

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/14/02104/FPA
FULL APPLICATION DESCRIPTION:	Erection of 81 no. dwellings and associated access and landscaping works
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land to the north of Local Avenue and Front Street Sherburn Hill, County Durham
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site comprises of 3.2 hectares of land located to the north of property on Local Avenue and Front Street in Sherburn Hill. The majority of land within the application site is not previously developed. The westernmost sections of the application site to the north of Local Avenue, West View and Bannerman Terrace comprise of areas of unmanaged and overgrown grassland with some hedging, fencing and residential outbuildings to site boundaries. Central and more eastern areas of the application site comprise of mown and managed grassland with areas of recreational and play facilities within the far eastern section of the site. To the rear of The Chimneys and 1 and 2 Old School on Front Street the application site includes areas of hardstanding upon which garages were previously sited. Sections of trees and hedges are located on the site most notably to the rear of Nos. 5 to 9 Front Street, to the north of the play/recreational facilities and to the north-east of Bannerman Terrace.
2. Adjacent to the application site to the west is an access track and beyond fields. To the north is a field and an allotment site, and to the east is recreational and open space land.
3. The majority of the application site is located beyond the settlement boundary of Sherburn Hill though sections of land where access would be provided and side roads off Front Street are situated are within the settlement boundary.

4. The application site contains no specific Local Plan land designations. The Sherburn Hill Local Wildlife Site is located to the south of Front Street and approximately 45m from the application site at its nearest point. Sherburn Hill and Crime Rigg Sites of Special Scientific Interest (SSSI) are located within relative close proximity to the site at a distance of 560m and 210m respectively. The Crime Rigg SSI is also the location of Crime Rigg Quarry.
5. Public Footpath No. 35 (Shadforth Parish) crosses the site adjacent to Bannerman Terrace with unregistered paths crossing the land to the north of Local Avenue and towards the allotment site.
6. With regards to heritage assets there are no listed buildings or conservation areas within Sherburn Hill itself with the nearest conservation areas being at neighbouring Sherburn, Shadforth and Hallgarth, with Sherburn being the closest at 850m from the site. The closest listed buildings to the site are again at Sherburn, Shadforth and Hallgarth with all being at least 1km from the site.

The Proposal:

7. Planning permission is sought for the erection of 81 no. dwellings with associated access and landscaping works.
8. A total of 9 housetypes are proposed ranging from 2 to 4 bed with detached, semi-detached and terraced properties proposed. All housetypes are two storey except for one, the 1011, a two and a half storey property containing a loft space bedroom with front dormer and rear rooflight of which 21 no. are proposed.
9. The site is effectively divided into two sections. The application site includes steeply sloping land with the lower western section of the site separated from the elevated eastern section by an area of open land to the north of Bannerman Terrace. Each section of the site would have a vehicular access point. The eastern section of the site to be accessed between Nos. 9 and 10 Front Street, and where upon entering the site the application proposes a communal tree lined square area.
10. The lower western section of the site would gain vehicular access to the east of No. 74 Local Avenue. Further highways improvements are proposed with a junction widening, the addition of a footpath adjacent to the "The Chimneys", and provision of a parking space on the rear lane at No. 9 Front Street. The creation of a public square would result this rear lane terminating at the rear of No. 9 Front Street. The provision of the access off Front Street would also necessitate the relocation of a bus stop, pedestrian crossing and movement of existing parking bay white lining.
11. With regards to pedestrian routes, the public footpath 35 would remain unaffected by the development crossing an area of open space. The proposed layout also retains the unregistered pedestrian link to the allotments and beyond.
12. An electricity substation is also proposed adjacent to plot 81, while in the far west of the site on the lowest lying land a balancing pond as part of a sustainable urban drainage system (SUDS) is proposed.
13. Whilst beyond the application site and not forming any part of the application the submitted plans indicatively show the community building proposed by Durham County Council which was recently granted planning permission. As the easternmost section of the site would redevelop part of an existing play/recreational area the plans again indicatively indicate the relocated equipment and recreational space. These works are to be undertaken separately by the County Council.

14. The application is being presented to the Central and East Planning Committee as it constitutes a major residential development.

PLANNING HISTORY

15. In September 2008 planning permission was granted on a section of the site for a community centre and associated access, parking, landscaping, recreational and play facilities and erection of a 15m high wind turbine.
16. In September 2014 outline planning permission with all detailed matters reserved for the erection of a community building and associated works was approved on land immediately adjacent to the planning application site.

PLANNING POLICY

NATIONAL POLICY

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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’.
18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
19. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
20. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
21. *NPPF Part 6 - Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
22. *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. Planning decisions must aim to ensure

developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

23. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
24. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
25. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
26. *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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

The City of Durham Local Plan (May 2004) (CDLP)

28. *Policy E5a – Open Spaces within Settlement Boundaries.* This policy does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
29. *Policy E7 – Development Outside of Settlement Limits.* This policy advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.

30. *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.
31. *Policy E15 – New Trees and Hedgerows.* Sets out that the Council will encourage tree and hedgerow planting
32. *Policy E16 – Nature Conservation – the natural environment.* Seeks to protect and enhance 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.
33. *Policy E17 – Sites of Special Scientific Interest.* States that development that is likely to adversely affect such a site shall only be permitted in certain exceptional circumstances.
34. *Policy H3 – New Housing Development in the Villages.* This policy 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.
35. *Policy H5 – New Housing in the Countryside.* This policy 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.
36. *Policy H12 – Affordable Housing: Ensuring a Range of House Types.* This policy requires on residential schemes of 25 units or more, or of 1 ha or more, to provide a proportion of affordable housing where a local need exists.
37. *Policy H12A – Type and Size of Housing.* States that the type and size of dwellings will be monitored with where appropriate negotiation with developers to provide the right housing types and sizes to ensure balance.
38. *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.
39. *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.
40. *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.

41. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
42. *Policy T21– Walker’s Needs.* The Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
43. *Policy R1 - Provision of Open Space – Overall Standards.* This policy seeks to ensure that a minimum level of 2.4 ha of outdoor sports and play space per 1,000 population is maintained.
44. *Policy R2 – Recreational and Amenity Space in New Residential Developments.* 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.
45. *Policy R3 - Protection of Open Space used for Recreation.* 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.
46. *Policy R11 - Public Rights of Way.* This policy states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
47. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
48. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
49. *Policy Q3 - External Parking Areas.* This policy requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
50. *Policy Q4 – Pedestrian Areas.* This policy requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
51. *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 in its overall design and layout.
52. *Policy Q6 - Structural Landscaping.* This policy requires new development on the edge of settlements to incorporate peripheral structural landscaping.

53. *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.
54. *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.
55. *Policy U5 – Pollution Prevention – General.* States that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.
56. *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.
57. *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.
58. *Policy U9 – Watercourses.* This policy states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.
59. *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.
60. *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.
61. *Policy U12 - Development near Contaminated Land.* States that development will only be permitted within the vicinity of contaminated land where it can be demonstrated that measures can be undertaken to prevent any harmful effects of said contamination.
62. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY:

The County Durham Plan

63. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing 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). The following policies contained in the Submission Draft are considered relevant to the determination of the application.
64. *Policy 2 – Spatial Approach.* Sets out the spatial approach to development across the County with the main towns highlighted as being the principal focus for significant development followed by smaller towns and larger villages and then remaining settlements. In smaller communities and rural areas, appropriate levels of development will be permitted where it would serve their needs and to allow such communities to become more sustainable, resilient and to encourage social and economic vitality.
65. *Policy 3 – Quantity of New Development.* In order to meet the needs and aspirations of present and future residents at least 31,400 new homes of a mixed type, size and tenure are required in the County.
66. *Policy 4 – Distribution of Development.* To reflect the spatial approach the Plan allocates sufficient sites to provide for housing. In Central Durham the Plan allocates 8010 dwellings with 5220 within Durham City and 2790 in the smaller towns and larger villages.
67. *Policy 15 – Development on Unallocated Sites.* Sets out that development on unallocated sites will be permitted provided it is appropriate in scale and function, would not result in the loss of a settlement's last community facility, (unless exceptional circumstances are demonstrated) is compatible with adjacent land uses and would not involve development contrary to Policy 35.
68. *Policy 30 – Housing Land Allocations.* In order to meet the housing requirement and distribution set out in Policy 3 and 4 a number of sites are allocated for housing development.
69. *Policy 31 – Addressing Housing Need.* Requires all qualifying new housing to provide a percentage of affordable housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market.

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> (City of Durham Local Plan)

<http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

70. *The Highway Authority* – Initially raised objections to elements of the layout and the access/junction arrangements at Front Street. However, revised plans have been submitted during the course of the application resolving previous concerns. Conditions to ensure the access and highways improvements at Front Street improvement to sections of rear lane and agreement of a travel plan would be necessary on any approval.
71. *The Environment Agency* – No objections are raised to the submitted flood risk assessment though a condition so as to restrict surface water run-off is recommended. A condition requiring the submission of a scheme to deal with the risks associated with contamination of the site is also recommended on any approval.
72. *Northumbrian Water* – Raise no objections to the proposed development provided that the development is carried out in accordance with the surface and foul water discharge details contained within the submitted flood risk assessment. Further comments are provided stating that a public sewer crosses the site and that discussions are required with the applicant with regards to any need for the diversion, relocation or protection measures with regards to this apparatus.

INTERNAL CONSULTEE RESPONSES:

73. *Spatial Policy* – Raise no objections to the development. The application site is located beyond the settlement boundary of Sherburn Hill and as a result is a departure from the CDLP. However, material considerations are considered to justify this departure including that; the development would provide an element of affordable housing; sections of open space are to be retained and the development has evolved in consultation with the community. Despite being located beyond the settlement boundary of Sherburn Hill the application site is considered well related to the built-up area of the village and the development would consolidate the village. The development is considered to bring in its own right regeneration benefits to a former coalfield village in need of regeneration. Sherburn Hill is considered to contain adequate services and access to public transport and it is also well related to the services at nearby Sherburn.
74. *Design and Conservation* – Raise no concerns with regards to the impact of the development upon heritage assets. With regards to the layout of the development the western section of the site is considered to work well with cascading streets and a character of streetscape. The layout of the eastern section of the site is considered far less successful with a lack of reference to the existing urban grain. The entrance to the site from Front Street and the village square is considered too suburban and rural in feel and revisions are recommended to improve how this would fully integrate. With regards to the proposed housetypes, generally they are considered acceptable though some are identified as less successful and substitution is recommended.
75. *Housing Development and Delivery* – Raise no objections to the development considering that the applicant has presented on viability grounds that the proposal is unable to deliver the 20% affordable housing requirements as detailed within the Strategic Housing Market Assessment. The 5 no. affordable units that are sought

are to be affordable rent and to be 2 bedroomed and this is considered reflective of market demand.

76. *Ecology* – No objections are raised to the submitted ecology report, the mitigation measures within the report should be conditioned on any approval, however.
77. *Landscape* – No objections are raised with regards to landscape impact of the development. Detailed queries and requests are made however, with regards to the design of the entrance square, tree protection and the proposed soft landscaping scheme submitted.
78. *Drainage and Coastal Protection* – Submitted initial comments stating that the application proposes to discharge the surface water to a balancing attenuation pond, however, it should be demonstrated that the hierarchy of preference for surface water disposal is adhered to. This hierarchy requires that surface water should be disposed of via soakaway or infiltration system, or where this is not reasonably practicable, to a watercourse (either open or closed) or where this is not reasonably practicable to a sewer. Following the receipt of infiltration results demonstrating that the soakaway is not a feasible option the pond and watercourse approach has been accepted. Concerns with regards to the final engineering design solution of the pond have been raised, however, and the proposed access route for maintenance purposes would require improvement.
79. *Environment, Health and Consumer Protection (Contamination)* – State that the submitted land contamination risk assessment and site investigation submissions do not provide adequate information to fully assess the impact of the development with regards to land contamination matters.
80. *Environment, Health and Consumer Protection (Noise, Dust, Light and Odour)* – Originally considered that inadequate information had been submitted with regards to the potential for noise to impact upon occupiers from the proposed community building and recreational space. Following the receipt of additional information with regards to predicted noise levels use of the playing fields and the use of the community centre no objections have been raised. Conditions are recommended for attachment on any approval with regards to street lighting and a construction management plan to reduce the potential for construction noise, smoke and dust impacts. A construction working hours condition is also proposed. No concerns are raised with regards to odours.
81. *Tree Officer* – No objections raised though the loss of some trees would occur through the development. The submitted arboricultural report is considered to be detailed though further details on the final works to trees are sought.
82. *Public Rights of Way* – Raise no objections to the development. The retention of public footpath 35 and an unregistered path is noted.
83. *Sustainability* – State that the site was considered as part of a sustainability appraisal as part of the Strategic Housing Land Availability Assessment (SHLAA) and it is considered that the application site performs averagely with regards to social and environmental determinants and poorly with regards to economic determinants. With regards to the embedded sustainability of the site following further details being submitted no objections have been raised to the low carbon report.
84. *Neighbourhoods (Street Scene Services)* – reference the Council's open space adoption policy and commuted sum requirements. Queries are raised with regards to detailed elements of the proposed hard and soft landscaping scheme and

