

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/14/00793/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Development of 29 dwellings with associated parking and landscaping</b>
<b>NAME OF APPLICANT:</b>	<b>Gentoo Homes</b>
<b>ADDRESS:</b>	<b>Former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY</b>
<b>ELECTORAL DIVISION:</b>	<b>Brandon</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located to the south west of Durham City Centre on the former Dairy Site which is on Dairy Lane at Stonebridge. The site measures one hectare in size which lies directly to the south of the A690. To the north of the site beyond the A690 is a petrol filling station. Immediately to the south is the highway of Dairy Lane with the residential properties of Garden Cottage and Chestnut Villa situated beyond. Immediately to the east construction is under way for office development. To the west there is a former private dwelling house which has been converted to a small commercial office. The site is located within the Durham City Green Belt.

#### The Proposal

2. Full planning permission is sought for residential development of 29no. properties. The development proposes a mix of house types including detached, semi-detached and linked two storey dwellings. There will be a range of 2, 3 and 4 bedroom properties throughout the proposed scheme. The access into the site will come from Dairy Lane which will lead to a shared surface arrangement which would access the majority of the proposed properties. Six of the proposed dwellings would be accessed directly from Dairy Lane. In total 59 vehicle spaces are proposed, which includes 19 garages, 34 spaces on driveways and 6 visitor parking. An acoustic boundary fence and bund is proposed to be located along the north boundary with the A690. As part of the proposed scheme 6no. properties are to be made available as affordable homes.
3. The application is reported to the Planning Committee as it constitutes a major development.

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## PLANNING HISTORY

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4. The application site was the former Express Diaries site. The Diary ceased operations in 2006 and the site was cleared in approximately 2008. The site has stood vacant since.
5. In 2008 planning permission was granted for the development of a business park however this permission was not implemented and subsequently this permission has lapsed.

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## PLANNING POLICY

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### NATIONAL POLICY:

6. 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.
7. 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'.
8. The following elements are considered relevant to this proposal;
9. *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 21<sup>st</sup> century.
10. *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.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
12. *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.
13. *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.

14. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

15. *Policy E1 (Durham City Green Belt)* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
16. *Policy E2 (Major Developed Sites in Green Belt – Infilling)* permits development within a Major Developed Sites provided that it has no greater impact on the openness of the Green Belt than the existing development there, does not exceed the height of the existing buildings, and does not lead to a major increase in the developed proportion of the site.
17. *Policy E2A (Major Developed Sites in the Green Belt – Redevelopment)* permits development within the green belt provided that it has no greater impact on the openness of the Green Belt than the existing development there, contributes to the achievement of the objectives for the use of land in the green belt, does not exceed the height of the existing buildings, and does not lead to a major increase in the developed proportion of the site.
18. *Policy H5 (New Housing the Countryside)* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
19. *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.
20. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
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 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.
25. *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.
26. *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.
27. *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.

#### **EMERGING POLICY:**

28. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
29. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
30. *Policy 15 ( Development on Unallocated Sites)* - states that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in

the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.

31. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
32. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
33. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
34. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
35. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.
36. *Policy 14 (Green Belt)* – Within the Green Belt the construction of new buildings will be regarded as inappropriate and will not be permitted. Exception to this, where they accord with other policies in the Plan and minimise impact on openness through appropriate landscaping, design, scale, siting and appropriate use of materials.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

37. *Environment Agency* has not objected to the Flood Risk Assessment (FRA) submitted with the scheme however a condition is recommended for the mitigation measures detailed in the FRA to be adhered to.
38. *Natural England* has not raised any objections to the scheme.
39. *Northumbrian Water* has not raised any objections subject to conditions relating to foul and surface water discharge from the site.
40. *Durham County Highways Authority* has confirmed that the additional traffic can be accommodated on the surrounding highway network. Concerns have been raised that the proposed layout and in particular the location of visitor parking on Diary Lane is unacceptable.

41. *City of Durham Trust* has raised issues with regards to potential impact of noise from the A690 onto the proposed houses, and secondly the increase in vehicles in the area will require highway adjustment.

#### **INTERNAL CONSULTEE RESPONSES:**

42. *County Housing Development and Delivery Team* is encouraged by the commitment to deliver the required 20% affordable housing provision. This area has an affordable housing need which this development will assist in addressing.

43. *County Spatial Policy Team* has not raised any objections to the proposed development.

44. *County Landscape Team* cannot support scheme as there are fundamental design and layout problems with the proposal.

45. *County Tree Officer* has not raised any objections to the proposal.

46. Design and Conservation Officer has suggested a design review in order to resolve several design issues primarily resulting from the requirement for noise attenuation fencing along the north boundary.

