low Carbon Officer considers that the submission lacks detail on the manner in which energy efficiency measures will be incorporated into the development however does state that the fabric first approach as suggested by the applicant's supporting documentation is essential to achieving energy reduction. Policy 38 of the RSS seeks to ensure that within all major development proposals a 10% energy efficiency reduction is achieved. The Local Planning Authority has a standard condition which can be attached to any approval to ensure that such a scheme is devised and this condition is recommended for attachment on any approval.
136. The Coal Authority has been consulted on the application and no objections have been raised.
137. Some public objection to the proposal is aimed at both the allegedly misleading leaflet distributed through the developers public consultation exercise which indicated a smaller development site as well as objection public to the Councils own public consultation exercise due to letters being issued during the holiday period. No comment can be made on the consultation exercise of the applicant. With regards to the Councils public consultation

exercise letters were issued as soon as possible following the validation of the planning application, which is the standard approach. It is not possible for the Council to control when an applicant may submit an application for consideration and therefore in turn control at what times of the year public consultation exercises are undertaken.

138. Some public objection relates to the loss of views across playing fields, Flass Vale and also a long distance view of Penshaw Monument. Officers have entered the property No. 24 Redhills Lane and assessed these views. However, these views are essentially private views from private property not views of wider public value and as a result it is not considered that significant weight can be attributed to any obscuring of these views through the development.
139. In addition to the proposed financial contribution of £1000 per dwelling for the provision of new or improved play and recreation space the applicant also proposes a financial contribution of £26,000 towards public art in accordance with Policy Q15 of the Local Plan.
140. As the development proposes 14 no. dwellings affordable housing is not being proposed and as the number of units falls beneath the 15 dwelling threshold as informed by the SHMA and officers do not consider there is any policy basis to request affordable homes on the development.

CONCLUSION

141. This proposal seeks to erect 14 no. executive homes on a parcel of land that is previously developed land and land located within Durham City close to other residential property, services, schools, public transport links and the City Centre. The proposal is considered to constitute sustainable development.
142. The proposed dwellings are all detached and relatively large properties but would, it is considered, acceptably assimilate into the local area which includes a mix of housing types and does not exhibit particular uniformity nor outstanding vernacular. Key to the determination of the application is the impact of the development in the longer distance views, its relationship with the World Heritage Site, nearby Flass Vale and City Centre Conservation Area. Some trees within the development site would be lost to the development though others retained. A landscaping scheme agreed via a condition can provide some compensation and provide further screening to reduce impact of the development in the longer distance views and impact on this part of the Durham inner bowl. On balance despite some concerns from both internal consultees and public respondents, officers consider that impact would remain acceptable and that harm would not occur with the setting of the World Heritage Site and Conservation Area preserved.
143. The development would not cause harm to the residential amenity of neighbouring residents with distances to properties on Redhills Lane are in excess of the requirements of Local Plan guidance.
144. No harm to highway safety is considered to occur and matters of ecology, archaeology, land contamination and drainage have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.
145. Financial contributions are proposed with regards to public art and provision of play and recreational space via a S106 agreement.

146. The application has been assessed against the provisions of the Development Plan and other material planning considerations throughout its consideration. Recently on the 27th March the NPPF has emerged in its final form and Planning Policy Statements and Planning Policy Guidance Notes which have been material planning consideration within the consideration of the application up until that date have now been replaced. The NPPF establishes a presumption in favour of sustainable development and this is considered by the NPPF as being a golden thread to be considered in all planning decisions. The proposal is considered to be sustainable development and is not considered to conflict with its provisions and guidance.
147. On balance approval of the application is recommended.

RECOMMENDATION

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

- the payment of a commuted sum for the provision or improvement of amenity space/play space equipment and;
 - the payment of a commuted sum for public art works.
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:

SK-300
SK-301
2077-P-00- REV A received 21st March 2012
196-BEL-100J
196-BEL-200D
S3628
S3650A
L5945
L5767
L6344 received 23rd March 2012
ARB/CP/574/AIP
ARB/CP/574/TPP received 27th March 2012

Reason: To define the consent and ensure a satisfactory form of development having regards to Policies E3, E6, E10, E14, E16, E18, E22, E24, E25, H2, H13, R2, R4, T1, T10, C6, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, roofing and hardsurfacing 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: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

4. Prior to the commencement of development precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies E6, E22, H13 and Q8 of the City of Durham Local Plan 2004.