requirements are outlined so as to ensure that future adequate maintenance can occur. Some concern is expressed that unauthorised parking could occur at the entrance square.

PUBLIC RESPONSES:

85. The application was advertised within the press and on site, and letters were sent to neighbouring properties. A total of 6 no. letters of representation have been received with 5 no. letters of objection and 1 no. letter of support.
86. Objection is raised to the loss of views of the countryside and open spaces. It is considered that other improvements should be occurring in the village such as modernising existing Council houses, building a new community centre, and providing more bungalows for the elderly and disabled. Concerns raised that the development proposes more open market housing that local residents may not be able to afford and will result in existing residents having to leave the village.
87. A resident objects to the lack of a landscape planting strip between properties on Local Avenue and the proposed development and the loss of the access to use the open space for residents. Concerns are raised as to how existing residents will maintain outbuildings sited on a boundary with the development.
88. Queries are raised with regards to the adequacy of the length of gardens proposed within the development. Concerns are raised with regards to the proper maintenance of the balancing pond and whether the pond will be fenced off.
89. Concerns are raised with regards to the adequacy and safety of access arrangements from Local Avenue with a number of queries raised on the design of the junction and whether the existing Local Avenue highway would be improved as part of the development. Concern is also raised with regards to whether construction access would be gained from Local Avenue. The difficult driving conditions of Local Avenue during winter are also raised.
90. Objection is raised to the impact of the additional vehicle movements upon the rear lane behind Front Street impact upon pedestrians and difficulty in vehicles passing. Queries are raised with regards to works proposed to existing rear lanes, distances from the development to neighbouring property and the nature of boundary treatments.
91. Affordable housing units are considered to be concentrated in one location and the development as a whole is considered to affect existing property values. Queries are raised as to whether there are expansion plans for the primary school or medical services.
92. General support to the development proposal is provided by the local business Sherburn Stone.

APPLICANTS STATEMENT:

93. The application is accompanied by a Design and Access Statement and Planning Statement in support of the application. This states that a scheme of high quality design and sustainability is sought which compliments the edge of settlement location. The development places an emphasis on family homes and includes affordable housing provision. The development has evolved in consultation with both the County Council and local residents and interest groups. The development is considered to contribute to the regeneration of a coalmining village.

94. The development would include a village square to provide an attractive arrival point and community asset. Green pedestrian routes and areas of landscaping have been retained in the layout.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N8X0NUGDHE300>

PLANNING CONSIDERATIONS AND ASSESSMENT

95. 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 the development, impact upon the character and appearance of the area, impacts upon residential amenity, highway safety, affordable housing, matters of flood risk and drainage and ecology.

Principle of Development

96. The main issues relating the principle of the development are; the extent to which the proposed development accords with the existing CDLP; the extent to which the proposed development accords with the emerging CDP; and the extent to which the proposed development is consistent with Government guidance in relation to planning for housing and other policy objectives set out in the NPPF.
97. The proposed residential development is located beyond the settlement boundary of Sherburn Hill as defined within the CDLP. CDLP Policies E7 and H3 establish a general presumption against allowing housing development beyond a settlement boundary. Residential development fulfilling a rural employment role may be considered acceptable having regards to the content of CDLP Policy H5.
98. CDLP Policy H3 accepts the principle of residential development of previously developed land within the settlement boundaries. Exceptionally the limited development of greenfield sites within the coalfield villages most in need of regeneration can be accepted of which Sherburn Hill is an example.
99. The development of greenfield land beyond the settlement boundary of Sherburn Hill is therefore contrary to the provisions of Policies E7, H3 and H5 of the CDLP and constitutes a departure from the Local Plan.
100. Whilst the CDLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF, the NPPF further advises at paragraph 215 that LPAs are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The NPPF does not specifically advocate the use of settlement boundaries. In this context, settlement limits are not fully supported by the NPPF, which instead takes a more flexible approach to settlement growth and development. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by

car. The key matter in applying the NPPF relates to directing development to sustainable locations.