47. *County Environmental Health (Noise, dust and light)* has raised no objections subject to the imposition of conditions relating to noise attenuation and general construction operations.

48. *County Environmental Health (Contaminated land)* has not objected to the scheme however is requiring a condition for a remediation validation report to be submitted to the local planning authority.

49. *County Archaeology Section* has no objections to the proposed development.

50. *County Ecology Section* has confirmed that the ecological report submitted is satisfactory and no objections are raised with regards to the proposed development. It is recommended that that a condition is imposed ensuring the mitigation methods detailed in the ecological report are adhered too.

#### **PUBLIC RESPONSES:**

51. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 7 letters of representation have been received on the application.

52. The main concern raised by local residents relate to the impacts the development would have on highway issues. There are concerns that the development would create further pressure on the A690 network. It has been noted that Dairy Lane is also used as a 'rat run' by some drivers. The driveways onto Dairy Lane, which are in front of existing properties is unacceptable and it is considered that residents of the proposed properties would park on Dairy Lane. The proposed houses should all face into the site itself. Parking provision is considered to be adequate within the site and it is noted that garages are not always used by homeowners. Improvement works should therefore be made to the surrounding road network.

53. The site is considered to be secluded by trees all around the site, and a high density scheme would not be in keeping with the area. Comments have been raised that the design of the properties are not acceptable.
54. Issues have been raised with regards to impact on residential amenities. Loss of privacy, noise issues and light pollution has been raised as concerns which would occur as a result of the proposed development. One resident has indicated that there would be a conflict in land uses as activities from the nearby Stonebridge public house creates noise and disturbance which would impact on the proposed site. Concerns have also been raised that the new office building being built on the adjacent site could be overbearing to the proposed houses and the proposed houses could be overbearing onto the new offices.

#### **APPLICANTS STATEMENT:**

55. The development of the site has been justified through its allocation for residential development in the emerging Local Plan Submission Draft.
56. The proposal will meet all sustainability criteria set out within national and local planning context as an available, suitable and achievable site for residential development. The proposed development will widen the choice of dwellings and provide quality family homes to meet the needs of the local area.
57. The design of the scheme has been carefully considered to take into account the site features, surrounding area and local setting and aims to create a strong sense of place in line with local policy. The scheme makes efficient use of the site while being at a density low enough to respect the character of the area and protect existing residential amenity whilst meeting housing need in the area by providing a range of housing in terms of size, type and tenure.
58. No unacceptable technical or environmental constraints to the development of the site have been identified. The proposed development complies with and will make significant contribution to achieving relevant national and local policy objectives.
59. It is therefore respectfully requested that Durham County Council consider the information provided with this planning application and recommend this scheme for approval.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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60. 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 residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; affordable housing and section 106 contributions; and other issues.

#### Principle of residential development

61. The site is defined in the local plan as a major developed site in the Green Belt, in other words the site was already developed as a diary prior to the establishment of the Green Belt. As well as being located in the Green Belt the site is not located within any defined settlement boundaries and therefore the site could be

classed as being in the open countryside. Policy H5 of the local plan states that houses in the countryside should be resisted unless there are special circumstances such as a requirement for a rural worker. In this instance though, the site has been identified as a major developed site within policies E2 and E2A of the local plan which states that the site can be redeveloped providing the impact on the openness of the Green Belt is not greater than the previous development. It is not considered that the proposal will have a greater impact on the openness of the Green Belt than the previous use as a dairy business. It is therefore considered that in principle the proposed development is in accordance with policies E2 and E2A of the local plan.

62. The application site is also proposed as an allocated residential site within the emerging County Durham Plan, and although limited weight can be afforded to some of the emerging policies, it does give an indication of the Council's intentions for the site. It is considered that bringing the site forward at this time for residential development would not undermine the emerging CDP housing strategy given the site would only contribute about 0.5% of the Plan total for Durham City as set out in the Pre-Submission Draft of the CDP. As such approval of this site now would not compromise the ability of other landowners to have their sites considered through the Plan process.
63. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authority's are expected to boost significantly the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and alternative forms of tenure to meet the needs of all sectors of the community should be provided.
64. The proposed development would be considered to be in line with the sustainable aims of the NPPF. The site is within reasonable walking distance to the commercial centre at Langley Moor and while the site is situated just outside of the main built up area of Durham City, it also has good access to public transport links that will provide access to the main transport hub for the County.
65. The proposal for residential development is considered acceptable in principle as it is in line with local plan policies E2 and E2A and also policies within the emerging CDP. The proposals would also be in line with the core aims of the NPPF in encouraging sustainable development. It is not considered that the proposal will have a greater impact on the openness of the Green Belt than the previous use as a dairy business.

