

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/12/01083/FPA
FULL APPLICATION DESCRIPTION:	Erection of 22 dwellings with associated infrastructure and landscaping
NAME OF APPLICANT:	Charles Church Ltd
ADDRESS:	Land off Potters Bank, Durham
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is approximately 1.91 hectares in size and lies within the settlement boundary of Durham City, close to the city centre. The area is previously undeveloped and currently consists of open grassland along with young self-seeded trees and shrubs which are scattered throughout the site. The site is enclosed by mature and semi-mature trees and hedgerows.
2. The site is a reversed L-shaped plot and is accessed directly off Potters Bank to the north and then extends south before running behind existing detached properties in a westerly direction. The land rises steeply toward the south east corner of the site. To the north west, west and south west there are residential developments whilst to the south and south east lies Durham Business School and St Aidens College which form part of the Durham University complex. To the north and east there are areas of open green space.
3. There are many community facilities in the surrounding area such as schools, healthcare providers, shops and public transport links.

The Proposal

4. This application proposes the construction of 22 detached dwellings with associated infrastructure and landscaping. This would result in a low density of 11.5 dwellings per hectare, reflecting the surrounding developments which mainly consist of large executive type houses.

5. The dwellings would be laid out to create an avenue type street scene with all dwellings facing inwards towards the road. The development would comprise a mix of sixteen 2 storey, two 2.5 storey and four 2/3 storey split level dwellings, each of which would have five bedrooms, garaging and front and rear gardens. Given the varying levels across the site, some retaining walls would be needed, details of which would be subject to a condition.
6. The dwellings would be constructed using various facing bricks and roof tiles and would incorporate various roof styles including hipped, gabled and cross gabled. A variety of features would be used to add interest to the design such as stone heads and cills to windows, timber garage doors and iron railings which would be used as a means of enclosure to provide distinction between public and private space. Various block paving materials would be used throughout the site along with tree, hedge and shrub planting which would be subject to a landscaping condition.
7. It is proposed that, given the executive nature of the development, that the normal requirement for four affordable houses (20%) on site is met by a financial contribution of £460,000 toward off-site provision. A contribution toward off-site recreational facilities of £22,000 and £20,000 toward public art would also be offered in accordance with Local Plan requirements.
8. This application is being referred to Committee as it relates to a major residential development.

PLANNING HISTORY

9. None relevant.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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’
12. The following elements are considered relevant to this proposal;
13. *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.
14. *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.

15. *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.
16. *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.
17. *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.
18. *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

19. *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.
20. 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:

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

28. *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.
29. *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.
30. *Policy H2 - (New Housing within Durham City)* states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. 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
38. *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.
39. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.
40. *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:

40. Highways Authority – No objections.
41. Environment Agency – No objections. Informal advice offered relating to surface water drainage.

42. Northumbrian Water – No objections.

INTERNAL CONSULTEE RESPONSES:

43. Planning Policy Officers – No objections, considered to be an appropriate development.

44. Ecology Officers – No objections subject to mitigation contained in the ecology report being conditioned.

45. Tree Officer – No objection subject to appropriate tree protection measures being conditioned.

46. Environmental Health – No objections subject to conditions restricting construction hours.

47. Sustainability Officer – No objections subject to the submission of a scheme detailing renewable energy and/or carbon reduction measures.

48. Archaeology Officer – No objections subject to conditions requiring archaeological evaluation work before development commences.

49. Landscape Officer – No objections.

50. Design Officer – No objections. Amendments to design and house types suggested.

PUBLIC RESPONSES:

51. The application has been advertised by way of a press notice, site notice and letters to individual residents. Eighteen letters have been received in response to the consultation exercise, seventeen of which involve concerns including an increase in traffic, overdevelopment of the site, the site has a dangerous access, the loss of wildlife, flooding issues, the loss of trees and the impact on residential amenity. One letter has been received from a nearby resident which does not oppose the development in principle but has concerns regarding loss of light, loss of outlook and an overbearing impact on their property.

APPLICANTS STATEMENT:

52. This development offers the opportunity to create a new sustainable residential development within Durham City. The proposals for twenty two, five bedroom dwellings will deliver a range of executive homes which goes some way to satisfy the local and regional wide demand for executive homes as identified in the 2012 SHMA.

53. The proposal will infill an area of private open space of limited quality and is of little benefit or use to the residents of Durham. The proposal will create a new attractive residential development within the city, providing much needed executive homes in addition to a wide variety of additional consequential benefits. The site has been allocated and therefore the principal of residential development accepted within the Durham Local Plan Preferred Options.