101. Despite the CDLP defining the application site as countryside, officers consider that the site is very well related to the built up area of Sherburn Hill. The application site immediately abuts the Front Street running through the village and the main recreational and play space of the village whilst the village school is located only 115m from the application boundary. A bus stop is located on the boundary of the application site and would require relocation with further bus stops adjacent to Local Avenue, therefore public transport access is convenient. Whilst the application site is located to the north of properties on Front Street and the settlement boundary that follows these properties, the village extends farther north still for example at nearby Kell Crescent and North and South View.
102. As a result whilst the development proposal is considered contrary to the CDLP, greater support for the scheme can be drawn from the NPPF.
103. At this stage only limited weight can be attributed to the emerging CDP. Contained within the submission CDP is the raft of housing sites which are earmarked as housing allocations for the next 16 years. There are no allocations proposed for the Sherburn Hill settlement. In light of this, the proposal does not draw support from Policy 30 (Housing Land Allocations).
104. To ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, the CDP contains Policy 15 to enable proposed development on unallocated sites within built up areas to be assessed on their merits and individual circumstances. This is a criteria based policy that is permissive of development provided that it is appropriate in scale, design and location to the character and function of the settlement.
105. Due to the strong relationship to the built form of the settlement and facilities and services it is considered that the development would remain appropriate to the character and function of the settlement in accordance with CDP Policy 15.
106. In addition the proposal is considered to deliver wider benefits. The CDLP identifies Sherburn Hill as a village in need of regeneration and it is considered that there is inherent regeneration value in a new housing development. The development would provide affordable housing, and although not the 20% affordable housing (equating to 16 units) required by the Strategic Housing Market Assessment (SHMA) the 5 no. units are proposed would still make a valuable contribution to affordable housing needs. The issue of affordable housing provision is discussed further elsewhere in the report.
107. Public consultation on the development proposal was undertaken prior to the submission of the planning application and limited opposition to the development was raised. This is also reflected in the results of the public consultation exercise on the formal planning application.
108. The application site encompasses a section of the existing playspace to the rear of Front Street. CDLP Policy R3 seeks to protect existing recreational and open space land from development. The play and recreational facilities partly within and partly adjacent to the application site would not be lost as a result of the development. The play equipment is to be relocated and the Council as land owner benefits from permitted development rights under Part 12 of the Town and Country (General Permitted Development) Order to undertake these works without the need for planning permission.

109. The maintained greenfield land making up much of the eastern sections of the site being open land and adjacent to the formal play and recreational space is, officers appreciate, likely utilised in an informal manner for some recreational and leisure pursuits. However, within the Open Space Needs Assessment (OSNA) the latest evidence base with regards to open and recreational space across the County, this land is not allocated as being a form of open space. As a result whilst the land would be lost to development officers consider that limited weight can be attributed to this bearing in mind its lack of status as recreational land.
110. As a result despite constituting a departure from the CDLP officers consider the development remains NPPF compliant. Whilst limited weight should be applied to the emerging CDP some support for the proposal can be drawn from Policy 15. The development would bring new development to the settlement with the degree of inherent regeneration that this would bring. A contribution to affordable housing need would occur. Officers do not raise objection to the loss of sections of the application site to development on the grounds that it may be utilised informally for recreational purposes. It is therefore considered that the principle of the development is acceptable.

Impacts upon the Character and Appearance of the Area

111. As the proposal is a major development and the application site is located in an edge of settlement location consideration must be had to the landscape impact of the development. The application site is located on steeply sloping land and the development would be visible in some distant views particularly to the north such as from Lady Piece Lane and Cookshold Lane. Due to the steep topography of sections of the site some substantial retaining walls including to the proposed SUDS pond would be required and this would to a degree add to the impact of the development.
112. The application site benefits from sections of existing mature landscaping, much of which would be retained within the development. The site is also divided into two by a steep landscaped parcel of land that is to remain and this section of land, retained trees and proposed landscaping would all contribute to the breaking up and softening of the development at the edge of settlement location.
113. Landscape Officers have raised no objections in terms of the impact of the development in medium and longer distance views.
114. Detailed queries and revision requests with regards to the more detailed elements of the proposed landscaping strategy and precise trees works are raised by Landscape, and Tree Officers and Neighbourhoods (Street Scene Services). It is considered that conditions can be imposed on any permission to adequately resolve these final details.
115. Officers therefore raised no objections to the general impact of the development upon the landscape having regards to CDLP Policies E7, E14, Q5 and Q6 and Part 11 of the NPPF.
116. With regards to the layout and design of the development itself officers acknowledge the comments and requests for some revisions raised by Landscape and Design and Conservation Officers, most notably with regards to the layout of eastern sections of the proposed estate, some housetypes and design of the public square.

117. However, officers consider that the layout of the development, square and design and vernacular of the dwellings themselves are acceptable and the development would adequately assimilate into the character of the locality. During the course of the application some additional planting has been agreed to be incorporated into the square providing a visual benefit but also so as to prevent the potential for vehicles parking on the hard surfaced areas of the square. However, the public square is proposed to be used for public events such as the erection of stalls and the like and therefore has been designed for the purpose of providing useable hard surfaced areas. Officers consider that the layout is therefore acceptable.
118. CDLP Policy E5a seeks to protect open spaces of value within settlement boundaries. A parcel of open space adjacent to no. 9 Front Street would be affected by the development with the access from Front Street dissecting it. However, open space would remain either side of the access and the impact upon the open space would not be detrimental.
119. Public comments received include objection to the loss of view of countryside land and open space, however, the loss of a private view such as this cannot be given material weight.
120. It is considered that the proposal would not adversely impact upon the character and appearance of the area and would accord with CDLP Policies E5a, E14, E15, H13, Q1, Q2, Q3, Q4, Q5, Q6 and Q8 and Parts 7 and 11 of the NPPF.

Impacts upon Residential Amenity

121. CDLP Policy Q8 provides advice on the layout of new residential development. This includes a requirement that adequate residential amenity for the occupiers of dwellings within a residential development and those who reside nearby to the development is retained and distance standards to ensure such amenity are detailed. This Policy is considered NPPF compliant with a core planning principle at paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.
122. The application site is adjacent to existing residential properties on Local Avenue, West View, Bannerman Terrace and Front Street.
123. The siting of the proposed dwellings within the layout all meet or exceed the separation distance guidance detailed within the justification to CDLP Policy Q8. The separation distances within Policy Q8 should be used as a guide but consideration must also be had to site specifics and this may mean that in some instances greater separation between properties is needed or indeed that reduced separation could be accepted.
124. The topography of the application site is steep particularly on the land to the rear of Local Avenue and as the land rises from west to east where the site is divided by the large area of open land that effectively splits the layout in two. As a result in some instances the proposed dwellings would be set on higher land than existing properties adjacent. The topography would also result in retaining walls requiring to be built.
125. The most significant impact of the changes in levels on site would be the relationship of plots 30-32 and properties adjacent at Bannerman Terrace and several plots adjacent to properties at Local Avenue most notably plots 55 and plots 67-69.