#### Residential amenity

66. The nearest neighbouring property, Garden Cottage, is located approximately 24 metres away from the application site. In terms of the separation distance between Garden Cottage and the closet proposed property the distance is measured at 28 metres. This distance is considered acceptable to ensure adequate levels of privacy are maintained and also that there would be no



adverse impacts created in terms of overbearing or overshadowing issues. It is therefore considered that the residential amenities of neighbouring properties would not be adversely affected.

67. In terms of the relationship between the proposed properties, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties.
68. It is noted that the proposed site is directly adjacent to the A690 which is a busy road leading into the City. This has been recognised by the applicant and a noise assessment was undertaken and submitted with the application. This noise assessment recommends that mitigation measures are implemented to ensure that noise does not adversely compromise future residents. Among these measures, they include noise attenuation windows as well as a 3 metre high closed boarded fence along the north boundary of the site adjacent to A690. These mitigation measures would ensure that noise from the A690 traffic would not have an adverse impact on the amenity of future residents.
69. All the proposed properties have rear garden amenity spaces, with the majority of them having substantial garden depths and/or areas. The properties on plots 20 to 24 do have smaller gardens however given these properties are 2 bedroom houses it is considered acceptable in this instance. The proposed layout has also been amended to rearrange the location of the properties along the north boundary to ensure that all properties have sufficient amounts of rear garden space.
70. Given there are residential properties within close vicinity to the proposed development a condition is recommended with regards to construction hours of operation. This will ensure neighbouring residents are not overly disturbed during the construction phase of the development.
71. It is noted that there is an office development which is currently being constructed on the site adjacent to the proposed site. The gable elevation of the property on plot 9 would be directly adjacent to windows into a shared office space of the office development. There are no specific separation distance policies for office and residential properties. There would be no loss of privacy to either the property or the office as there are no windows proposed in the gable elevation of the property on plot 9. The office building is also currently under construction and will be completed by the time the residential properties are built, therefore future residents of plot 9 will be able to understand the relationship with the office development before purchasing the property. The relationship between the office development and properties on the proposed site is considered to be acceptable and would not adversely harm residential amenities. There are concerns that the house on plot 9 could be overbearing to rooms within the office. There are no specific guidance in relation to protecting amenities of office workers from overbearing issues however in order to improve the relationship between the offices and the proposed properties, the developer has redesigned the roof of the property on plot 9. The roof now has a hipped design and the layout of the property has been altered so the single storey garage element of the property is on the boundary with the office development. This would reduce the impact of this property on the offices.
72. There are concerns from residents that noise and light disturbance from vehicles of the new housing estate would affect neighbouring amenities. Whilst it is accepted that there will be an increase in vehicles in the area, it is not considered

that this would be at a level which would adversely compromise residential amenities. It is noted that the site used to operate as a Dairy business which would have had delivery vehicles as well as employee and visitor vehicles entering and leaving the site. An issue has also been raised with regards to the proximity of the site to the Stonebridge public house and that the activities of the pub may cause conflict residents of the new properties. The Stonebridge pub is located over 140 metres away from the site and it is considered that this distance is sufficient to ensure the activities of the pub would not adversely compromise future residents of the proposed site.

73. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

#### Layout, design and visual amenity

74. The layout of the proposal is standard given the shape of the site, with the proposed properties positioned around the boundaries with a central estate road supplying the properties. Properties on plots 1 to 6 front onto Dairy Lane which provides an attractive frontage at this location. Properties on plots 26 to 29 have rear gardens facing onto Dairy Lane however a brick wall is proposed along the rear boundary treatment which can be considered a more attractive boundary than a standard close boarded fence which is a cheap option usually used by housing developers. Overall the appearance of the development is not considered to be detrimental within the street scene of Dairy Lane.
75. The main concern with this development in terms of visual amenity is the requirement for a 3 metre high closed boarded fencing along the north boundary of the site. Both the Landscape Officer and the Design and Conservation Officer have raised concerns regarding this boundary treatment. As previously discussed, the A690 is a main transport link into the City and the erection of a 3 metre high close boarded fence would create a bland outlook and therefore appear intrusive within this section of the highway as well as this part of the Green Belt. Recognising the need for a fence to attenuate noise and also the visual impact concerns, the applicant has revised the proposed boundary treatment along the northern edge. A 600mm landscape bund is proposed with a 2.4 metre high fence located on top of the bund. The 2.4 metre high fence would be constructed from 'branch' materials so the fence would have a softer more aesthetically pleasing appearance. The fencing would also have shrubs and planting growing up them so over time the fencing would have a natural appearance which would be considered an acceptable alternative to a standard 3 metre high closed boarded fence. With this revised bunding and natural fence boundary treatment proposed, it is considered that the proposal would not have an adverse impact on the appearance of the street scene along the A690 or compromise the qualities of the Green Belt.
76. The proposed properties are fairly standard design seen on most modern housing estates. The finished materials would be subject to agreement through a planning condition however it is considered that the proposed properties would not have a detrimental impact on the appearance of the area. The properties are all to be of two storey design and it is not considered that the houses will therefore have an intrusive impact to the outlook or character of the surrounding area. There are some of the existing trees on the site which are recommended to be removed to accommodate the properties however it is not considered that the loss of these trees would severely compromise the attractiveness of the area.

