

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/12/00919/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the erection of 12 no. dwellings on plot to rear of John Street with some matters reserved
NAME OF APPLICANT:	Mr J Connor
ADDRESS:	Land To The Rear Of 9 - 21 John Street South Meadowfield Durham DH7 8RP
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Tim Burnham Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a previously un developed green field site which sits to the rear of 9-21 John Street South, Meadowfield. The site measures approximately 0.3 hectares in size. Residential flats sit to the south west while residential properties sit to the north west. To the north sits Brandon Parochial Hall while to the east sits Meadowfield Industrial Estate. Site levels slope gently downwards from north west to south east. The site appears to be currently used for grazing horses and hosts a broken caravan, what appears to be a former van storage box and half demolished structure. Hedging bounds the site, with conifers to the south east of the site particularly prominent. Land levels slope slightly downwards towards the south west of the site and also to the north of the site.
2. The site is located within the Brandon, Brandon Village, Meadowfield and Langley Moor settlement boundary. Access would be taken from the A690 via an access road adjacent to the south west gable elevation of 9 John Street South.

The Proposal

3. This application seeks outline planning permission for a residential development. The indicative layout and information supplied with the application proposes 12 no. dwellings with a mix of 2 and 3 bed semi detached properties.

4. The only detailed matter requested for consideration under this application relates to the access. Matters of the appearance, layout, landscaping and scale of the development are reserved. The site is served by an existing adopted highway which runs along the rear of 9-21 John Street South. Upgrades are proposed to this access road between 9 John Street and flats at Meadow Rise and at its junction with the A690. A bus stop which is located on the south eastern side of the A690 would be required to be moved slightly further along the road to incorporate the access proposed.
5. This application is being referred to the planning committee as it constitutes a major development.

PLANNING HISTORY

6. Outline Planning permission was refused for the development of the site for residential properties in 1979. Planning approval was granted for the retention of a stable/tool store at the site in 1993.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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’
9. The following elements are considered relevant to this proposal;
10. *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.
11. *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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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>

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

17. *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.
18. *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.
19. *Policy H3 - New Housing Development in the Villages* sets out criteria outlining the limited circumstances, in which new housing within the villages will be permitted, this being primarily appropriate on previously developed land.

20. *Policy H10 – Backland and Tandem Development* states that such development would only be considered appropriate where a safe and satisfactory access can be provided, where the amenities of any new or existing dwellings would be protected and where it would be in keeping with the character, density and scale of surrounding or adjacent development.
21. *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.
22. *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.
23. *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..
24. *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.
25. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.
26. *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.
27. *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.
28. *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.
29. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
30. *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.
31. *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.

32. *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:

33. Highways Development Management has no objections to the application. They have noted that the bus shelter outside the adjacent flats will require relocation and require full engineering details of the highways works proposed. They require that all highways works have been completed prior to the development being brought into use. They have outlined the applicant's obligations under The Highways Act 1980.
34. Northumbrian Water has stated that they will require a detailed scheme showing disposal of surface water at the site.

INTERNAL CONSULTEE RESPONSES:

35. Landscape has been consulted on the application and have raised no objection to the proposed development as they consider the space to have limited visual amenity. They have requested details of a hard and soft landscaping scheme.
36. Environmental Health has raised no objections though recommendations with regards to working hours, dust and noise suppression are made.
37. The Councils Archaeology section raises no objections to the proposed development.
38. Local Plans consider that the principle of the proposal is acceptable in that it is infill development within the existing built form and conforms to the presumption in favour of sustainable development. They note that the site sits adjacent to the industrial estate.
39. The councils Senior Tree Officer has raised no objections to the development but seeks assurance that any further submission relating to the scheme would seek to protect the broadleaved trees to the northern boundary of the site.
40. The Councils drainage engineer has requested that a detailed drainage design should be submitted in relation to the site.
41. Ecology Officers have raised no objections to the proposal, the mitigation measures within the submitted habitat survey should be conditioned on any approval.
42. The Councils Contaminated land Officer has offered no objection to the application.