126. Submitted sections indicate show that the ridge of the proposed plot 32 dwelling for instance would be 5.4m higher than that at adjacent Bannerman Terrace. Despite this significant change in levels a separation distance of 32m would exist between the properties and an area of landscaping to be retained through the development would provide screening. The impact upon the living conditions of the properties at Bannerman Terrace is considered to remain acceptable as a result.
127. The plot 55 dwelling would be sited 20m from No.74 Local Avenue and the ridge of the property would be 4m higher. However, the proposed dwelling would not directly face No. 74 Local Avenue but be set at a more acute angle to the north-west reducing the potential for an invasion of privacy into the property and the potential for an overbearing impact. On the garden boundary between No. 74 Local Avenue and the proposed plot 55 there would be the need to construct a retaining wall of 1m in height whilst within the garden of the plot 55 dwelling a further retaining wall and fence enclosure of a total height of 3m would also be constructed within the proposed terraced garden of the proposed plot 55. However, these retaining features and enclosures are considered to create no overbearing impact upon the occupiers of No. 74.
128. Similarly the plot 69 dwelling would have a ridge height approximately 3.5m higher than No. 66 Local Avenue. However, a 32m separation distance would exist to reduce any overbearing impact and the flanking elevation at plot 69 would be a side elevation with only one window to a bathroom located within it.
129. Again there would be a need for retaining walls in areas to the rear of proposed plots to the north of Local Avenue. In the majority of cases these retaining walls would be constructed within the garden spaces of the proposed dwellings rather than on site boundaries creating terraced gardens for these properties. Retaining walls would be required on the boundary of the proposed plot 69 and No. 66 Local Avenue with a total height of 3.7m. Whilst this would create a significant boundary feature, the rear garden of No. 66 Local Avenue is of significant length easing the impact of the boundary upon the dwelling itself. In addition at present an outbuilding is located adjacent to the position of the proposed boundary and this would screen and reduce its impact.
130. On the eastern half of the site to the rear of Front Street the land is more level and existing properties would not be flanked by high retaining walls or dwellings set on higher ground. The proposed dwelling at plot 38 would have a side elevation 13m from the rear elevation at The Chimneys and this represents the most intimate relationship between the development and existing properties in this area. The justification to Policy Q8 recommends a 13m separation between windows and a blank gable. The gable at plot 38 would include one window but it would be to a bathroom not a main habitable room. As a result officers consider this relationship is acceptable.
131. A resident in Local Avenue queries the length of gardens proposed within the adjacent plots and why a landscaping strip is not provided between existing and proposed property. As officers consider the relationship between existing and proposed properties to the rear of Local Avenue is acceptable they do not object to the absence of a specific landscaping strip between properties. The CDLP does not prescribe specific garden sizes that proposed properties should be provided with. The garden areas proposed within the estate are considered to be acceptable. Concerns are raised with regard to the general loss of access to the land to the rear of Local Avenue. Officers acknowledge that at present residents will access land to the rear of Local Avenue potentially for walking dogs and the like. However, officers do not consider that objections should be raised to the loss of the land to

development on the grounds of the informal recreational activities that take place on what is essentially an unkempt area of land.

132. Public concerns have been raised over the future maintenance of outbuildings to the rear of Local Avenue. Ultimately matters of access onto land for maintenance purposes are civil matters to be resolved between parties. However, regardless a condition to agree the final boundary treatment to Local Avenue properties is proposed for attachment on any planning permission.
133. With regard to the relationships between properties within the proposed development itself, in many instances the separation between properties would again meet or exceed the distances stated within the justification to CDLP Policy Q8. However, there would be instances where distances would be reduced and below the recommended requirements. Instances include the separation between plots 3 and 52, 15 and 46 and 67/68 and 71. The relationship between the front elevations of plot 3 and 52 is the most intimate within the layout at 12.5m. However, the applicant has sought to overcome the privacy and amenity issues through removing the windows to the first floor habitable rooms within the relevant elevation at plot 52 and this would reduce the privacy concerns.
134. Despite such instances of separation being below the CDLP Policy recommendations it should be emphasised that these are relationships between prospective occupiers of the properties rather than existing occupiers. Future occupiers in the knowledge of the layout can consider if they are satisfied with the layout. Ultimately officers consider that the proposed layout result in adequate levels of privacy and amenity for future occupiers.
135. Matters of residential amenity aside from the layout and property relationships must also be considered.
136. The application is accompanied by a noise survey report assessing the impact of existing sources of noise upon the development namely vehicular traffic and the nearby Taylormade timber yard premises. The submitted noise report recommends that to mitigate the impact of noise from the timber yard and vehicular traffic acoustic fencing and the incorporation of acoustic ventilation to windows at certain properties would be required. The mitigation measures can be conditioned on any approval.
137. Environment, Health and Consumer Protection originally objected to the application considering that additional information was necessary to assess the impact of the recreational and playspace land and proposed community centre upon the development. Following the receipt of additional information in relation to predicted noise levels for use of the playing fields and use of the community centre Environment, Health and Consumer Protection have removed the objections. Conditions are recommended for attachment on any approval with regard to street lighting and a construction management plan to reduce the potential for construction noise, smoke and dust impacts. A construction working hours condition is also proposed. Officers consider that conditions can be attached to any approval although the condition regarding external lighting is not considered appropriate. Street lighting to adoptable standard would be necessary and this is standard on such a development.
138. In conclusion, officers raise no objections to the impact of the development upon residential amenity having regards to CDLP Policies H13, Q1, Q2, Q8, U5 and U7 and Parts 7, 8 and 11 of the NPPF.

