

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/01048/FPA
FULL APPLICATION DESCRIPTION:	New vehicular access and erection of 43 dwellings consisting of 2, 3 and 4 bed units including associated boundaries, roads, paths and garages together with change of use of land to private garden for properties 7-15 Oakfield Crescent
NAME OF APPLICANT:	Keepmoat Homes
ADDRESS:	Land To The South Of Oakfield Crescent Bowburn Durham DH6 5DF
ELECTORAL DIVISION:	Coxhoe Henry Jones
CASE OFFICER:	Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application relates to an undeveloped field located to the south of Oakfield Crescent in Bowburn. The site is bound to the north by the boundary with the rear of properties on Oakfield Crescent, to the west is a palisade fence dividing the site from Bowburn Junior School. The boundaries to the south and east are landscaped with trees. Beyond the tree line to the east lies Crow Trees Lane/Tail Upon End Lane which effectively skirts around Bowburn between the built up area of the village and the A1(M).
2. The application site is located within the settlement boundary of Bowburn.

Proposal:

3. The application principally seeks planning permission for the erection of 43 no. dwellings and associated works.
4. The proposed vehicular access for the development would be taken from Crow Trees Lane in the south east of the site. Each property would then be served by parking spaces or garages with access gained from the proposed internal road. No further drives or vehicular access points onto Crow Trees Lane are proposed aside from the main access, however, a pedestrian link is proposed in the far north east corner of the site to meet the footpath on Crow Trees Lane.
5. Of the 43 no. dwellings proposed, 9 no. units would be affordable homes. A total of nine house types are proposed across the development, all properties are two storey

with the exception of one house type (the 1011) which would be 2 ½ storey with accommodation in the roof space. A total of six of these 2 ½ storey units are proposed sited on the northern and western sections of the layout. Properties vary between 2, 3 and 4 bed and are arranged as a mixture of detached, semi-detached and terraced properties.

6. As part of the overall development scheme the application is also proposing the extension of the rear curtilages of selected properties on Oakfield Crescent, effectively exchanging parcels of the application site land to form part of the private gardens of properties on Oakfield Crescent. The properties on Oakfield Crescent which are indicated as having an extension to private garden are Nos. 7 – 15.
7. The application is before planning committee as the development constitutes a major development.

PLANNING HISTORY

8. There is no planning history directly applicable to the application site.

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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’.
11. The following elements are considered relevant to this proposal;
12. *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.
13. *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.
14. *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.

15. *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.
16. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
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.
19. *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:

20. *Policy E5a Open Spaces within Settlement Boundaries* does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
21. *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.

22. *Policy E15 Provision of New Trees and Hedgerows* states that the Council will encourage tree and hedgerow planting.
23. *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.
24. *Policy E24 Ancient Monuments and Archaeological Remains* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
25. *Policy H3 New Housing Development within the Villages* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
26. *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.
27. *Policy H12A The Type and Size of Housing* states that the Council will monitor new housing completions and where a certain need is not being met negotiate with developers to ensure the correct balance of the type, density and size of housing provided.
28. *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.
29. *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.
30. *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.
31. *Policy T21 Safeguarding the Needs of Walkers* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

32. *Policy R1 Provision of Open Space – Overall Standards* seeks to ensure that a minimum level of 2.4 ha of outdoor sports and play space per 1,000 population is maintained.
33. *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.
34. *Policy R3 Protection of Outdoor Recreation Facilities* seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.
35. *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.
36. *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.
37. *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.
38. *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.
39. *Policy U7 Pollution Prevention – Development Sensitive to Pollution* states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
40. *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.
41. *Policy U10 Development in Flood Risk Areas* states that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative less vulnerable areas are unavailable, that no unacceptable risk would result, that no unacceptable risk would result elsewhere, or that appropriate mitigation measures can be secured.
42. *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.

43. *Policy U13 Development on Unstable Land* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
44. *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:

45. The Highway Authority have raised no objections to the development with the proposed visibility splays considered to be acceptable to provide safe access at the proposed location, the visibility splays should, however, be clear of landscaping. A footpath link in the northern end of the site was requested.
46. Northumbrian Water have raised no objections provided the development is implemented in accordance with the submitted flood risk assessment.
47. Cassop Cum Quarrington Parish Council have objected to the application on the basis of inaccurate details within the submission for instance within the Design and Access Statement, lack of pre-application efforts by the applicant and that the developers and Council appear to want the alleged regeneration/house building within Bowburn to extend further than the community believes it should. Concerns are raised that the development could prejudice the development of a future combined primary school and seek confirmation of how the Council has considered this. Reference is made to the emerging County Durham Local Plan and that the site would not appear to be proposed as a housing allocation. Concern is raised that a footpath link to Milford Way which is thought to have PROW status will be blocked through the development. A further point is raised that potentially the whole site could be considered village green though this may prevent the future school plans.
48. The Coal Authority have raised no objections.
49. Natural England have raised no objections with regards to the development and protected species. Advice on green infrastructure enhancements is given.
50. The Environment Agency raise no objections though state Northumbrian Water should be consulted to ensure adequate disposal of foul drainage.