PUBLIC RESPONSES:

43. Seven letters of representation have been received in relation to the application.
44. Objection is put forward that the development of the site would represent the development of Green Field land, which would be contrary to Policy H3 of the Local Plan.
45. A large amount of concern and objection to the application is in relation to highways issues around the site. Concern is expressed that the development would introduce further traffic to the already busy A690 road. Concern is expressed over the existing access onto the A690 with associated visibility problems when pulling out from the rear street. Concern is expressed that additional disturbance would be caused to occupiers of 9 John Street South and that car parking may become difficult for the owners of this property. It has been stated that the access lane to the rear of the properties on John Street South is thin, and due to this residents have expressed concerns over difficulties accessing rear parking spaces at their properties. It has been suggested that the access would be contrary to Policies H10 and T1 of the City of Durham Local Plan. Concern has also been expressed in relation to service vehicles accessing the rear lane under the current arrangements.
46. Concerns have been expressed over the suitability of the site for development given previous filling and re grading which is understood to have taken place at the site.
47. Objections are put forward on the basis that planning approval for houses at the site has been previously rejected on the basis that the site forms a barrier between existing residential development and the industrial estate to the east.
48. Concerns are expressed that the current drainage system is not adequate to cope with either foul or surface water discharge from the site.

Applicants Statement

49. Mr & Mrs Connor have owned the site for nearly thirty years over which time they have used the field for grazing horses which has provided them with a useful and pleasurable amenity, over recent years they have had a number of problems with vandals and fly tipping on the site and now feel that it would be beneficial to develop the site and improve the area.

Due to their long term involvement in the site the applicants are keen to see the site developed without harming the amenity of the existing residents and have gone to great lengths to consult with the Local Authority and accept their guidance on the design and access arrangements. Although the application is for outline permission the applicants have put forward a detailed scheme for smaller affordable housing units which they feel would benefit the local area the most and would hope that such a scheme is implemented and if so will result in a commuted payment towards local recreation areas and public art.

There have been several concerns raised particularly regarding access to the site which has been discussed at length with Highways Officers in order to achieve a safe entrance to the site and they feel that this has been achieved and will result in an overall improvement to the junction for all users including the owners of properties along John Street South. With regard to loss of privacy, the design of the scheme has carefully considered this orientating all of the proposed houses into the site rather than facing towards John Street South meaning that none of the existing properties are overlooked and impact on local residents is minimised. Mr & Mrs Connor feel that the scheme

submitted is sensitive to the immediate surroundings, will result in an improvement to the area and provide good quality affordable housing to local people and would respectfully hope that the committee agree and approve the development of the site.

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://FRED:8080/IDOXSOFTWARE/IG_SEARCH?APP_ID=1002&MENU=1&FORMPARAMETER1=41200919OUT&FORMPARAMETER2=000000000002&CODE=NYRDKNTJRI

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, highway safety, impact upon the character and appearance of the area and residential amenity, and Trees and Ecology interests.

The Principle of the Development

51. The site is located within the Brandon, Brandon Village, Meadowfield and Langley Moor settlement boundary on land which has not previously been developed. The site appears to have previously been used as allotment land and appears to be currently used to graze and keep horses.
52. Policy H3 of the City of Durham Local Plan 2004 states that new housing comprising of windfall development of previously developed land and conversions could be appropriate within the Villages provided that it would be appropriate in scale, design, location and number of units to the character of the settlement and provided it would not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlements character. The Policy also states that the exceptional development of sites of less than 10 units in former coalfield villages most in need of regeneration could be appropriate where there are clear and quantifiable regeneration benefits and where these benefits could not be achieved through the development of previously developed land or conversions of existing buildings.
53. The proposal relates to a Green field site which has not previously been developed. The proposal is therefore not in accordance with Policy H3 of the City of Durham Local Plan 2004.
54. However, planning proposals must be considered with reference to the National Planning Policy Framework. The City of Durham Local Plan is not a plan adopted in accordance with the Planning and Compulsory Purchase Act 2004 but rather pre-dates it though policies were "saved". As a result the NPPF advises that due weight should be given to relevant policies in the Local Plan according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
55. The key theme running throughout the NPPF is that of sustainable development. The NPPF introduces a presumption in favour of sustainable development. With regards to development of Greenfield land and previously developed land the NPPF states that planning should encourage the effective use of land by re using land that has been previously developed (Brownfield land) provided that it is not of high environmental value.