Highways Issues

139. The development would be served via two vehicular accesses one from the Front Street serving the eastern sections of the site and another from Local Avenue.
140. Public objections received include concerns with regards to the suitability of Local Avenue for access including construction access and whether highway improvements would occur on Local Avenue. The Highway Authority has raised no objections to the Local Avenue access considering it suitable for the access and egress of dwellings on this western section of the site. Construction access for the western section of the site would be via Local Avenue as a route from the eastern section of the site is not feasible. General highway improvements to Local Avenue would not be required and Local Avenue would continue to be maintained as part of the adopted highway network.
141. Amendments to the Front Street access and internal highway design and parking provision have been necessary during the course of the application. The access to Front Street would require the relocation of an existing bus shelter to the east of the proposed access. An existing pedestrian crossing island and associated tactile paving on footpath would also be relocated farther west. So as to ensure adequate visibility for the proposed Front Street access existing parking bay white lining to the front of No. 9 Front Street would be moved 5m west.
142. The Highway Authority has raised no objections to the final Front Street access design solution and whilst the loss of a parking space on Front Street would result it is considered that adequate parking would remain for use by properties and business customers. It should also be noted that an additional parking space is shown on plan as being created to the rear of No. 9 Front Street.
143. Within the proposed development whilst an under provision of visitor parking is shown within the layout an excess of in-curtilage parking compensates adequately for this.
144. Public concerns are raised with regards to the difficult driving conditions on Local Avenue during winter, however, officers do not consider that an objection can be raised to the development on these grounds.
145. A resident has raised concerns with regards access from their property (The Chimneys) as a result of the proximity of the development to the rear lane and impact of the development upon traffic on the rear lane. However, no objections in regards to this have been raised by the Highway Authority. With main accesses for the proposed development from Local Avenue and Front Street substantial increases in vehicular traffic on the rear lanes should not occur. Queries are also raised with regards to rear lane improvements and a surface improvement of a section of the rear lane from the east of The Chimneys to the rear of No. 9 Front Street is proposed to be ensured by way of condition on any approval.
146. Officers raise no objections to the development on the grounds of sustainable travel issues with a bus stop to be relocated immediately adjacent to the Front Street access and further bus stops located to the front of properties on Local Avenue. The application site immediately abuts the Front Street running through the village and the main recreational and play space of the village whilst the village school is located only 115m from the application boundary.
147. No objections have been received from Public Rights of Way with an existing public footpath and unregistered path retained, the public footpath would be completely

unaffected by the development and the unregistered path route remain through the eastern section of the site.

148. Overall no objections are raised to the development with regards to matters of highway safety or sustainable transport issues have regards to CDLP Policies T1, T10, T20, T21, R11, Q1, Q2, Q3, Q4 and Q8 and Part 4 of the NPPF.

Affordable Housing

149. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. Policy H12 of the CDLP requires a fair and proportionate level of affordable housing on sites over 1ha or 25 dwellings, and Policy H12A requires proposed housing to be of an appropriate type and size. The County Durham Strategic Housing Market Assessment (SHMA) update report was completed in July 2013 and supplies the evidence base for 20% affordable housing across the Central Delivery Area in which the site falls. The requirement reflects an up to date needs assessment and identifies a significant requirement of approximately 189 net affordable units per annum throughout the Central Delivery Area up to 2016/17. This shortfall is greatest for one and two bedroom properties (68 net per annum). On the basis of the SHMA evidence base, Policy 31 of the emerging plan identifies housing schemes of 15 dwellings or 0.5 ha or more, where such an affordable housing provision should apply and that 10% of housing should be appropriate for older people.
150. The applicant has submitted commercially sensitive viability appraisal information seeking to demonstrate that only a reduced amount of affordable housing can viably be delivered. Only 5 no. units (6%) as oppose to 16 no. units (20%) is proposed. Paragraph 173 of the NPPF emphasises the need to consider viability and deliverability in planning and advises that sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.
151. It is considered that the applicant has demonstrated that the development cannot viably deliver further affordable housing. Spatial Policy and Housing Development and Delivery both acknowledge the relatively low affordable housing provision. Nevertheless, it is considered that the development is still making a valuable contribution towards affordable housing need.
152. As a result, officers do not object to the proposal on the grounds of the reduced affordable housing offer the delivery of which would be secured via a S106 legal agreement.
153. A public objection relates to the considered concentration of the affordable housing units within one section of the application site. Officers raise no objection to the location of the affordable housing and the concerns expressed over potential impacts upon property values are not a material planning consideration.

Flood Risk and Drainage

154. The application site lies within flood risk zone 1, essentially the land least prone to flooding from rivers. The application is accompanied by a flood risk assessment as the proposal constitutes the development of land over 1 hectare. The Environment Agency has raised no objections with regards to the development and potential for flood risk.

155. The development proposes to dispose of foul water via the main sewer to which no objections have been received from Northumbrian Water.
156. Drainage and Coastal Protection originally raised objection to the application stating that it had not been demonstrated that the hierarchy in which surface water should be disposed of had not been demonstrated. The hierarchy requires that surface water is disposed of via soakaway or infiltration system, or where this is not reasonably practicable, to a watercourse (either open or closed) or where this is not reasonably practicable to a sewer. Northumbrian Water cannot accept the disposal of surface water to the main sewer due to the public sewer being at capacity.
157. The applicant has provided additional information seeking to demonstrate that due to ground conditions disposal via a soakaway or infiltration system is not possible. The application proposes disposal via a watercourse to the north of the application site and utilise a balancing SUDS pond which would be sited to the north of Local Avenue in the far west of the application site.
158. Drainage and Coastal Protection officers accept the conclusions of the flood risk assessment and supporting documentation and have removed the earlier objections to the use of a SUDS pond in principle. However, the final engineering solution of the pond is not agreed and conditions would be required on any approval to resolve the final engineering design solution of the SUDS pond. A small section of land upon which the SUDS pond would be constructed is beyond the application site, however, this land is owned by the County Council. Conditions should also be attached to any approval so as to ensure a restriction on surface water run-off and that mitigation measures proposed within the flood risk assessment with regards to the potential requirement for a bunded strip and land drainage provision are undertaken as necessary.
159. A public response queries whether the SUDS pond would be fenced off. The pond would be surrounded by sloping landscaped land and it is not understood that a fence would be necessary. However, final precise details of the pond would be resolved under a planning condition.
160. The land upon which the proposed balancing pond would be sited is Council owned and there is the need to ensure the future maintenance and management of the balancing pond and associated landscaping. As a result, it is proposed that such maintenance and management be ensured by way of a S106 legal agreement. A form of rent charge would apply against property occupiers of the development for the management, administration and maintenance of the pond. An access track to the immediate north of the proposed pond would be used to gain physical access for maintenance.
161. Officers raise no objections to the proposed development with regards to matters of flood risk and drainage subject to the attachment of conditions having regards to CDLP Policies U8a, U9 and U10 and Part 10 of the NPPF.