INTERNAL CONSULTEE RESPONSES:

51. The Council's Senior Sustainability Officer requires further information to discharge the 10% energy reduction requirement.

52. The Council's Senior Tree Officer has raised no objections in principle but more clarity on some impacts of the development are sought namely further clarity on degree of tree removal due to required visibility splays, further information on impact of gas main relocation and trees are sought and query on whether boundary removal on the eastern side of the site is to occur.
53. Environmental Health have provided advice on construction practices and working hours. The submitted site investigation and contaminated land investigation reports have been considered and no objections have been raised to their content with no significant risk from contamination to a future end user considered to exist. Consideration should be had to a condition, however, to resolve any previously unidentified contaminants. Environmental Health have also considered the submitted noise assessment and no objections have been raised.
54. The Council's Landscape Architect raise some queries on the development namely whether the access point could be relocated. Concerns are raised over the potential for future pressure for removal of trees on the southern tree belt. Some objections are raised over species choices in the landscaping scheme. Advice is provided on footpath and enclosure construction in close proximity to trees.
55. Ecology have raised no objections in principle, concerns over degree of loss of tree cover which provides both screening and degree of linear connectivity between habitats along the roadside.
56. The Senior School Places Officer within Education has stated that there are currently sufficient spaces in Bowburn Infant and Bowburn Junior Schools with no plans to increase capacity at either school. There would be space for the number of places generated by the development. With regards to secondary schools, pupils from Bowburn no longer have free travel arrangements to Durham Johnson though free travel is provided to Gilesgate Sports College. There are plans to make Durham Gilesgate Sports College a school to cater for 16-19 year olds, if this occurs Belmont Community School is the nearest to the application site. Children can also be sent to Durham Johnson from Bowburn but this school is very popular with high competition for places.
57. The Senior Area Drainage Engineer has commented on the application and no objections have been raised to the submitted flood risk assessment. Questions are raised over the proposed land drainage proposal as there is no outlet, a positive outlet would be required to either a soak away or a borehole to better ensure success.
58. The Public Rights of Way Officer has been consulted on the application to discuss the potential for a public right of way crossing the application site. Advice has been provided on the means in which public right of way status can be acquired and the application process.

PUBLIC RESPONSES:

59. A total of 13 no. letters of objection have been received including a petition with a total of 14 no. signatures. Objections include those received from the Bowburn and Parkhill Partnership.
60. Objections are raised that the application site could provide the land for the school expansions which are understood to be required in Bowburn or alternatively could jeopardise plans on the adjacent school land for expansion. A query is raised over

who owns the land within the application site, the school or Council. Concerns are raised over the availability of school places and the lack of services and facilities with the continuing house building in Bowburn. It is also considered that the Bowburn housing market is oversaturated and is driving property prices down. Concerns are also raised that this developer is the same as other developments in Bowburn with too many similar house styles being developed.

61. Concerns are raised over the safety of the proposed access and queries raised over the implications of the visibility splays on landscaping. Objections are raised on the grounds of residential amenity with concern over loss of privacy and light, reference is made to right to light legislation. Particular concerns are raised over the proposed 2 ½ storey house type proposed, bungalows are considered to be more appropriate. Much concern has been raised by residents of Oakfield Crescent to the works along the shared boundary with the site, what enclosures are proposed and what works to trees are sought and how will maintenance for access be preserved. A suggestion has been made that consideration be given to serving of a TPO so as to retain trees. Requests have been made by some resident on works along the shared boundary including tree removals that they would like to see.
62. Some objection relates to the principle of the development with points raised that the site was not allocated within the original Bowburn Masterplan nor is the site allocated for housing within the preferred options of the emerging County Durham Local Plan. Objections are raised to the loss of the Greenfield land and land that has been used previously for playing field space and Bowburn lacks such facilities. The proposal is not considered to accord with the provisions of Policy H3 of the Local Plan.
63. It is stated that contact was previously made with the Council to enquire as to whether the land was to be built upon and they were informed that it would not. It is also pointed out that test drilling had previously been occurring on the site and it is now clear that this must have been to do with the development now proposed. A query has also been raised as to why street lights have been erected so close to the proposed access this would appear deliberate. Concerns are raised that the footpath to the rear of the plot 28 dwelling could be used by congregating youths.
64. Concerns are raised over impacts upon wildlife due to the loss of landscaping proposed. Concerns are raised over flooding with the site considered to be very boggy and the local drainage system overloaded. Concerns are also raised over the proposed field drain the applicant is proposing and how these will be managed.
65. A query is raised that there appears to be no provision to maintain a pedestrian link to the park across the land. A request is also made that the application be determined at planning committee and not under delegated powers.
66. Reference to the submitted Design and Access Statement and that it suggests that the adjacent school field is also to become a development site.

APPLICANTS STATEMENT:

67. The application has been supported by an accompanying design and access and supporting statement which states that the development proposal has not been developed in isolation but with detailed consideration of the context of the local area. The applicant explains that this development is an additional, stand-alone proposal aside to the Bowburn Masterplan which has previously delivered development.
68. Key constraints are identified including the proximity of existing residential development and the means of gaining access to the development.

