

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/12/00556/FPA
FULL APPLICATION DESCRIPTION:	20 no. apartments and 2 no. bungalows
NAME OF APPLICANT:	Housing Hartlepool (Vela Homes)
ADDRESS:	Brandon House, Grove Road, Brandon, Durham, DH7 8BW
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.47 hectares in size and lies within the settlement of Brandon on the site of a former residential care home which was owned and managed by the Council. There are residential properties surrounding the site on all sides, most of which are low density bungalow developments surrounded by generous areas of open space. There are several bus stops nearby which enable good public transport links to nearby shops and community facilities, making the site sustainable for residential development in terms of its location. As the proposals are on the site of a former residential care home which is to be demolished, it is classed as being a brownfield site.

The Proposal

2. This application proposes the demolition of the former Brandon House residential care home and its replacement with 20 affordable apartments and 2 bungalows which have been adapted for wheelchair users, funded by the Homes and Communities Agency. The tenants would be over 55's who are registered with Housing Hartlepool and Durham County Council. These residents would be cared for by the Councils Care Connect scheme which uses trained staff who are available to respond to a variety of situations and provide emergency cover at all times.
3. Internally, the apartments would consist of a main double bedroom, a single second bedroom, lounge, kitchen and dining areas and a bathroom. Externally the apartments would be located to the north west corner of the site with the 2 bungalows in a separate area of the site in the southern corner. In the northern corner of the site there would be

10 off street parking spaces provided whilst to the centre and east of the site there would be a secure communal garden. Access to the site would be from the northern corner adjacent to the off street parking area.

4. The apartments would be two storeys in height and the adjacent bungalows would be single storey. Materials used for the construction of the external walls would include timber cladding and rendered masonry whilst the proposed dual and mono pitched roof would be covered with a concrete tile.
5. The proposals also include renewable energy technologies and fabric insulation which would equate to providing 10% of the energy requirements. It is hoped that the dwellings will achieve the Code for Sustainable Homes level 4.
6. This application is being referred to Committee as it relates to a major residential development.

PLANNING HISTORY

7. None relevant.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of

sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

REGIONAL PLANNING POLICY

17. *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.
18. In July 2010 the Local Government Secretary signalled 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:
19. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
20. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.

21. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
22. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
23. *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.
24. *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.
25. *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)

26. *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.
27. *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.
28. *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. 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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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.
34. *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.
35. *Policy U15 - Energy Conservation – Renewable Resources* permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

*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:

36. Highways Authority – No objections.
37. Environment Agency – no objections.
38. Northumbrian Water – no objections subject to the public sewer which crosses the site being diverted.

INTERNAL CONSULTEE RESPONSES:

39. Ecology Officers – no objections subject to mitigation.
40. Tree Officer – no objection subject to appropriate tree protection measures being conditioned.
41. Environmental Health – no objections subject to conditions restricting construction hours.
42. Sustainability Officer – no objections subject to the submission of a scheme detailing renewable energy and/or carbon reduction measures.
43. Landscape Officer –no objections.

PUBLIC RESPONSES:

44. The application has been advertised by way of a press notice, site notice and letters to individual residents. No responses have been received.

APPLICANTS STATEMENT:

45. Vela is a major new North East housing group formed in 2010 as a partnership of social landlords Tristar Homes and Housing Hartlepool, which together has over 17,000 homes and 700 employees. Vela is a leading social landlord in the North East with the vision of shaping places, creating communities and changing lives. The majority of Vela homes are for rent, but also include shared ownership, right to buy, outright sale and extra care and sheltered schemes. The mix and tenure is directed by Local Needs Surveys for older persons' accommodation and create a characterful building for supported accommodation that fits the residential character of Brandon.
46. The proposals are directed to be acceptable to the local community, of character and appearance to be suitable to the planning authorities, and to be contemporary-styled and forward-looking as befits a 21st century building. The design is context-driven. Using an appropriate domestic scale for its architectural language, the proposals aims to contribute to the character of the neighbourhood by easy integration of its massing, link to existing routes, and fit with the existing street pattern. The proposals provide new structures of the same scale as the existing surrounding two-storey and one-storey dwellings.
47. The street facades have been designed with a subtle, regular rhythm and vertical emphasis to continue the nature of the two storey dwellings to the east around the street corner. The proposed bungalows match the scale of the opposite existing one-storey dwellings, providing an overall new mix of structures of the same scale as the existing. The elevations have been carefully proportioned and are vertical in emphasis, which should help create a dignified feel to the main building. Using a contemporary-styled, domestic scale will create a 21st century, wholly non-institutional building that will hopefully become a welcome addition to the neighbourhood. In conclusion, our team has aimed to provide an attractive, functional, economic and sustainable community solution that will enhance Brandon.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M4W1OFBN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

48. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, the main planning considerations relating to this application are the proposals accordance with the relevant planning policies, the impact on the street scene and surrounding occupiers, affordable housing, highways issues, ecology and Section 106 obligations.