Ecology

162. The application is accompanied by an ecology report containing the results of a phase 1 habitats survey and protected species risk assessment. The site is within relative close proximity to both locally designated wildlife sites and two sites of special scientific interest (SSSI) (Sherburn Hill and Crime Rigg) and these are detailed within the ecology report.

163. The potential for protected species to be affected by the development is generally considered low within the submitted ecology report though potential impacts upon birds nests and disruption of foraging habitat of bats are considered possible.
164. Ecology officers have raised no objections to the content of the ecology report, impact upon protected species or impact upon the designated ecological sites within relative close proximity. It is however, recommended that mitigation measures within the ecology report are conditioned on any approval. Such measures include the provision of bat boxes and restrictions on the timing of works.
165. As protected species are not considered to be affected by the development there is no need to consider whether a protected species license would be granted having regards to the Conservation of Habitats and Species Regulations.
166. The application site includes land that contains the invasive plant species Japanese Knotweed. The application is accompanied by a report proposing eradication of the species through herbicidal treatment.
167. No objections are therefore raised in relation to ecology having regard to CDLP Policies E16, E17 and Part 11 of the NPPF.

Other Issues

168. Discussions have been held with the School Organisation Manager with regards to local school places and the impact of the development upon them. No concerns were expressed with regards to primary school place availability. The nearest secondary school is Belmont Community School which is full for the year 2015/2016. The Durham Free School in Gilesgate could provide school places although places for those between 11-16 years old would not be available for 4 years. Framwellgate School is also not at capacity although this school is more distant.
169. A cabinet report dating from June 2014 advises upon the impact of the County Durham Plan housing allocations and education infrastructure. Whilst this application site is not a proposed allocation within the County Durham Plan it is considered that the cabinet report remains of relevance with regards to advising upon housing and education infrastructure matters. The conclusion of this cabinet report is that where an identified need for education infrastructure is found then a contribution from the developer should be sought subject to viability evidence.
170. Commercially sensitive data has been supplied demonstrating the marginal viability of the development and the reduced affordable housing delivery as a result. In such a circumstance and coupled with the potential for secondary schools aside from the nearest school Belmont Community School to contribute to places it is considered that no financial contribution towards education infrastructure is necessary in this case.
171. Concerns have also been expressed over whether there are plans to improve medical facilities. Officers understand that there are no specific plans to improve medical facilities solely as a result of this development.
172. On the same viability grounds and seeking to maximise the affordable housing provision on site as far as possible officers also raise no objection to the absence of a specific public art contribution under CDLP Policy Q15.
173. With the existing play and recreational space to be relocated immediately adjacent to the proposed residential estate and with parcels of open space retained on site to

break up the development, officers raise no objections to the development having regards to matters of recreational and open space land having regards to CDLP Policies R1 and R2.

174. In relation to land contamination the application is accompanied by phase 1 desk top investigation report, a phase 2 site investigation report and ground gas report assessment report. Environment, Health and Consumer Protection (Contamination) officers consider that the submitted documents do not provide adequate information to fully assess the impact of the development with regards to land contamination matters and recommend a condition to be attached on any planning permission as a result. Similarly the Environment Agency considers that the submitted phase 2 report provides inadequate test results to fully characterise the conditions of the site or support the risk assessment in relation to potential risk from contamination to controlled waters. As a result the Environment Agency similarly recommends that conditions be attached on any planning permission. Such conditions can be attached having regards to CDLP Policies U11, U12 and having regards to Part 11 of the NPPF.
175. Officers raise no concerns with regards to the impact of the development upon heritage assets. There are no listed buildings or conservation areas within Sherburn Hill itself with the nearest conservation areas being at neighbouring Sherburn, Shadforth and Hallgarth, with Sherburn being the closest at 850m from the site. The closest listed buildings to the site are again at Sherburn, Shadforth and Hallgarth with all being at least 1km from the site. Officers do not consider that the development will affect these designated heritage assets. With regards to matters of archaeology, discussions have been held with the Council's Archaeology officer and with potential for archaeological assets to be low there was no requirement for the application to be accompanied by any archaeological investigative reports.
176. Remaining public objection to the development considers that other improvements to the village should occur rather than a residential development with modernising existing Council houses, building a new community centre, and providing more bungalows for the elderly and disabled. Concerns are also raised that the development proposes more open market housing that local residents may not be able to afford and will result in existing residents having to leave the village. Officers can only assess the application submitted on its own merits and cannot consider under this application matters such as improvements to existing housing stock. The development would provide a wider choice of homes within Sherburn Hill. A separate application for a new community centre was approved in September.
177. CDLP Policy U14 supported by Part 10 of the NPPF seeks to promote energy conservation in new development. Following the receipt of additional information DCC Sustainability have raised no objections to the submitted energy reduction report the content of which can be approved via condition.

CONCLUSION

178. The application constitutes a departure from the CDLP by proposing a residential development beyond an established settlement boundary and on a predominantly greenfield site. However, officers consider the development remains NPPF compliant. The development would bring new development to the settlement with the degree of inherent regeneration that this would bring. A contribution to affordable housing need would occur and public opposition to the development is limited. As a result officers do not raise objections to the principle of the development.