77. Concerns have been raised by a local resident that the proposed residential scheme is too dense. The site is measured at 1 hectare in area, therefore the density of the proposed scheme is 29 properties per hectare. This density is considered to be appropriate and not an overly dense development.
78. Finally, it has to be noted that this site has been redundant and empty for a number of years now which can arguably be considered to detract from the appearance of the area. The proposed scheme would provide much needed development on this site which would significantly contribute to character and appearance of the area. The proposal is considered to be in accordance with policy H13 and E1 of the local plan.

#### Highway and access issues

79. The business development which was previously approved on this site in 2008 estimated a traffic generation of 106 morning trips and 84 evening trips. The traffic generated from the proposed scheme in this application is estimated at 18 two way trips, 13 of which would leave the development at the morning peak hour. The estimated traffic generation from the proposed housing development including the traffic generation from the adjacent office building (which is currently under construction) would be considered to be less than the traffic generated from the office development which was approved in 2008. The Highways Officer has stated that the proposed housing development would have negligible impact on the highway network demand or junction operations.
80. The development layout is based on a standard cul-de-sac arrangement with allocated parking. Parking provision is provided in the form of garages, off street parking on driveways as well visitor parking scattered throughout the site. The parking provision is considered acceptable to adequately accommodate vehicles. The access into the site is proposed directly from Diary Lane. The access has adequate visibility splays ensuring that highway safety is not compromised at this proposed junction. The internal road layout has been specifically designed as a shared surface which would give a modern appearance to the estate. There are no objections to this shared surface approach from the Highways Officer. Pedestrian footways are to be introduced along the Diary Lane boundary of the site which would not only support the development but would also be a benefit to existing properties along Diary Lane. A footway link would also be introduced from the development site directly onto the footway of the A690, therefore allowing for good pedestrian access throughout the site.
81. The Highways Officer has raised concerns with regards to the location of the visitor parking on Diary Lane. It is considered that this visitor parking is unlikely to be used and this could lead to vehicles parking on the shared estate road. A footpath has been introduced between plots 25 and 26 from the visitor parking into the estate which would help with connectivity. Whilst the Highways Officer has concerns regarding this aspect of the scheme, it is not felt that a highways refusal reason could be justified in this instance.
82. It is also noted that there is a small parcel of the development site which would be located on adopted highway. This small section would be the garden areas of some of the proposed properties on the south boundary. The adopted section of highway is effectively the previous entrance into the former Diary site. The proposed development would not encroach onto the width of Diary Lane therefore the road width would remain and highway safety would not be compromised.

Nevertheless, this small section of adopted highway would have to be formally stopped up prior to the development commencing.

83. Some concerns have been received from local residents that the proposed properties facing onto Diary Lane and the driveways are unacceptable and would result in further parking onto Diary Lane. No objections have been raised by the Highways Officer in terms of these properties having vehicular access directly from Diary Lane. It is not considered highway safety on Diary Lane would be adversely compromised.
84. Overall, it is considered that the proposed development would have a suitable access as well as adequate parking provision, and the surrounding highway network would be able to cope with the additional vehicle demand. The proposed development would not adversely compromise highway safety and the proposal would be in accordance with policies T1 and T10 of the local plan.

#### Affordable housing and section 106 contributions

85. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
86. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement. The applicant has agreed to provide 20% of affordable dwellings on site and this requirement will be secured through a section 106 legal agreement.
87. The proposed scheme does not include the provision of open space therefore monies towards open space and recreational facilities in the area is being offered as part of the scheme. This contribution will be £1000 per house, therefore totalling an amount of £29,000. This contribution will be secured through a section 106 legal agreement.
88. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The proposal would be in accordance with policy R1 and R2 of the local plan.