54. From the earliest possible moment we have engaged with Durham County Council through the pre-application advice process to establish a satisfactory scale and development form. Following this we took the opportunity and carried out a leaflet drop

to properties in the vicinity of the development site to engage with the local community and gauge their opinions towards the proposals.

55. The proposals you see before you today are the result of a continuous and flexible design process that has adapted and changed the development following comments from the case officers and to quash any concerns raised by the local community. In certain cases the proposals have been adapted above and beyond the requirements of policy in order to retain support for the proposal.
56. The sites central location within Durham City guarantees that it is highly sustainable with regard to local amenity. The site location ensures that future residents will benefit from, and support, a wide range of existing amenities including educational, health and retail services and facilities. Additionally the central location ensures that these amenities are situated either within walking distance of the development site, or are accessible via the existing public transport network which serves the surrounding area
57. Finally, with regard to affordable housing an acceptable contribution has been negotiated with the LPA which will facilitate the development of affordable units within the City. Collectively the planning gain package is in excess of £500,000. In terms of economic impact of the development we calculate that the proposal will constitute approximately £6,250,000 worth of Gross Investment Value and will support 88 (person years) direct jobs and 44 (person years) indirect jobs based on CLG estimates.

*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

58. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
59. In this instance, the relevant considerations are the principle of the development, in particular the accordance with the Governments recently published National Planning Policy Framework (NPPF), the emerging County Durham Plan (CDP), the Regional Spatial Strategy (RSS) and the saved policies from the City of Durham Local Plan. Other material considerations are the scale, layout and design of the development, highways issues, affordable housing, ecology and trees and the concerns raised by local residents.

Principle of the development

60. Saved Policy H2 of the City of Durham Local Plan allows for windfall development of previously developed sites within the settlement boundary of Durham City, provided that the scheme is appropriate in scale, design, location and number of units. This proposal seeks to redevelop a greenfield parcel of land within the settlement boundary of Durham City. Although the Local Plan policy refers to previously developed sites, the current proposal is within the settlement boundary and is considered to adhere to this policy to some degree. Notwithstanding this, in planning policy terms the

governments National Planning Policy Framework (NPPF) which establishes a presumption in favour of sustainable development has significantly more weight than the dated Local Plan and encourages the use of previously developed land rather than requiring it. The proposal is considered to constitute an efficient use of land in the city centre with good access to community facilities such as schools, healthcare provision, shops and public transport links. It is therefore considered that the proposal is in a sustainable location for residential development in accordance with the principles and overarching aim of the National Planning Policy Framework.

61. The emerging County Durham Plan (CDP) will aim to direct the majority of new housing to the main towns and secondary settlements of the County. Policy 1 of the draft CDP states that the council will work proactively to find solutions that mean that development can be approved wherever possible. All development proposals will be assessed against sustainability considerations; relevant considerations listed in the policy include the need to locate development with the aim of reducing the need to travel, to promote sustainable communities by allowing small-scale development to meet local needs and considerations relating to sustainable design.
62. Policy 16 of the CDP states that development on unallocated sites will be permitted provided the development is appropriate in scale, design, and, location, and has regard to the character and function of the settlement and helps to consolidate the built form of the settlement.
63. As part of the on-going production of the CDP, 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 Durham City has primary and secondary schools, GPs and health centres, community facilities and industrial estates and is a city with sub regional significance. The conclusion which can be drawn from this is that the area is very well served by services and facilities, greatly contributing to its sustainability. Overall, it is therefore considered that the proposal generally accords with the principles of the draft CDP.
64. 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.
65. 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.
66. 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.
67. 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 whilst not a requirement, 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.

68. 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. The proposal is also considered to contribute toward the need for executive and affordable housing in the city, thereby addressing the Council's aspirations to deliver high quality housing and focus development in the main towns. Officers therefore consider the principle of bringing this site forward for residential development is acceptable, and generally accords with the NPPF, the draft CDP, the RSS and saved Local Plan policies.

Scale, layout and design of the development

69. The NPPF's twelve core planning principles states that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design, the NPPF states, is "indivisible from good planning."
70. Policy H13 of the LP states that planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. Policies Q1, Q2 and Q8 list design features which will be encouraged within residential areas. 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.
71. 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 and inward facing, creating a strong frontage and an avenue type development.
72. The proposed dwellings are all of traditional brick and tile construction, with vertical emphasis fenestration and feature window sills and heads, all with private rear garden areas and off-street parking. A condition to require a detailed schedule of bricks and tiles to be used on the development should be imposed to ensure these are suitable and take account of the materials in the locality. Details of acceptable boundary and plot-division wrought iron railings form part of the application and thus a condition is not required to control these details, however, in order to ensure that the development retains its open plan appearance, permitted development rights should be removed to ensure no inappropriate boundary enclosures are erected to the front of properties.
73. At the detailed level, the houses will be simple in form and appropriate in scale, with detailing drawn from the local context and vernacular. There is widespread use of brick within the immediate locality; accordingly the main walling materials should be brick, and colours and textures would be chosen to reflect these characteristics. However individual dwellings will incorporate additional features or contrasting materials to create focal points. For example, the development would incorporate various roof styles including hipped, gabled and cross gabled in order to break down the scale and massing of the site. A variety of features would be used to add interest to the design