69. The applicant has also supplied details of consultation exercises with local residents including the issue of recent letters to residents on Oakfield Crescent to inform of the intention along the shared boundary with the application 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://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=4/12/01048/FP>
[A](#)

PLANNING CONSIDERATIONS AND ASSESSMENT

70. 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, impact upon the character and appearance of the area, impacts on residential amenity, impacts on highway safety, flood risk and ecology.

The Principle of the Development

71. Some public objection to the proposal relates to the principle of the development with objections raised over the loss of Greenfield land and the loss of land which has in the past been used as playing field. The application site is undeveloped and must be considered as being Greenfield land. The application site is located within the settlement boundary of Bowburn, however and is not located within the countryside. Policy H3 of the Local Plan relates to new housing development in villages such as Bowburn. Policy H3 has a preference for the redevelopment of previously developed land though exceptionally also considers that new housing on Greenfield land can be accepted on smaller sites of less than 10 no. dwellings and where clear, quantifiable regeneration benefits would result and those benefits cannot be achieved through redevelopment of previously developed land.
72. This development site and number of dwellings proposed exceeds that identified as appropriate Greenfield development within Local Plan Policy H3 and it is clear that a degree of conflict exists with this policy.
73. The NPPF also encourages the re-use of Brownfield land, clearly stated at paragraph 17. However, though the development on Brownfield land is encouraged, the development of Greenfield land is not necessarily inappropriate as indicated by paragraph 52 of the NPPF which considers extensions to villages can be an appropriate means to deliver housing. The NPPF does not necessitate a sequential approach to site selection for new residential development. In addition paragraph 55 of the NPPF advises against isolated housing in the countryside, this constituting unsustainable development. The application site is within a settlement boundary within close proximity to services and public transport links and would sit alongside established residential areas.
74. Officers therefore consider that aside from the Greenfield status of the land, the application fares well in terms of its sustainability. The NPPF establishes a presumption in favour of sustainable development and states that this is the golden thread running through both plan making and decision taking. The sustainability credentials of the site by virtue of its proximity to services and siting within a

residential area are considered to meet that key sustainable development aim of the NPPF.

75. Although the application site and development also exceeds the threshold for Greenfield development stipulated within Policy H3 of the Local Plan, there is an understanding that new housing development in its own right can contribute to the regeneration of a settlement and therefore provides a contribution towards those regeneration benefits which is an aim of the policy. Furthermore, the proposal would provide a further contribution to the District's affordable housing need and provide financial contributions (via a S106 agreement) towards open and recreational space and public art/environmental improvements in the area.
76. Aside from the Greenfield nature of the land, public responses to the application have also expressed concerns on the grounds of the land being utilised for recreational purposes.
77. Policy E5A of the Local Plan relates to development proposals on open spaces within settlement boundaries and states that development that detracts from any important functional, visual or environmental attributes will not be permitted.
78. Furthermore Policy R3 relates to the protection of outdoor recreation facilities and essentially seeks to protect areas of open space used for recreation and leisure. The loss of such spaces will only be permitted where, for example, equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.
79. However, the latest evidence base with regards to the availability and need for recreational space and open space across the District is contained within the Open Space Needs Assessment (OSNA), a supporting evidence base document to the emerging County Durham Local Plan. The parcel of land to which the application relates is not specifically identified or allocated within the OSNA (nor is it specifically allocated for a purpose within the Local Plan proposals maps). Furthermore, the OSNA identifies that any deficiencies in open space with the Coxhoe ward relates to the parks and gardens, play space and allotments categories which this land (notwithstanding it not being allocated within the OSNA) is not considered to comprise of. The land is presently a more informal parcel of open space with some residents stating it is popular with dog walkers for example. With regards to the comments raised that in the past the land may have been used for playing field space it is understood that this has not occurred in more recent years with nearby land to the immediate south at Bowburn Recreation Ground providing more formal and delineated playing pitch space. The application site is not considered to comprise of a playing field or pitch as defined within Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order.
80. On balance, officers consider that given the more informal and less frequent present use of the application site for any means of recreational activity, the proximity to the recently redeveloped Bowburn recreation ground, the absence of any specific OSNA or Local Plan allocation of the land for recreational or leisure purposes and the content of the OSNA in terms of recreational land surpluses and deficiencies for the ward, officers do not consider that objections to the loss of the land purely on the grounds of its recreational value or potential should be raised that would warrant refusal of the application. Furthermore, it should be noted that the application proposes a financial contribution of £43, 000 to go towards recreational and open space improvements in the electoral division via a S106 agreement.