56. However, the application site is well related to other residential property and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities in the immediate vicinity at Meadowfield, Brandon and Langley Moor. Public transport links are easily available from the A690 which runs close to the site. This area has also been identified as a sustainable location for additional housing within the County Durham Local Plan preferred options, although this can only be given very limited weight. The site would relate appropriately to the existing settlement, forming a natural continuation of development within the settlement boundary. The local area would benefit from contributions towards public art and off site play space.
57. While encouraging the use of previously developed land, the NPPF does not preclude the development of Green Field sites. Given that there is not full correlation between the local plan and the NPPF granting approval is suggested unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the Framework indicate development should be restricted.
58. The proposed development would make a small contribution towards future housing need in the locality. The development would also tidy up a site which currently offers limited visual appeal and would offer a degree of natural surveillance to the rear of 9-21 John Street South. Officers have not identified any adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development as a matter of principle. There are no Policies within the NPPF which indicate that such development should be restricted.

Highways Issues

59. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
60. The scheme shows a revised access arrangement from the A690 to the rear lane. The proposed access road would cut across the existing entry and grassed area culminating in a 6m radius with the A690. The kerb would then be built out, which would require the bus stop to be relocated further to the south west to allow buses to have adequate room to pull in from the A690 when travelling in a south westerly direction. This arrangement would also appear to reduce the potential for conflict between vehicles leaving the rear lane for the A690.
61. The road which would service the houses directly would be taken from a point close behind 15 John Street South. From this road, each dwelling would be served with a driveway, with a hammerhead for vehicles to turn provided towards the eastern end of the site. Many properties at 9-21 John Street have rear vehicular access onto the back lane for off street parking. These would remain unaffected with the rear lane retained as existing. Residents within the terrace also appear to park partly on the kerb to the front of the dwellings.
62. Highways Development Management Officers have given detailed consideration to the proposed scheme and have offered no objections to the proposals.
63. A significant level of concern has been raised by adjoining occupiers relating to Highways issues at the site and it is suggested that the application would be contrary to Policies T1 and Q2 of the City of Durham Local Plan. Officers acknowledge that such a housing development would inevitably increase activity in the area to a greater level

than is currently existing at the site. Residents at John Street South may notice additional comings and goings. Officers have not however noted any significant points of conflict in Highways terms between the existing situation and the site as proposed in the development. It could be argued that the upgrading of the access road both in terms of re routing the road to the south west elevation of 9 John Street and the provision of a new exit onto the A690 could be beneficial to Highways Safety, with the existing arrangements appearing to have evolved in a piece meal fashion over a period of time. Officers do not anticipate that the development would introduce a level of traffic into the area that would be harmful to highways safety. The application would meet the criteria of Policy H10 in that a safe and satisfactory access could be provided. Officers do not consider that in Highways terms, the residual cumulative impacts of the development would be severe.

Impacts upon Character and appearance of the Area and residential amenity.

64. The application would involve the development of a plot of land in a relatively secluded location that Officers consider contributes little to the character and appearance of the area. The site performs only a very limited function as open land. Visibility of the site is restricted from the east due to boundary planting and the positioning of Meadowfield Industrial Estate to this side of the site
65. Policies H13 and Q8 seek to ensure that new developments preserve the amenities of residents. Policy Q8 provides detailed guidance on separation distances between properties to ensure adequate amenity.
66. With the application being in outline with all detailed matters reserved except for access, the precise final layout of the development, proximity of properties and siting of windows is at this stage unknown.
67. However, the indicative layout suggests that separation distances recommended within Policy Q8 can be achieved both within the proposed estate and with regards to existing neighbouring property. The north western gable elevations of properties closest to John Street South are shown on the indicative layout plan as being positioned in excess of 21m from habitable room windows on these dwellings. Facing distances of approximately 26m are shown between the dwellings. Appropriate separation distances can also be maintained to the blank gable elevation of the flats at Meadow Rise to the south west. The reserved matters stage would allow for full details of the siting, size and orientation of dwellings to be finalised and officers consider that adequate privacy and amenity for all existing and proposed occupiers can be maintained in accordance with the guidance contained within Policy Q8.
68. The residential amenity of the future occupants of the dwellings has also been carefully considered by Officers. Concern has been expressed that previous planning approval was refused at the site due to its close proximity with the Meadowfield Industrial estate. A separation distance of in excess of 40m would exist from the south east boundary of the site to units on the industrial estate. These units which oppose the site at present have limited industrial use, with one unit hosting an indoor climbing centre and one unit hosting a karate centre, although this appears to have closed down. The retention of conifer planting to this side of the site would also give separation between the two uses. Taking all relevant matters into account, Officers do not consider that locating housing at this site would cause significant detriment to the amenity of future occupiers of the dwellings. The application would accord with Policy H10 of the City of Durham Local Plan in this respect.