such as stone heads and cills to windows, timber garage doors and iron railings which would be used as a means of enclosure to provide distinction between public and private space.

74. In terms of density, Policy 30 of the draft CDP discusses density of housing. It states that, while development should make efficient use of land, it should also support good design and provide adequate open space. Densities of 30-50 dwellings per hectare are permissible in the vicinity of town centres. In “more peripheral” locations, densities of around 30 dwellings per hectare are appropriate. In this instance, given its surroundings, the proposed density of 11.5 units per hectare would provide a spacious, open development which would be harmonious with the surrounding residential areas.
75. 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.
76. One objector has raised significant concerns regarding the impact of the proposed ‘plot 1’ on his property known as ‘The Orchard’ In particular, concerns have been raised regarding the overbearing and dominant impact of the proposed dwelling due to the rising levels. Amendments to plans have been sought and received which has resulted in the main gable end of ‘plot 1’ being over 35 metres away from the rear elevation of ‘The Orchard’. This has resulted in far less impact on the existing property and is well in excess of what the distancing standards in the Durham City Local Plan require.
77. Overall, the development in terms of scale, design and layout is considered to be entirely appropriate for this particular location. Furthermore, permitted development rights for the site would also be removed in order to ensure that the development retains its open plan appearance. Overall, it is considered that the scale and layout of the development is acceptable and the design is of a high standard, therefore the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.

Highways Issues

78. Both pedestrian and vehicular access will be from the north east corner of the site off Potters Bank. Each dwelling would have off-street parking provision and garaging, and would result in a total of 88 proposed parking spaces. The Councils 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.

Affordable housing

79. The provision of affordable housing where a need has been identified is encouraged through the NPPF, in addition Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.

80. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings or above 0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA, NPPF, Policy H12 of the LP and Policy 30 of the RSS therefore provide the justification for seeking the delivery of affordable housing provision through this site.
81. The applicant has argued that given the location of the development and its surroundings, and the fact that the 2012 SHMA has identified the need to deliver a range of executive homes in order to satisfy both local and regional demand, that a contribution toward off-site affordable housing is given which would enable both the delivery of executive housing on this site and affordable housing elsewhere in Durham City. Colleagues in planning policy have accepted this proposal.
82. The monies will be ring fenced to the surrounding city boundaries and used to address the balance of affordable housing that has been provided in recent years back into the central City areas. Therefore the offsite provision meets the aspirations of the Local Plan and RSS whilst supporting the emerging policy in the County Durham Plan to provide executive housing in a sustainable location.
83. In view of this, it is considered that the contribution this scheme will make toward meeting the housing needs of all sectors of the community should be afforded significant weight in the determination of this application.

Ecology and Trees

84. 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 such as the application site 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 should be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
85. In this instance, an ecology report has been submitted by the applicant which recommends that various mitigation measures are carried out in order to offset the impact of the development. The Council's Senior Ecologist has confirmed that the submitted ecology report is satisfactory and that no objections would be raised on the basis that the mitigation is conditioned as part of any planning consent.
86. Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that 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.
87. In terms of the trees on the application site, the applicant has submitted an arboricultural survey in support of the application. The site is surrounded by a mix of semi-mature hedging consisting of various species such as, Common hawthorn, Common elder, that is interlaced with traditional hedgerow tree species, including Common ash, Common sycamore and other tree species. The arboricultural survey has identified that the majority of boundary trees and hedgerows, and particularly the group of trees on the western boundary, should be retained and protected during the development. The Council's Tree Officer has concluded that it is imperative that the

protective measures are implemented before any ground preparation is commenced to ensure the root protection area of associated hedgerows and trees are duly protected. As such, a condition should be imposed to ensure the trees are appropriately protected before any development commences in accordance with Local Plan Policy E14.