81. Some public opposition to the development proposals and that of the Parish Council raise the points that the application site did not form part of the original Bowburn Masterplan for redevelopment in the village nor has the application site been allocated within the preferred options to the emerging County Durham Plan.
82. The applicant has stated that the application site does indeed not form part of the Masterplan sites and that this site should be considered as a stand alone application on its own merits. Officers can confirm that the application site is also not identified as a proposed housing site within the preferred options to the emerging County Durham Local Plan, however, at this point the preferred options only propose sites of 1.5 ha or more. This application site is not of 1.5ha or more in area so would not have been allocated within the preferred options. However, officers have also noted that the site is not identified within the Strategic Housing Land Availability Assessment (SHLAA) an evidence based document that has informed the preferred options.
83. However, any application should be considered on its own merits. Although this proposal may have come forward separate from the Bowburn Masterplan and indeed not have been identified within the SHLAA as a possible housing site, it is not considered that this in itself would preclude the site from being acceptable.
84. Some public concerns raised relate to the development potentially jeopardising future expansion and redevelopment plans at Bowburn Infant school. Officers have consulted the Education Department through the Senior School Places Officer. The Senior School Places Officer within Education has stated that there are currently sufficient spaces in Bowburn Infant and Bowburn Junior Schools with no plans to increase capacity at either school. However, should in the future Bowburn Infants School propose an expansion within its grounds this, proposal has sought to cater for any access requirements through ensuring a “playing field access” located in the north west corner of the site.
85. Despite the concerns and objections raised with regards to school place availability and future expansion plans with consultation having been had between the Planning Department, Regeneration Department and Education, no requirement to allocate this parcel of land for school redevelopment has emerged and officers do not consider that objection to the proposal could be raised on this basis.
86. In conclusion, despite the Greenfield nature of the land, size of the site and development and public concerns over the loss of the land to development officers still consider that the principle of the development can be considered acceptable and material considerations exist to justify departure from the Local Plan. Particular weight can be attributed to the sustainability credentials of the site and development that is deemed to be in accordance with the provisions of the NPPF. Aside from the Greenfield nature of the land and the evidence of some informal recreational use, the land is sited within an established residential area within the bounds of a settlement with a school sited adjacent, recreation ground to immediate south, bus stop around 200 metres from site boundary and shops and employment opportunities also within close proximity within the bounds of the village. As a result, officers consider that the development would be sustainable at this location according with the National Planning Policy Framework and the presumption in favour of sustainable development.

Impacts Upon the Character and Appearance of the Area

87. Policies Q8 and H13 provide the principal Local Plan advice on the design and layout of residential development within a predominantly residential area.

Policies E14 and E15 relate to tree retention and provision whilst Policy Q5 relates to landscaping. Part 7 of the NPPF advises on the importance of good design within development proposals.

88. Some public objection to the development proposal relates to the design of the proposed house types sought with some comments raised that the 2 ½ storey dwellings are inappropriate and that bungalows would be more appropriate to the area. In addition it is pointed out that Keepmoat Homes have implemented other developments within Bowburn with too many similar houses being built within the village. Much public concern has also related to the specifics of the development on its northern boundary where it meets Oakfield Crescent and how the boundary and trees will be affected in this area. Concerns are also raised over tree loss with reference made to the visibility splays to ensure a safe access.
89. Officers appreciate the point raised that similar developments have occurred within the village and too many house types are of a similar nature as those being constructed elsewhere. Such examples of similar house types include at nearby land off Tail Upon End Lane and Philip Avenue.
90. Whilst officers would agree that care must be taken that an area or settlement retains character and identity and the NPPF seeks to emphasise good design being indivisible from good planning, equally objection on the grounds of design (which is a rather subjective matter) must be clear and demonstrable to warrant refusal on an application. Policy Q8 states that new housing development should be appropriate in scale, form, density and materials to the character of its surroundings and essentially integrate into the existing fabric area. Despite the use of “standard” house types officers consider the proposed house types and indeed layout of the development would remain appropriate to the local area.
91. With regards to the public concern over the 2 ½ storey dwellings being proposed, again officers consider that there remains enough variety in the local area that the use of such a house type would not be so out of keeping so as to warrant objection to its use. In addition, although the development would require the loss of some tree shelter belt to provide access, the application site would remain relatively well hidden from public vantage points aside from being within the proposed estate itself or when viewed from immediate neighbouring properties.
92. The detail provided within the submitted tree report indicates that around 20% to 30% losses at differing sections along the roadside in order to provide the visibility splays will be necessary. Although the loss of such an amount of landscaping is regrettable, complete loss would not occur and a significant amount of shelter belt would remain. As a result officers raise no objection to the impacts of the visibility splays or access. Although the submitted plans indicate the visibility splays it is noted that the full extent to the south of the access is not shown and therefore it is considered that a condition on any approval should be attached to ensure that this is submitted and agreed.
93. The Council’s Senior Landscape and Senior Tree Officers have also queried other elements of the layout with regards to trees namely the impact of the proximity of the southern most dwellings to trees and potential for future pressure for removal, impacts of the works to a gas main and also whether a boundary within the eastern

tree belt is to be removed. The submitted plans do not indicate the removal of this boundary is to occur; the exiting gas main is simply to be capped dug up and relocated as such. With regards to the future pressure for tree removal to the south, this is a possibility, however, the trees to the immediate rear of the properties most likely affected are not considered to be of such merit to warrant a tree preservation order and officers do not consider that objections should be raised to the layout on the grounds of potential future removal pressure.