Planning Policy

49. Saved Policy H3 of the City of Durham Local Plan allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the former District, provided that the scheme is

appropriate in scale, design location and number of units. This proposal seeks to redevelop a brownfield parcel of land within the settlement boundary of Brandon. The proposal is considered to constitute an efficient use of land with good access to services and public transport in accordance with the principles of the National Planning Policy Framework (NPPF) which establishes a presumption in favour of sustainable development. The proposal is re-using land within a sustainable location and as result the development is considered to accord with this overarching aim of the draft National Planning Policy Framework.

50. The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
49. The locational strategy for the North East region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
50. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
51. In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6 and 10 the focus should be on increasing housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of greenfield sites. Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals.
52. As part of the on-going production of the 'The County Durham Plan', a 'Settlement Study' has been carried out. This study looks at the amenities within the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Brandon is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities, greatly contributing to its sustainability.
53. Overall, in terms of the proposals accordance with planning policy, it is considered that due to the site being located within the settlement boundary close to community facilities, shops, schools and public transport links, it is considered to be in a sustainable location for residential development. In terms of the NPPF, this advises that there should be a presumption in favour of sustainable development such as the one proposed. Officers therefore consider the principle of bringing this site forward for residential development is acceptable.

Impact on the street scene and surrounding occupiers

54. Saved policy H13 of the City of Durham Local Plan 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. In addition, saved Policy Q8 of this plan 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. These policies are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.

55. Generally, the proposals have been well designed to create a well connected, accessible development which reflects the scale and character of the existing dwellings that surround the site. The building line would be parallel to the road, creating a strong frontage whilst the communal garden would be located toward the centre of the site providing a safe place for the elderly residents. The existing trees within the communal garden should be protected during building works by way of a planning condition. Both the roofscape, which is made up of single and two storey, mono-pitch and dual-pitch roofs, and the choice of materials would work to create a lively, contemporary development.
56. In terms of amenity and the privacy of existing and future residents, saved policy Q8 of the City of Durham Local Plan requires main elevations which face each other to have a separation distance of 21 metres whilst the distance between main elevations and gables should be at least 13 metres. In all instances, to both existing residents which surround the application site, and to future residents of the development, these distancing standards are exceeded. As such, the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.

Affordable housing

57. Capital funding for this development has been secured by Housing Hartlepool (Vela Homes) via the Homes and Communities Agency for affordable housing on this application site. Affordable housing is social rented, affordable rented and intermediate housing which is provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
58. In this instance the affordable housing will be both affordable rent and shared ownership and would be provided for over 55's and the first refusal on the properties will be offered to the decanted residents of the former Brandon House.
59. Under normal circumstances, taking into account evidence from the Social Housing Market Assessment, the Council would require 20% of a development to be affordable housing where there are 15 or more dwellings proposed. Such provision is normally provided through a section 106 agreement. In this case all of the proposed dwellings would be classed as being affordable housing therefore the development exceeds the level of affordable housing which would normally be required. It is however, important to ensure that the proposed dwellings remain affordable in perpetuity and whilst only 20% affordable housing would normally be sought the applicant has agreed to enter into a section 106 agreement to ensure that all of the dwellings remain affordable in perpetuity. The provision of a section 106 agreement relating to the provision of 20% affordable housing in perpetuity on this site would meet the tests contained within Regulation 122 of the Community Infrastructure Levy Regulations 2010. It would however, be difficult to argue that 100% affordable housing would be required to make the development acceptable. The additional 80% affordable housing should therefore be regarded a voluntary contribution which Members should not take into account when considering the planning merits of the scheme.