69. Public objection has been received on the basis of a detrimental impact on residential amenity which would be contrary to the National Planning Policy Framework and Policy H13 of the City of Durham Local Plan.
70. Policy H13 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.
71. Officers again acknowledge that increased activity may be noted by residents around the site. However, in an area that is primarily residential that borders reasonably closely with Meadowfield Industrial Estate, Officers do not consider that there would be a significant adverse effect on the character or appearance of the area or the residents within it.
72. Some noise during the construction phase of any development can be expected. However, the development of a relatively small number of properties as proposed will not pose any exceptionally disturbing activities above or beyond what can be expected for any new development adjacent to existing property.
73. Officers do not consider that the potential for noise or disturbance is such that it would warrant refusal of the application. The proposed working hours condition requested by Environmental Health is the standard recommended on such developments and comes from good practice recommendations and is considered suitable at the site.
74. Overall, officers do not raise objection to the development on the grounds of harm to residential amenity.

Ecology

75. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the NPPF most notably at paragraphs 118 and 119.
76. 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 licence from Natural England.
77. The application has been accompanied by a protected species risk assessment which was undertaken in September 2012. The survey noted that with the exception of nesting birds, the site offers very limited opportunities for protected species. It recommends that any vegetation clearance and the removal of the existing building at the site should occur between September and February to avoid the bird breeding season. A recommendation has been made that no development should be allowed to encroach within 4m of bat boxes which have been placed on the adjacent building. It is also recommended that any lighting scheme at the site should not cast direct lights onto these boxes.
78. The Councils Ecology section have raised no objections to the proposal, the mitigation measures within the submitted habitat surveys should be conditioned on any approval, however.

79. As a result no objections are raised with regards to the impact of the development upon protected species in accordance with Policy E16 of the Local Plan and the provisions of the NPPF.

Planning Obligations

80. The application has been accompanied by a S106 agreement to make a financial contribution of £12,000 towards open space and recreational facilities and £7,750 as a public art contribution, based on the number of properties indicated in the application.
81. The public art and recreational space contributions are considered to adhere to the requirements of Policies Q15 and R2 of the Local Plan.

Other Issues

82. Concern has been raised by residents with regard to drainage at the site. Assessment has been made by both the Councils own engineer and Northumbrian Water. Northumbrian water has not raised concerns with regards to the ability of their network to accommodate anticipated flows arising from the development. Both parties have requested that a detailed drainage scheme for surface water is submitted in relation to the scheme.
83. Concern has also been raised by objectors that the site may not be suitable for development as it has been backfilled at some point in the past. The responsibility of ensuring that a site is safe for development lies with the developer of the land. A phase 1 land contamination assessment has also been undertaken at the site. This has been assessed by the Councils contaminated land Officer who has confirmed that there is no significant risk to the end user of the site.
84. Policy Q15 states due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area. Policy R2 relates to recreational and amenity space in new major residential developments. A contribution towards public art is detailed within the application to provide visual interest within the area. Given the reasonably compact nature of the application site, the provision of on site play facilities would not appear possible. To satisfy Policy R2 a contribution towards off site play provision has been sought which could be spent on the improvement or provision of play facilities within the local area.
85. The submitted arboricultural impact assessment notes that part of a Leyland Cypress hedge would need to be removed to facilitate the access, and also notes the need to remove an apple and Japanese Cherry tree. These losses are considered acceptable in relation to the site, and confirmation with regard to further tree retention at the site is requested via condition.