94. Further public responses have queried the impacts of the development upon the boundary and trees along the shared boundary with Oakfield Crescent. The applicant has submitted revised plans seeking to clarify the works along the shared boundary and this has been undertaken following some consultation between the applicant and residents on Oakfield Crescent. Officers understand that the applicant has also written to residents on Oakfield Crescent with regards to their intentions on the treatment of the trees and boundary. Essentially the revised plans propose that a new timber fence is erected on the existing boundary line with nos. 4, 5 and 6 Oakfield Crescent. The plans propose that the hedge at No. 7 is to be retained with a small section of land proposed to be transferred to the occupiers of No. 7 to permit an easier access to maintain a garage. Land is also proposed to be transferred over to the occupiers of Nos. 8 to 15 to extend their gardens and a new timber fence erected on the "new" boundary line.

95. The revised plans also seek to provide clarity on the works sought to trees in this area with the applicant being informed by the requests of residents. The submitted plans propose the removal of a number of trees and landscape features on the shared boundary with retention of others again seeking to respond to some residents concerns over maintenance of trees and impacts of roots. Officers have no objections to the degree of tree removal sought bearing in mind that these requests have emerged from a meeting with local residents furthermore although a request was made within the original public consultation responses to serve a TPO on trees along the boundary, Officers do not consider that either individually or as a group, the trees are of significant amenity value to warrant specific protection. In addition a landscape scheme for the proposed development can be agreed by condition.

96. Overall the layout and design of the dwellings is considered to be appropriate and the impact upon the trees and landscape features considered acceptable.

Residential Amenity

97. Some public opposition to the development raises concerns over the proximity at which the dwellings would be built to existing property and the loss of privacy and amenity.

98. Policy Q8 of the Local Plan provides specific guidance on residential development to ensure adequate privacy and amenity for all. Similarly Policy H13 of the Local Plan also seeks to protect the amenity of existing residents from new developments.

99. Public objections are raised on the grounds of residential amenity with concern over loss of privacy and light with reference made to right to light legislation. Particular concerns are raised over the proposed 2 ½ storey house types proposed.

100. The northern boundary of the application site where it borders Oakfield Crescent is the key with regards to matters of residential amenity, the proposed dwellings within the development are located a significant distance away from any other properties to the south, east and west.
101. The applicant has submitted revised plans seeking to overcome some specific issues. The proposed plot 15 and 16 dwellings have been moved farther south so as to ensure greater separation from a rear extension at No. 4 Oakfield Crescent. The works to trees and enclosure provision (as detailed in the preceding section to this report) have been amended by the applicant to try to cater for individual requests for works.
102. Policy Q8 provides the detailed separation guidance between properties so as to ensure privacy and amenity. This recommends that 21m should remain between facing windows, 13m should remain between a blank two storey gable and a flanking window and 6m remain between a blank single storey gable and a flanking window.
103. The separation of 21m is achieved between the proposed dwellings and the rear of elevations of properties on Oakfield Crescent in all but four cases. At the nearest point between main habitable windows in rear elevations distances of 20.1m from properties on Oakfield Crescent to plots 15, 18, 19 and 20 are achieved. This is 0.9m below the recommendation within Policy Q8 of the Local Plan. Officers consider that once the properties are occupied the difference of 0.9m would be negligible in terms of a real impact on the degree of privacy between properties and as a result officers do not object to the layout as submitted on these grounds.
104. With regards to the concerns raised more specifically over loss of light and the legal right to light as referred to in some public responses, claim that a legal right to light over a period of time is a separate matter to material planning considerations and such a claim would have to be through a civil legal process. Planning is essentially concerned with the amenity test and whether the proximity and scale of buildings would be harmful to amenity including through an unacceptable loss of light. Policy Q8 of the Local Plan again provides detailed guidance on separation between properties to inform on this assessment and actually considers that a blank two storey gable in terms of height and bulk can be located 13m away from a neighbouring elevation with windows and provide adequate amenity. Although there are rear elevations rather than gables flanking properties on Oakfield Crescent, the proposed dwellings are all in excess of 20m away. Particular public concern has been raised over the 1011, 2 ½ storey house type proposed. The amended plans propose four of these properties on the section of the site flanking Oakfield Crescent and these are located either 21m or 26m away from the nearest properties. In addition, even though these house types contain accommodation on three floors they are only 1m higher than a two storey dwelling and contain just a high level rooflight and no dormers in their rear elevations.
105. Overall officers consider that the layout proposed will provide adequate separation between the proposed properties and those on Oakfield Crescent with no harm through a loss of privacy, light or outlook occurring that would warrant objection to the proposal.

106. Consideration must also be had to the proposed relationships between prospective occupiers within the development. All relationships between properties within the proposed estate are considered to accord with the distance recommendations contained within Policy Q8 of the Local Plan.
107. The application has also been accompanied by a noise assessment given the proximity of the development to the A1(M) and potential noise pollution for future residents. Policy U7 of the Local Plan relates to development sensitive to pollution including noise and paragraph 123 of the NPPF also advises on noise and development.
108. The noise assessment considers that an acoustic fence should be erected on the eastern boundary of the site and details of this are shown on the site layout and appendix to the noise assessment. In addition, the noise assessment considers that acoustic ventilation will be required for some habitable room windows facing east. Environmental Health have commented on the submitted noise assessment and have raised no objections. Conditions attached to any approval can ensure that the mitigation measures proposed within the report are undertaken.
109. As a result no objections are raised to the development proposal with regards to the impacts of the development upon residential amenity.