#### Other issues

89. The Environment Agency and Northumbrian Water have both been consulted on the proposed application. No objections have been raised providing further details are submitted prior to development commencing in relation to surface water and foul drainage. The mitigation measures detailed in the Flood Risk Assessment should also be implemented within the proposed scheme. Conditions are subsequently recommended.
90. Natural England and the County Ecologist has not raised any objections to the proposed development providing a condition is imposed requiring the

development to accord with the mitigation measures detailed in the ecology survey. A condition is recommended accordingly.

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## **CONCLUSION**

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91. The site is defined in the local plan as a major developed site in the Green Belt and would be the redevelopment of the previously developed Dairy site. It is not considered the proposed development would compromise Green Belt policies E1, E2 and E2A of the City of Durham Local Plan.
92. The proposed development would be considered to be in line with the sustainable aims of the NPPF. The site is considered to be within reasonable walking distance to the commercial centre at Langley Moor and while the site is situated just outside of the main built up area of Durham City, it also has good access to public transport links that will provide access to the main transport hub for the County.
93. The proposed scheme would not have an adverse impact on the amenities of surrounding buildings. The amenities of future occupiers of the proposed properties would also be protected. It is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the City of Durham Local Plan.
94. The application site has been redundant and empty for a number of years now which can arguably be considered to detract from the appearance of the area. The proposed scheme would provide much needed development on this site which would significantly contribute to character and appearance of the area. The proposal is considered to be in accordance with policy H13 and E1 of City of Durham Local Plan.
95. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. There are concerns with the location of some of the visitor parking which could lead to parking on the internal estate road, however this issue is not considered sufficient to justify a refusal reasons. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
96. The proposed development would deliver the full amount of affordable housing (20%) on the site, and this provision would be secured through a Section 106 legal agreement. A developer contribution of £29,000 will also be made towards the provision and maintenance of recreational and amenity space in the near locality. This contribution would be secured through the Section 106 legal agreement.

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## **RECOMMENDATION**

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That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing; and a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality; and subject to the following conditions;

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
PL 01	Site Location Plan	27/03/2014
PL 02 Rev L	Proposed Site Layout	14/07/2014
HT13	Single and Double Garages	27/03/2014
HT12 Rev B	House Type – Willow (Floor Plans)	23/06/2014
HT11 Rev B	House type – Willow (Elevations)	23/06/2014
HT10	Housetype – Spruce (Floor Plans)	27/03/2014
HT09	Housetype – Spruce (Elevations)	27/03/2014
HT08 Rev A	Housetype – Hazel (Floor Plans)	27/03/2014
HT07 Rev A	Housetype – Hazel (Elevations)	27/03/2014
HT06	Housetype – Juniper (Floor Plans)	27/03/2014
HT05	Housetype – Juniper (Elevations)	27/03/2014
HT04	Housetype – Elm	27/03/2014
HT03	Housetype – Laburnum	27/03/2014
HT02 Rev A	Housetype – Elder	27/03/2014
HT01	Housetype – Ash	27/03/2014
N13144-910 Rev P3	Refuse Vehicle Swept Path Analysis	27/03/2014
N13144-SK1003 Rev P3	Proposed Foul Water Pumping Station Location	01/05/2014

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Prior to the commencement of the development a scheme to minimise energy consumption arising from the occupation/operation of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims Policy U14 of the City of Durham Local Plan and Part 10 of the NPPF.*

4. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.*

5. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Patrick Parsons N13144 Rev A and the following mitigation measures detailed within the FRA:
  - Limiting the surface water run-off generated by the site to 50% of the existing discharge so that it will not increase the risk of flooding.
  - No habitable development should be placed in the area shown to be at risk from flooding.

6. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with policy U8a of the City of Durham Local Plan and part 10 of the NPPF.*

7. No development works (including demolition) shall be undertaken outside the hours of 08:00am to 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.*

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by Dendra Consulting Ltd dated 28<sup>th</sup> February 2014.

*Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.*

9. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.*

10. Notwithstanding details submitted with the application, no development shall commence until details of all means of enclosures, including full details of the acoustic fencing and bunding along the north boundary with the A690, shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.*

11. The development hereby approved shall be carried out in full accordance with all noise attenuation measures, advice and recommendations within the Noise Assessment prepared by Partick Parsons dated March 2014.

*Reason: To safeguard the residential amenity of future residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.*

12. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses





**Planning Services**

**Development of 29 dwellings with associated parking and landscaping at Former Dairy Site, Dairy Lane, Stonebridge, Durham  
Ref: DM/14/00793/FPA**

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**Comments**

**Date 22<sup>nd</sup> July 2014**