CONCLUSION

86. The application site is classed as green field site and as a result the development is contrary to Policy H3 of the Local Plan. However, with the emergence of the NPPF and the development of the new County Durham Plan development proposals are required to be assessed in the light of a changing and evolving planning system.
87. A key consideration is whether the development can be considered sustainable. With the proximity to Meadowfield, Langley Moor and Brandon, access to a range of facilities

and services, availability of public transport links and the road network officers consider that the development is sustainable and represents a logical addition to the settlement.

88. Much public objection relates to highways implications. Officers have sought to discuss these matters within the report, and the conclusion of the Councils highways officer is that the development is acceptable from a highways viewpoint.
89. On balance, officers consider that the proposed development would constitute an appropriate and sustainable development at the location with no significantly harmful effects noted by Officers which would warrant refusal of the application. Approval is therefore 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:

- i. A contribution of £12,000 for recreational and play space
 - ii. A contribution of £7,750 for public art
1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Existing site and location plan P2011/14/01 received 25th January 2013.

Proposed site plan and street view (excluding details of layout) P2011/14/02 received 06th March 2013.

Radius Detail received 06th March 2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, E16, H3, H10, H13, T1, T10, R2, Q1, Q2, Q5, Q8, Q15, U5, U8a, U11 and U14 of the City of Durham Local Plan 2004.

4. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning.

Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers and in accordance with Policy U8A of the City of Durham Local Plan.

5. No development shall take place unless in accordance with the mitigation details outlined in section 5 of the protected species risk assessment by Dendra Consulting Ltd received 09th October 2012.

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

6. No development shall commence until plans showing full engineering details of the proposed access road have been submitted to and approved in writing by the Local Planning Authority. The access road shall be completed in accordance with the approved details before any of the dwellings hereby approved is first occupied.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

7. The bus stop to the south west of the site on the A690 will require re location to accommodate the revised access proposed, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No house on the development shall be occupied until the bus stop relocation has been completed.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

8. 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 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.

INFORMATIVES

1. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under

Section 278 of the same Act, to allow the required works within the existing highway to be carried out.

2. The applicant needs to gain any planning approval necessary to relocate the bus stop and consultation will need to be carried out with affected residents - for more information on this Paul Richardson can be contacted on 0191 497 9343 or by email: paul.richardson@clearchannel.co.uk or Steven Muse from Public Transport can also be contacted on 03000 263747.

3. The access must be constructed in accordance with the requirements of Section 184 (3) of the Highways Act 1980. The applicant must contact Ian Harrison, Neighbourhood Services, before commencement of the works with regards the vehicular crossing which should be constructed in accordance with the requirements of Section 184 (3) of the Highways Act 1980. His contact details are as follows:

Meadowfield, Service Direct Depot
St Johns Road
Meadowfield
Durham
County Durham
Telephone: 03000 269249
Email: ian.harrison@durham.gov.uk

4. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

5. All noisy plant, vehicles, equipment and machinery used in connection with site activities shall be properly operated, used and maintained so as to control and minimise noise and dust emissions. Where necessary and practicable, they shall be fitted with appropriate means of noise attenuation e.g. suitable silencers, enclosures etc. and suitable means of dust suppression.

6. General restrictions on site operations would prevent noisy activities and the use of noisy plant, machinery and equipment on Sundays and on National/Bank holidays. In only exceptional circumstances and with prior agreement/consent should noisy site operations, including deliveries, commence before 0730 hours and continue after 1930 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. Outside these hours no activities which are likely to give rise to disturbance to local residents should take place

REASONS FOR THE RECOMMENDATION

1. The application proposes a residential development on a green field site and as a result is considered a departure from Policy H3 of the City of Durham Local Plan. However, as the site is within the Brandon, Langley Moor and Meadowfield settlement boundary and close to services and facilities the application is considered to constitute sustainable development in accordance with the provisions of the NPPF. No significant harm to the character of the area, highway safety or the amenities of neighbouring occupiers has been identified as a result of the development. Detailed matters regarding landscaping, drainage and final house design and positioning can be resolved at the reserved matters stage and through the discharge of conditions. The development is considered to accord with relevant Policies E14, E16, H3, H10, H13, T1, T10, R2, Q1, Q2, Q5, Q8, Q15, U5, U8a, U11 and U14 of the City of Durham Local Plan 2004. Due regard has been given to the provisions of The Conservation of Habitats and Species Regulations 2010.