Highways Issues

110. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF seeks to promote sustainable transport choices. With regards to decision making on planning applications paragraph 32 of the NPPF advises that safe and suitable access to a site should be achieved for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
111. Some public concerns relate to the location of the proposed access and query whether it is safe.
112. The Highway Authority have been consulted on the application and have raised no objections to the development with the proposed visibility splays of 2.4m x 160m considered to be acceptable to provide safe access at the proposed location, the visibility splays should, however, be clear of landscaping and this can be ensured by way of a condition on any approval. No objections have been raised by the Highway Authority with regards to parking levels proposed within the application site.
113. A footpath link in the northern end of the site was requested by the Highway Authority and the amended layout plan has taken this on board and provides such a link to ease access to the footpath beyond the site and route to the nearest bus stop to the north.
114. On balance the proposed development is considered to be acceptable from a highway perspective both in terms of safety and having regards to sustainable transport.

Flood Risk and Drainage

115. Part 10 of the NPPF in part advises on flood risk information requirements on applications and the criteria when determining applications. Policy U10 of the Local Plan relates to development and flood risk and policy U8A advises on surface and foul water disposal.
116. Some public responses have raised concerns over flooding with the site considered to be very boggy and the local drainage system overloaded. Concerns are also raised over the proposed field drains the applicant is proposing and how these will be managed.
117. The application site itself is located within Flood Risk Zone 1 essentially the area at least risk of flood events. The application is accompanied by a flood risk assessment, as the development site exceeds 1ha and in turn the LPA have consulted the Environment Agency.
118. The Environment Agency have considered the development and flood risk assessment and no objections have been raised with regards to matters of flood risk. Similarly the Council's Senior Area Drainage Engineer has considered the submitted flood risk assessment and raised no objection.
119. It is proposed that the development would connect to the main sewer system. Northumbrian Water have been consulted with regards to drainage matters and Northumbrian Water have raised no objections to the development. Northumbrian Water do state that the discharge rates for both foul and surface water be restricted to the rates proposed within the submitted flood risk assessment and a condition on any approval can seek to ensure this.
120. As part of the amendments the applicant is proposing a field drain to be located between the proposed dwellings and those on Oakfield Crescent. This is in part to respond to the concerns by members of the public with regards to the collection of water in this area. In response to this proposal, public queries are also raised over how the field drain would be managed, the applicant has confirmed that the field drain would be the responsibility of the future occupiers of the properties and that it would not connect to the Northumbrian Water mains.
121. The Council's Senior Area Drainage Engineer has commented on the proposed field drain and it is considered that without an outlet the field drain may potentially not be successful. A land drain requires a form of soakaway or borehole to better ensure its success, officers consider that a condition can be attached to ensure that such a scheme is devised.
122. Overall officers do not raise objections to the development proposal on the grounds of matters of flood risk or drainage.

Ecology

123. 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 Part 11 of the NPPF most notably at paragraphs 118 and 119.
124. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.

125. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the Local Planning Authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.
126. The application has been accompanied by an extended phase 1 habitat survey and this assesses the site and development with regards to the range of potential protected species and wildlife namely otters, water voles, great crested newts, badgers, red squirrels, bats, reptiles and nesting birds. The report concludes that the development proposals are highly unlikely to affect these species. The exception to this is that the trees, shrubs and hedgerows do have some potential to offer nesting opportunities. As a result the mitigation measures propose that any removal of trees and shrubs occur out with of the bird breeding season (unless checked by an ecologist prior to works), an informative on any planning permission can inform the applicant of this.
127. Some public concerns raised with regards to the application relate to impacts upon wildlife. Natural England have been consulted on the application and no objections to the proposal are raised. The Council's Ecology team have raised no objections in principle though they have raised some concerns over the degree of loss of tree cover which provides both screening and degree of linear connectivity between habitats along the roadside. Greater detail has been provided within an amended tree plan indicating the degree of landscape loss along the roadside and as some tree belt and linear connectivity would remain officers do not consider that significant objections should be raised on this point.
128. It is not considered that a European Protected Species License is required and therefore a detailed assessment against the "derogation tests" is not necessary.
129. Having regard to the above, Officers raise no objection with regards to the impact of the development upon protected species and nature conservation assets. As a result no objections are raised having regards to Part 11 of the NPPF and Policy E16 of the Local Plan.

Other Issues

130. The application is accompanied by a draft S106 agreement proposing that 9 of the 43 dwellings proposed are to be affordable homes. This provision accords with the 20% affordable housing requirement for the delivery area as informed by the latest evidence base within the Strategic Housing Market Assessment (SHMA). The applicant has also confirmed financial contributions of £1, 000 per dwelling towards play and recreational space improvements and a further financial contribution of £29,500 towards public art and environmental improvements. Such planning obligations are considered to accord with the requirements of the relevant policies of the Local Plan namely H12, R2 and Q15.