Highways Issues

60. Both pedestrian and vehicular access will be from the northern corner of the site off Briar Avenue. This would also be where the 10 off street car parking spaces are located. In addition to the new vehicular access and parking arrangements a new footpath would be created which would run through the site from north to south. The detached bungalows to the southern corner of the site would each have 2 off street parking provision making a total of 14 car parking spaces. The Council's Highways Officers have assessed the proposals and are satisfied that both the access to the site and the level of parking provision is acceptable. Therefore the proposals are considered to be in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

Ecology

61. "Saved Policy E16 of the City of Durham Local Plan is aimed at protecting and enhancing the nature conservation assets of the former district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation habitats 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 should be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
62. The application is accompanied by a bat survey report. The bat survey confirmed that two common pipistrelle bat roosts have been identified under the bargeboards in the existing care home and a limited level of bat activity has been observed around the site.
63. The Ecology Section has no objections to the proposed development subject to appropriate conditions being imposed upon the grant of the planning permission. However, a license will be required from Natural England. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
64. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions. The local planning authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.
65. *Test 1: preserving public health/safety or other imperative reasons of overriding public interest (including those of a social or economic nature).*

The development proposed is not required for any interests of public health or public safety. Natural England advises, however, in its statement following the aforementioned cases, that in considering whether the development proposed is for a purpose of

overriding public interest, it will take into account whether the development is required to meet or provide a contribution to meeting a specific need such as:

- i) the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
- ii) complying with planning policies and guidance at a national, regional and local level;
- iii) requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, .etc.).

In other words the development proposal must contribute to meeting an imperative public interest, and that interest must be sufficient to override the protection of and any potential impacts on the protected species concerned. The benefits of this much needed 100% affordable housing scheme for the elderly and redevelopment of a vacant and derelict site are considered to be of such weight and materiality that it satisfies the first of the derogation tests.

66. *Test 2: there must be no satisfactory alternative*

In terms of whether there is a satisfactory alternative, the issue is whether or not the development could be carried out elsewhere or another form of development to provide the same results. Given that the applicant has acquired funding from the Homes and Communities Agency for the redevelopment of this particular vacant and derelict site, It is considered that there is no satisfactory alternative available which would provide much needed affordable housing for the elderly in this location, and the second test is consequently met in this particular circumstance.

67. *Test 3: favourable conservation status of the species must be maintained*

The Ecology Section offers no objections to the scheme, subject to the imposition of appropriate planning conditions to secure the mitigation measures identified in the bat report. Those mitigation measures would maintain favourable conservation status of the bats in this instance. Accordingly, it is considered that the scheme would satisfy the derogation tests being in the overriding public interest, according with the requirements of Saved Policy E16.

Section 106 obligations

68. As stated earlier, the applicant has agreed to enter into a Section 106 legal agreement in order to secure the affordable housing in perpetuity. Under normal circumstances, the Council would also require financial contributions towards both off-site recreation space and public art. However in this instance, given that it is a social landlord led scheme with funding from the Homes and Communities Agency, and not a private developer, it is a condition of funding to not allow a 'claw-back' for other benefits.

CONCLUSION

69. Overall it is considered that the proposals are in accordance with the relevant planning policies. The proposed residential development is in a highly sustainable location on a brownfield site, with good access to public transport, local shops and other community facilities. No objections from residents were received as part of the planning application process, furthermore the statement of community involvement which was submitted with the application shows a significant amount of local support for the scheme which would result in a high quality development and provide much needed affordable housing in the

area for over 55's. On the basis of the above, officers recommended that the application be approved.

RECOMMENDATION

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

- i. The provision of affordable housing in perpetuity;
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. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policy Q8 of the City of Durham Local Plan.

3. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Fridays (excluding bank holidays) and 0800 hours and 1300 on Saturdays.

Reason: In the interests of residential amenity and to comply with saved policy H13 of the City of Durham Local Plan.

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising 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. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with the National Planning Policy Framework part 11.

5. No development shall take place unless in accordance with the mitigation detailed within the contents of Section F.2 (Mitigation Requirements) of the 'Extended phase 1 & Bat Risk Assessment, Brandon House, Brandon, Revision 03' written by E3 Ecology Ltd and dated 2nd June 2012. All habitat enhancement required as part of the mitigation must be carried out in accordance with a scheme to be submitted and agreed with the Local Planning Authority before the demolition of the existing building commences.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

6. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

7. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. 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. Replacements will be subject to the same conditions.

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

8. No development shall commence until a scheme for the diversion of sewer apparatus has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate drainage is maintained in accordance with saved policy U8a of the City of Durham Local Plan.

9. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall 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 efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained thus in perpetuity.

Reason: In order to secure a sustainable form of development in accordance with saved policy U15 of the City of Durham Local Plan, Policy 38 of the RSS and part 10 of the NPPF.

10. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; 11041/S02, 11041/P100, 11041/P101, 11041/P200, 11041/P201, 11041/P202, 11041/P300

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy Q8 of the City of Durham Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

NPPF Part 1, NPPF Part 4, NPPF Part 6, NPPF Part 7, NPPF Part 10 and NPPF Part 11

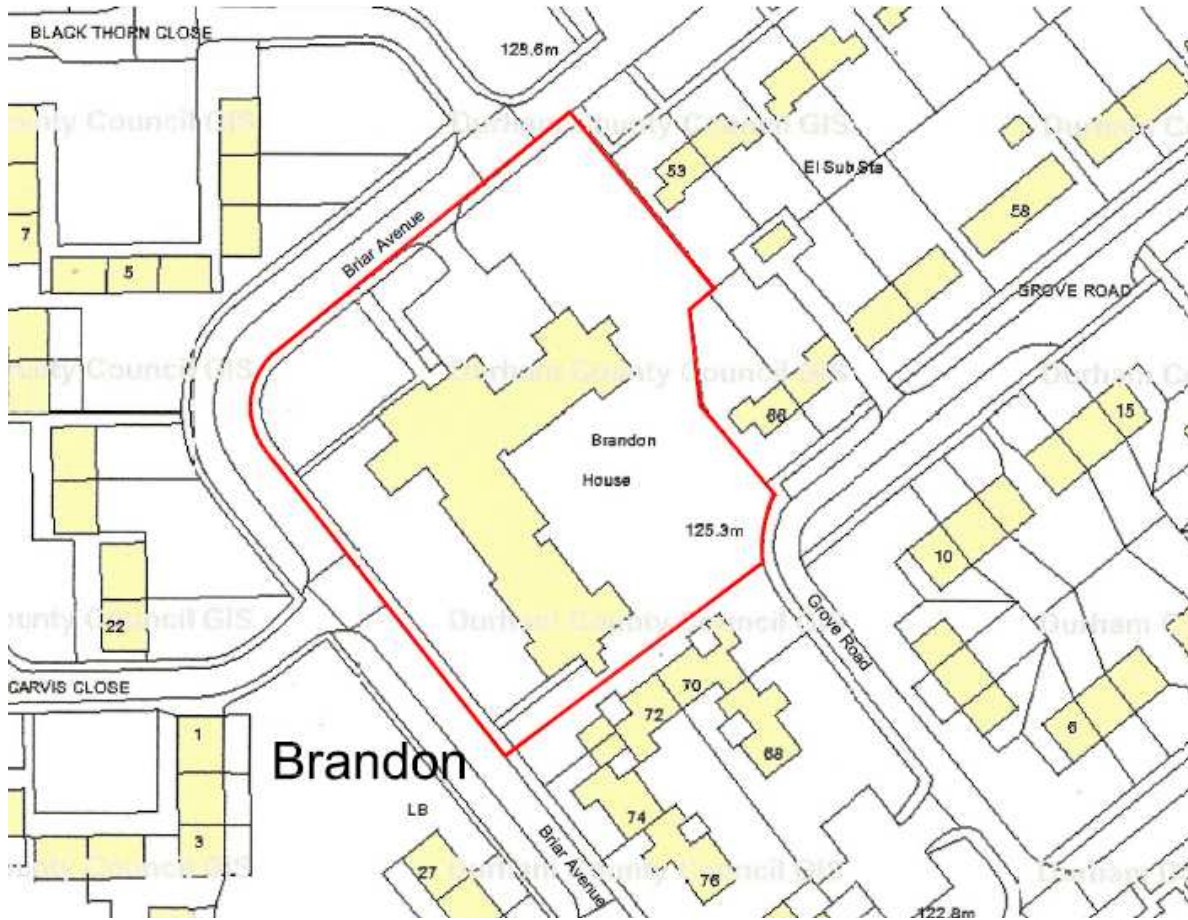
Regional Spatial Strategy Policy 2, Policy 4, Policy 7, Policy 8, Policy 24, Policy 30 and Policy 38.

City of Durham Local Plan Policy E16, Policy H3, Policy H12, Policy H13, Policy T1, Policy T10, Policy R2, Policy Q8, Policy U8a and Policy U15.

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, the impact on the street scene and surrounding occupiers, affordable housing, highways and ecology issues.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
Regional Spatial Strategy
National Planning Policy Framework
Internal consultee responses
Response of the Highway Authority



Planning Services

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Date 11th
 September 2012