Other issues

88. The applicant has commissioned and submitted an archaeological desk-based assessment which includes a review of historic mapping evidence. Although the assessment suggests some background potential for archaeology, particularly from the prehistoric period, the historic maps indicate that this site has been in agricultural use for much of the recent past. Therefore, in this instance it is considered that the likelihood of encountering sufficient archaeology to affect the overall feasibility of the scheme is low. However, the assessment recommends that the site be evaluated through a programme of trial trenching before any works are commenced on site, Archaeology Officers have agreed with this approach and recommended it is controlled by use of an appropriate condition.
89. In terms of flood risk, the applicant has submitted a flood risk assessment in accordance with the requirements of the NPPF which concludes that the site has a less than 1 in 1000 annual probability of river flooding and there are no water courses in the area. The Environment Agency have been consulted on the application and have offered no objections to the proposals. They have however offered advice with regard to good management of surface water drainage. Given the concerns raised by local residents regarding surface water drainage, a condition should be imposed requiring the developer to submit a surface water drainage scheme to be agreed before development commences.

Letters of concern from nearby residents

90. Letters have been received from local residents who raise concerns relating to an increase in traffic, overdevelopment of the site, that the site has a dangerous access, the loss of wildlife, flooding issues, the loss of trees and the impact on residential amenity.
91. In terms of an increase in traffic and dangerous access, these issues have been assessed by the council's Highways Officers and have found to be acceptable. With regard to an over development of the site, the emerging County Durham Plan advises that in town or city centre sites such as the one proposed, densities of 30-50 units per hectare would be permissible. Clearly, the proposed density of 11.5 units per hectare is far below this and therefore is not considered to be overdevelopment of the site. In terms of trees and ecology, these issues have been considered by the appropriate officers and found to be acceptable subject to tree protection and other ecological mitigation works being conditioned. Finally, in terms of residential amenity, it is considered that in all instances, the distancing standards as set out in the Local Plan which seek to protect residential amenity are far exceeded in all instances and no unacceptable overbearing impacts will occur.
92. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts are not considered to warrant refusal of planning permission.

CONCLUSION

93. Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposed residential development is in a highly sustainable location with good access to public transport, local shops, healthcare providers, schools and other community facilities.
94. The scale, layout and density of the development is considered to be entirely appropriate for this location and the design of the dwellings is of a high quality. The development would deliver a range of executive homes which would contribute toward the local and regional wide demand for executive homes as identified in the 2012 SHMA. In addition, the development would result in a planning gain contribution of over £500,000 including a financial contribution toward affordable housing in Durham City area, recreational facilities and public art.
95. 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 the provision of:

- i. affordable housing (£460,000),
- ii. recreational facilities (£22,000) and;
- iii. public art (£20,000).

Conditions:

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, roofing materials and retaining wall materials have been submitted to and approved in writing by the Local planning authority. The development shall thereafter 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 Friday, 0800 hours and 1300 on Saturdays and not at all on Sundays and Bank Holidays.

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

4. No development shall commence until a scheme for tree protection has been submitted and agreed in writing with the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the agreed tree protection scheme as to be retained, are protected by the erection of fencing in accordance with BS.5837:2012.

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 Survey, Land at Potters Bank, Durham, Report No 2 written by E3 Ecology Ltd and dated October 2012.

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 provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall thereafter be completed 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 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 of the dwellings.

Reason: Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14/15 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East and Part 11 of the NPPF.

10. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site Location Plan PB-001, Proposed Site Layout PB-002 REV B, Sections A-C PB-008, Sections D-D & E-E PB-009 REV A, Wessex 1 Plans and Elevations WX1-WD01 REV A, Melbourne Plans and Elevations MB-WD01 REV A, Cuthbert Plans and Elevations CB-WD01 REV A, Holland Plans and Elevations HO-WD01 REV B, Wessex 2 Plans and Elevations WSX2-WD01, Bewick BW-WD01 REV B, Surface Finishes Layout PB-006.

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.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document, including a timetable for the investigation, which has been submitted by the applicant and approved 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; and
 - 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 E25 of the former City of Durham District Plan as the site has archaeological potential.

- 12. Prior to the development being beneficially occupied, 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 Para. 141 of the NPPF, making the information generated publicly accessible.

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected beyond the forward most wall of any dwelling that fronts onto a highway.

Reason: In the interests of the amenity of the area 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 E14, Policy E16, Policy H2, Policy H12, Policy H13, Policy T1, Policy T10, Policy R2, Policy Q8, Policy U8a, Policy U14 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, character of the area, affordable housing, highways, amenity, trees and ecology issues.
- 3. Objections received have been fully assessed either within this report or during the planning application process and their impacts are not considered to warrant refusal of planning permission.

Proactive and positive working

- 1. In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been

made within the 13 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

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



Planning Services

Land off Potters Bank, Durham City

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 2013