131. Policy U11 of the Local Plan relates to development and contaminated land and officers have consulted Environmental Health to provide expert advice in relation to the matter. Environmental Health have commented on the submitted geo-environmental appraisal accompanying the application and have raised no objections in view of there being no former potential contaminative land uses on site and no significant risk to end users from contamination. Environmental Health advise that consideration should be given to a condition which would require further investigation and mitigation should any contamination be discovered that was previously unforeseen and such a condition can be attached to any approval. Environmental Health have also provided advice on construction practices and working hours. Officers consider that a condition to control working hours on the site would be appropriate in the interests of residential amenity.
132. The Coal Authority have assessed the submitted geo-environmental appraisal in relation to coal mining legacy issues and have raised no objections to the proposal.
133. Policy U14 of the Local Plan relates to energy conservation, the applicant has submitted a statement seeking to demonstrate how a 10% energy reduction would be achieved at the site. The Council's Senior Sustainability Officer does not consider that the report thus far demonstrates such a saving, however is content that the matter can be resolved via condition.
134. Some public objection to the application has related to the content of the accuracy of the submitted design and access statement and a query is raised with regards to the reference to a future development proposal at the adjacent school. The applicant has amended the submitted design and access statement to seek to remove inaccuracies or errors, officers consider that the submitted design and access statement is adequate for validation purposes. With regards to the comment regarding the adjacent school development, the applicant has stated that this reference simply refers to the provision of an appropriate access for the school from the site should any future redevelopment proposal be sought.
135. A public query has also been raised over who owns the land to which the application relates, the land is presently owned by the County Council though Keepmoat Homes are seeking to purchase it.
136. The Parish Council have objected to the considered lack of public consultation by the applicant with regards to the development. Since the submission of the formal planning application and receipt of complaints in part on the grounds of the lack of public consultation, the applicant has since undertaken a consultation exercise with help from the Council's regeneration team to address these concerns.
137. The Parish Council have also raised a concern that a footpath link to Milford Way which is understood to have public right of way status will be blocked by the development. A further public query is raised that there appears to be no provision to maintain a pedestrian link to the park across the land. Officers can confirm that there are no formally designated public rights of way that cross the application site. An informal route in the north-east corner of the site through to Milford Way is apparent and dependent upon its duration of use this route has the potential to have acquired public right of way status. Officers have discussed the matters with the Public Rights of Way Team and potentially an application could be made by a member of the public seeking to demonstrate that the route is a public right of way. Should such an application be successful the applicant would be required to apply to stop up or divert that right of way under a separate process aside from this planning

application. The applicant can be informed of this prospect through an informative attached to any decision notice. It should be noted, however, that the proposed layout includes a pedestrian link through to the footpath on Crow Trees Lane to the north-east of the site and as a result the layout does, to a degree, already cater for and compensate for the loss of the pedestrian short cut across the site. No specific pedestrian link is proposed through the site to the recreation ground to the south, however, again access would remain from the south-east of the application site to Crow Trees Lane and the wider footpath network.

138. Some public objection states that the Bowburn housing market is oversaturated and is driving property prices down. However, it is long established that the impacts of a development upon property values is not a material planning consideration.

139. A resident states that they had previously enquired with the Council as to whether this land was to be developed and that they were told that it would not. Officers have no record of the specific enquiry or who was contacted. However, it would be fair to assume that the Officer at the time may not have been aware of the development.

140. A query is raised within the public responses as to why street lighting columns have been erected in a location where the proposed access would appear to be located and that this would appear to be deliberate. The applicant has responded specifically to this point and stated that it was under no instruction from them that street lights be erected at that location.

141. Concerns have been raised within the public responses that the footpath to the rear of the plot 28 dwelling could be used by congregating youths. However, the route to the side of the No. 27 dwelling to plot 28 is not a public footpath of any nature it a gated private access for the residents of plot 28 so that for instance wheelie bins can be brought from the garden to the frontage. This route is not a publically available route.

142. A comment is raised by the Parish Council that the site could potentially be considered as being village green. The application is not designated as village green. Any village green claim is a separate process to seeking planning permission.

CONCLUSION

143. The proposal seeks the development of Greenfield land for the purposes of the erection of 43 no. dwellings. Although the development of Greenfield land for a residential estate of this scale is in some conflict with policy H3 of the Local Plan taking into consideration all other sustainability credentials of the site such as its location within a settlement and residential area and proximity to services officers still consider that the proposal conforms to the key NPPF presumption in favour of sustainable development.

144. The layout and appearance of the development is considered to be acceptable with no detrimental impact upon the character or appearance of the area or upon the amenities of local residents.

145. The Highway Authority have raised no objections with regards to highway safety with no objections raised from the Environment Agency, Northumbrian Water or the Council's Senior Area Drainage Engineer subject to conditions on matters of flood risk and drainage. No objections are raised with regards to the impact of the development upon protected species.
146. The application proposes the required 20% affordable housing and financial contributions towards open and recreational space, public art/environmental improvements via S106 agreement in accordance with the requirements of the Local Plan and latest evidence base.
147. Officers raise no objections having regards to other key material planning considerations and as a result approval of the application is recommended.