This decision has been taken having regard to the policies and proposals of the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework.

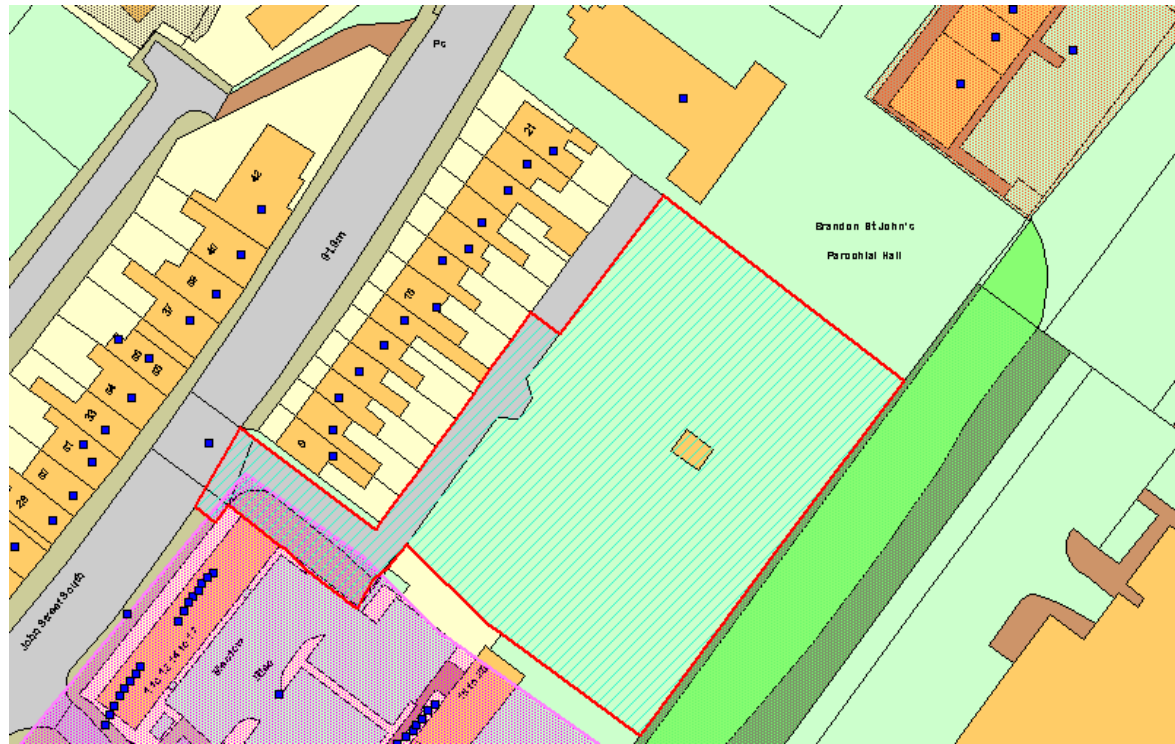
2. In particular the principle of the development was considered acceptable despite the conflict with Policy H3 of the Local Plan.
3. A total of 7 letters of objection have been received from local residents. Objections raised related to a range of issues including sewerage and drainage, highways and access, residential amenity and loss of privacy and light. The content of the objections has been taken into account. However, officers do not consider that the points raised would warrant refusal of the application in light of the applications accordance with the relevant Local Plan Policies and the inclusion of relevant planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The applicant has entered into a Planning Performance agreement with the Council in relation to this scheme.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Response of the Highway Authority
Response from Northumbrian Water
County Durham Local Plan (Preferred Options)



Planning Services

Outline application for the erection of 12 no. dwellings on plot to rear of John Street with some matters reserved

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Date 11th June 2013	