5. No works relating to the erection of the dwellings within the application site shall commence until additional planting of trees and/or shrubs has occurred on the parcel of land which immediately abuts the application site to the east. The provision of such landscaping shall accord with a scheme that has been first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works. The scheme shall include details of species, sizes, numbers and densities and contain a future maintenance plan. 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 visual amenity and provision of adequate landscaping having regards to Policies E6, E22, H13, Q5 and Q8 of the City of Durham Local Plan 2004.

6. The hereby approved development shall be carried out in accordance with a scheme of landscaping within the application site to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The landscaping scheme shall also clearly indicate those existing trees and hedges to be retained through the development. The works agreed 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, either planted through the scheme itself or existing on site 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.

7. Notwithstanding the information submitted within the application, no development shall commence until a precise schedule of works to trees and hedges within the application site including any felling, lopping, topping or pruning has been first submitted to and then approved in writing by the Local Planning Authority. Furthermore no construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges to be retained are protected by the erection of fencing comprising of a vertical and horizontal

framework of scaffolding, well braced to resist impacts and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005 and in accordance with a plan to be first submitted to and then agreed in writing by the Local Planning Authority. Said protection shall remain 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.

8. No development shall commence until precise details of a ground protection method utilised for scaffolding adjacent to the plot 1 dwelling has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the agreed scheme.

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

9. Notwithstanding the details submitted with the application no pedestrian footpath shall be provided to the western side of the access road adjacent to plot 1. A series of dropped kerbs within the application site and adjacent to Redhills Lane to the east of the vehicular access shall be provided prior to the occupation of the dwellings in accordance with a detailed scheme to be first submitted to and then agreed in writing by the Local Planning Authority.

Reason: In the interests of the protection of trees on site and to ensure adequate pedestrian movement in accordance with Policies E14 and Q8 of the City of Durham Local Plan 2004.

10. No development shall commence until a scheme for the special construction of the access road between plots 4 and 14 to mitigate impact on adjacent trees shall 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 the protection of trees on site in accordance with Policies E14 of the City of Durham Local Plan 2004.

11. 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 LPA;
 - 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 LPA;
 - 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 LPA; 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.

12. No development shall take place unless in accordance with the mitigation detailed within the section E of ecology report "A Wildlife Survey and Extended Phase 1 of Durham Johnston School, Redhills Lane, Durham" by E3 Ecology. In addition prior to the commencement of development full detailed plans indicating the location of the proposed bat bricks and bat slates shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the agreed details.

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

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

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

14. No development shall commence until details of the disposal of foul and surface water have been submitted to and agreed in writing by the Local Planning Authority in conjunction with Northumbrian Water.

Reason: To prevent pollution of the water environment and in the interests of appropriate drainage of the site in accordance with Policy U8A of the City of Durham Local Plan 2004.

15. 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.

16. No development shall take place until the implementation of a programme of archaeological work in accordance with a mitigation strategy document, including a timetable for the investigation has been submitted and agreed in writing by the Local Planning Authority. The scheme shall provide for:
- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with the approved strategy,
 - ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
 - iii) measures to ensure the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;

- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest;
- v) notification in writing to the County Durham Archaeology Section of the commencement of archaeological works and the opportunity to monitor such works.
- vi) post-fieldwork methodologies for assessment and analyses.
- vii) report content and arrangements for dissemination, and publication proposals.
- viii) archive preparation and deposition with recognised repositories.
- ix) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications

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

Reason: To comply with Policy E24 of the City of Durham Local Plan as the site is deemed to be of archaeological interest.

17. Prior to the occupation of the dwellings a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication.

Reason: To comply with Policy E24 of the City of Durham Local Plan as the site is deemed to be of archaeological interest.

18. 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 development falling within Classes A, B and E of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: To maintain the character of the scheme and to protect the privacy and amenity of residents, in accordance with Policy Q8 of the City of Durham Local Plan 2004.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific planning permission from the Local planning authority.