RECOMMENDATION

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

- i) A financial contribution of £43,000 towards recreational and play space improvements
- ii) A financial contribution of £29,500 towards public art installations/environmental improvements
- iii) Provision of 9 no. affordable homes within the site

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

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

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

Location Plan QD617-LP-01 received 13th November 2012
Planning Layout QD617-01-01 Rev F received 11th June 2013
QD617-1011-01 Unit Type 1011 received 13th November 2012
QD617-836-01 Unit Type 836 received 13th November 2012
QD617-951-01 Unit Type 951 received 13th November 2012
QD617-665-01 Unit Type 665 received 13th November 2012
QD617-1176-01 Unit Type 1176 received 13th November 2012
QD617-858FE-01 Unit Type 858 received 13th November 2012
QD617-RSL869-01 Unit Type 869 received 13th November 2012
QD617-GD-01 Garage Plans and Elevations received 13th November 2012
QD617-763B Unit Type 763B received 13th November 2012

QD617-999-01 Unit Type 999 received 10th December 2012
QD617-04-01 Rev C External Works received 11th June 2013
QD617-95-02 Rev A Boundary Details received 11th June 2013
QD617-03-01 Rev B Engineering Layout received 11th June 2013
QD617-95-01 Rev D External Finishes received 13th June 2013
QD617-03-03 Field Drain Detail received 11th June 2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to relevant Policies E5a, E14, E15, E16, E24, H3, H12, H12a, H13, T1, T10, T21, R1, R2, R3, Q1, Q2, Q5, Q8, Q15, U7, U8a, U10, U11, U13 and U14, of the City of Durham Local Plan.

3. No development shall take place or any construction vehicles to commence the development shall enter the site until a plan indicating the full extent of 2.4m x 160m junction visibility splays has been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed junction visibility splays must be implemented in advance of the access being utilised for construction vehicles to commence the development. The junction visibility splays must thereafter be retained and kept clear of all landscaping features.

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

4. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Said landscaping scheme may provide for the planting of trees and/or shrubs (including species, sizes, numbers and densities), the movement of earth, seeding of land with grass, or other works for improving the appearance of the development. Details of species, sizes, numbers and densities shall be provided. The agreed works shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity having regards to Policies Q5 and Q8 of the City of Durham Local Plan.

5. Tree works shall be undertaken in accordance with the schedule of works at section 6 and Appendices 1-3 of the submitted arboricultural impact assessment (AIA) by Dendra Consulting received 25th June 2013. No construction work shall take place, nor any site cabins, materials or machinery be brought onto site until the remaining trees to be retained are protected by the erection of fencing in accordance with BS 5837:2012 and in accordance with sections 4.2 and appendices 1-3 of the AIA received 25th June 2013. The tree protection shall remain in situ until the completion of works. Where excavation is required to provide any new means of enclosure (fences, walls and gates) or footpaths/hardstands within the root protection area of retained trees then such excavation works should be undertaken by hand with no use of machinery.

Reason: To define the consent and in the interests of tree protection having regards to the character and appearance of the area and the content of Policies E14, Q5 and Q8 of the City of Durham Local Plan.

6. Surface and foul water discharge rates shall accord with the details submitted within the "Discharge to Public Sewers", "Storm Drainage" and "Foul Drainage" sections on pages 17-19 of the submitted flood risk assessment and surface water management plan by Queensberry Design received 13th November 2012.

Reason: In the interests of flood prevention and adequate drainage having regards to Policies U8a and U10 of the City of Durham Local Plan.

7. Notwithstanding details shown on plan QD617-03-03, no development shall take place until details of the proposed field drain including a means of outlet (such as soakaway or borehole tank) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the field drain shall be implemented in accordance with the agreed details and be in situ prior to the completion of dwellings 15-29.

Reason: To define the consent and in the interests of flood prevention and adequate drainage having regards to Policies U8a and U10 of the City of Durham Local Plan.

8. No development shall take place unless in accordance with the mitigation requirements of an acoustic fence and acoustic ventilation to properties as detailed within section 7 and identified on site plan in appendix 2 of the submitted noise assessment undertaken by Wardell Armstrong received 19th June 2013. The necessary mitigation requirements must be in situ prior to the occupation of any dwellings on site.

Reason: So as to reduce the impact of noise pollution in the interests of residential amenity having regards to policies U7 and Q8 of the City of Durham Local Plan.

9. No development works shall be undertaken outside the hours of 8am and 6.30pm Monday to Friday and 8.30am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policies U7 and Q8 of the City of Durham Local Plan 2004.

10. If during development works any contamination should be encountered which was not previously identified through the submitted geo-environmental assessment 11688 received 13th November 2012 then a decontamination scheme so as to remove, contain or render harmless said contamination shall be submitted to the Local Planning Authority for approval. Thereafter the agreed decontamination scheme shall be implemented prior to the occupation of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised having regards to Policy U11 of the City of Durham Local Plan.

11. No development shall take place until 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 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

148. Officers have held meetings with the applicant and kept them updated with progress on the planning application. Equally officers have held meetings with members of the public concerned with the development proposal and sought to answer their queries in regards to the proposal.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses

Responses from statutory and other consultees
Planning Circular 11/95
Strategic Housing Market Assessment
County Durham Local Plan (Preferred Options)
Open Space Needs Assessment



Planning Services

New vehicular access and erection of 43 dwellings consisting of 2, 3 and 4 bed units including associated boundaries, roads, paths and garages together with change of use of land to private garden for properties 7-15 Oakfield Crescent

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Date 9th July 2013