Reason: To maintain the character of the scheme and in accordance with Policy Q8 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The proposed development is considered to be an acceptable development in principle reusing, in part, previously developed land within an existing settlement for residential purposes. No objections are raised with regards to the impact of the development upon visual amenity and the setting of the World Heritage Site and Conservation Area, the amenity of neighbouring occupiers, highway safety, archaeology or harm to protected species. The application has been accompanied

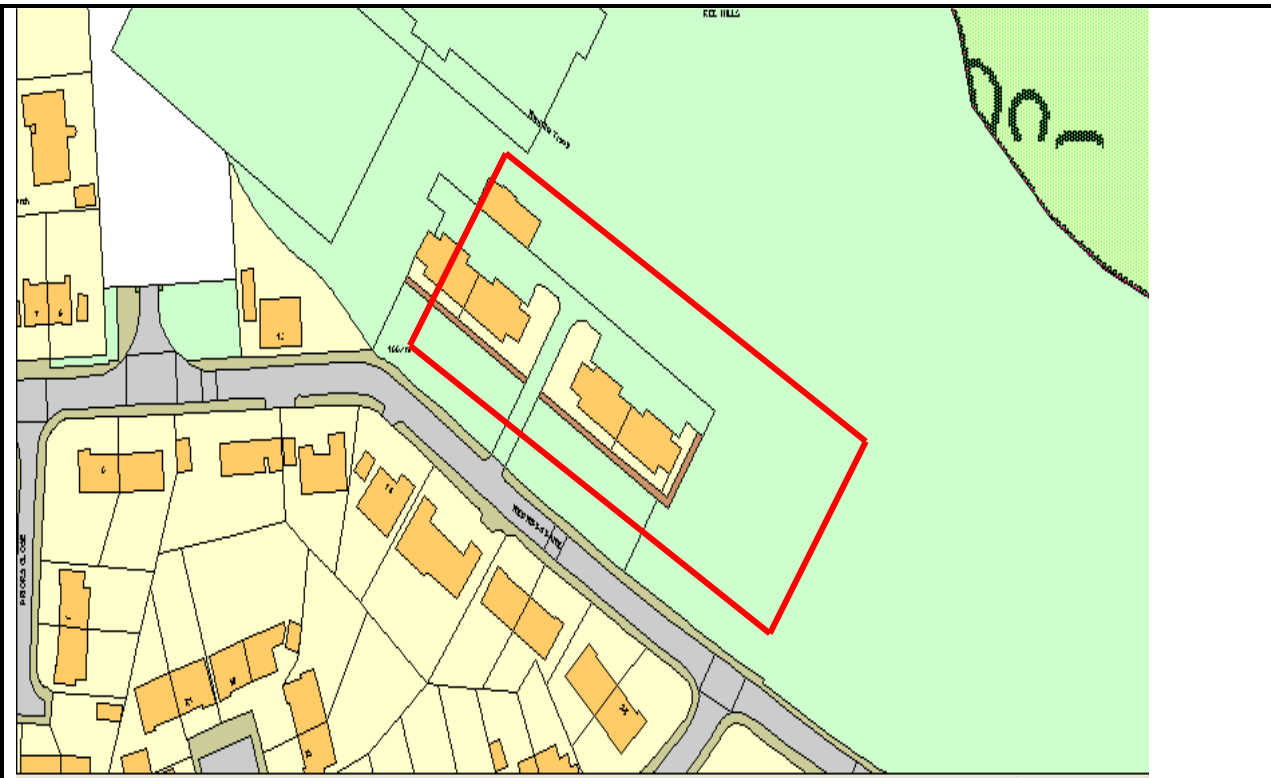
by a S106 agreement proposing contributions towards public open space and public art. The application is considered to accord with the requirements of Policies E3, E6, E10, E14, E16, E18, E22, E24, E25, H2, H13, R2, R4, T1, T10, C6, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.


This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and 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. Due regard has also been given to the discharge of obligations required by the Conservation of Habitats and Species Regulations 2010 and due weight attributed to the National Planning Policy Framework.

2. More specifically, the principle of the development of the parcel of largely previously developed land within a sustainable location was considered acceptable in principle. The design and layout of the development, degree of trees loss and prospect for compensatory landscaping has been considered and no significant harm to the immediate area of more widely the World Heritage site and setting of the Conservation Area are considered to occur.
3. Public objection to the proposal relates to loss of a view, the impact upon residential amenity, scale and design of the development, loss of children's play space, impact upon utilities and services, impact upon the World Heritage Site, content of the application, consultation exercises and highway safety. All these matters are made reference to within the public responses and planning consideration sections of this report with none of the issues raised considered to cause degrees of harm that would warrant refusal of the application.

BACKGROUND PAPERS

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, 5, 9, 23 and 25 and Planning Policy Guidance Note 13
Responses from The Highway Authority, Coal Authority, Northumbrian Water, Natural England
Internal consultee responses
Public responses
Planning Circulars 11/95
National Planning Policy Framework



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of 14 no. dwellings along with associated access, roadways, parking and landscaping</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 10th April 2012</p>	<p>Scale 1:1250</p>