179. No harm upon the landscape or character and appearance of the settlement itself would result from the development. No harm to the residential amenity of existing neighbouring residents would result and adequate amenity would also be provided for prospective occupiers of the development.
180. No objections to the development have been raised by the Highway Authority with regards to matters of safety and sustainability.
181. Officers raise no objection with regards to other key material planning considerations including impacts upon ecology and flood risk.
182. The proposal has generated some public interest with representations reflecting the issues and concerns of local residents affected by the proposed development. Whilst mindful of the nature and weight of public concerns it is not considered that these are sufficient to outweigh the planning judgement in favour of the proposed scheme.
183. The proposed development is considered to broadly accord with the relevant policies of the City of Durham Local Plan, the direction of the Submitted County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 to secure the following:

- i) The provision of 5 no. affordable housing units
- ii) The maintenance and management of the SUDS balancing pond

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 and documents:

Plans:

Site Location Plan SL-01 received 18th July 2014

Proposed Streetscapes SS-01 received 18th July 2014

Proposed Site Layout SL-03F received 10th October 2014

External Finishes Plan EF-01D received 10th October 2014

Site Sections Sheet 1 received 1st October 2014

Site Sections Sheet 2 received 2nd October 2014

Site Section Sheet 3 received 1st October 2014

Site Sections Sheet 4 received 2nd October 2014

Proposed Rear Elevation Behind Local Avenue SEC-02 received 2nd October 2014

Housetype Booklet version 3 received 2nd October 2014

Access Arrangement Layout QD548-03-03 Revision B received 6th October 2014

Engineering Layout QD548-03-01 Revision B received 8th October 2014

Documents:

Noise Assessment dated September 2013 by Wardell Armstrong

Noise Assessment addendum dated 21st August 2014 by Wardell Armstrong

Flood Risk Assessment dated 6th September 2013 by Queensberry Design Ltd

Transport Statement dated 13th June 2013 by Queensberry Design Ltd

Ecology Report dated 26th April 2014 by Dendra Consulting Ltd

Eradication of Japanese knotweed report by Ebsford Environmental dated 14th August 2013

10% Planning Low or Zero Carbon (LZC) Technology Feasibility Study QD-SHER-LZCR-01 and accompanying SAP data from Anderson Goddard Ltd

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E5a, E7, E14, E15, E16, E17, H12a, H13, T1, T10, T20, T21, R1, R2, R3, R11, Q1, Q2, Q3, Q4, Q5, Q6, Q8, U5, U7, U8a, U9, U10, U11, U12, U14 of the City of Durham Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the NPPF.

3. Notwithstanding any details submitted with the application no development shall take place until precise details of all means of enclosure to be erected on and within curtilage boundaries at plots 55-56 and 59-69 (inclusive) have been first submitted to and then agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of defining the consent and having regards to residential amenity having regards to Policy Q8 of the City of Durham Local Plan.

4. No development shall take place until a detailed landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc.

A management plan regime for all planting extending from initial planting until 5 years after final completion of the development which should establish a maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area having regards to Policies Q5, Q6 and Q8 of the City of Durham Local Plan.

5. No development shall take place until details of the precise works to all trees and hedges (including felling) within the application site have been submitted to and agreed in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges agreed for retention, are protected by the erection of fencing comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS 5837:2012. Said fencing shall be placed as indicated on a tree protection plan to be first submitted to and approved by the Local Planning Authority and the fencing shall be retained in situ until the cessation of the development works.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area having regards to Policies E14 and Q5 of the City of Durham Local Plan.

6. No development shall take place until precise engineering details of the proposed SUDS pond to be located in the west of the application site have been first submitted to and then approved in writing by the Local Planning Authority. The details shall include but shall not be restricted to;
 - i) Details of land and water levels
 - ii) Precise layout of the SUDS pond
 - iii) Details of a maintenance access track improvement scheme of the access track to west of site
 - iv) Landscaping Details

Thereafter the SUDS pond shall be implemented in accordance with the agreed details.

Reason: In the interests of providing satisfactory arrangements for the disposal of surface water discharges having regards to Policy U8a of the City of Durham Local Plan.

7. No other development hereby approved shall take place until the access and highway works as detailed on plan QD548-03-03 B Access Arrangement Layout have been first implemented.

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

8. No development shall take place until a construction management statement has been first submitted and then agreed in writing by the Local Planning Authority. Said management statement shall include details of the best practicable means to prevent noise and dust from the construction activities. The management statement shall establish that no burning of combustible material on site shall take place unless it is not practicable to dispose of material in any other manner. The development shall be implemented in accordance with the approved details.

Reason: So as to minimise the potential for a detrimental impact upon residential amenity having regards to Policy U5 of the City of Durham Local Plan and Part 11 of the NPPF.

9. The development shall not be occupied until a final travel plan, conforming to the National Specification for Workplace Travel Plans PAS 500:2008, bronze level, has been submitted to and approved in writing by the Local Planning Authority. Said travel plan must include details of the appointed travel plan coordinator. The development must thereafter be implemented in accordance with the approved travel plan for the lifetime of the development.

Reason: In order to encourage sustainable means of travel having regards to Part 4 of the NPPF.

10. No dwelling hereby approved shall be occupied until the sections of rear lane enclosed in the redline on drawing QD548-03-01 Revision B Engineering Layout have received a surface improvement the precise details of which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the surface improvements shall be implemented in accordance with the agreed details.

Reason: In the interests of highway safety and visual amenity having regards to Policies T1 and Q8 of the City of Durham Local Plan.

11. No development shall take place until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following;

Pre-Commencement

- a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No dwelling can be occupied until the remediation works have been undertaken. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

12. No construction activities including the use of plant, equipment and deliveries shall take place outside the hours of 8am and 6pm Monday to Friday, 8am and 1pm on a Saturday with no activities to take place on a Sunday or Bank Holiday.

Reason: So as to minimise the potential for a detrimental impact upon residential amenity having regards to Policy U5 of the City of Durham Local Plan and Part 11 of the NPPF.

13. No development shall take place unless in full accordance with the noise attenuation scheme detailed at section 5 and at figure 2 within the submitted Noise Assessment dated September 2013 by Wardell Armstrong.

Reason: In the interests of residential amenity having regards to Policies U5 and U7 of the City of Durham Local Plan and Part 11 of the NPPF.

14. No development shall take place unless in full accordance with the drainage solutions, discharge rates and mitigation measures detailed within the submitted Flood Risk Assessment dated 6th September 2013 by Queensberry Design Ltd.

Reason: In the interests of providing satisfactory arrangements for the disposal of surface and foul water discharges and in the interests of flood risk having regards to Policies U8a, U9 and U10 of the City of Durham Local Plan and having regards to Part 10 of the NPPF.

15. No development shall take place unless in full accordance with mitigation measures detailed at section 5 and the associated mitigation plan within the Ecology Report dated 26th April 2014 by Dendra Consulting Ltd.

Reason: In the interests of preserving protected species and their habitats having regards to Policy E16 of the City of Durham Local Plan and Part 11 of the NPPF.

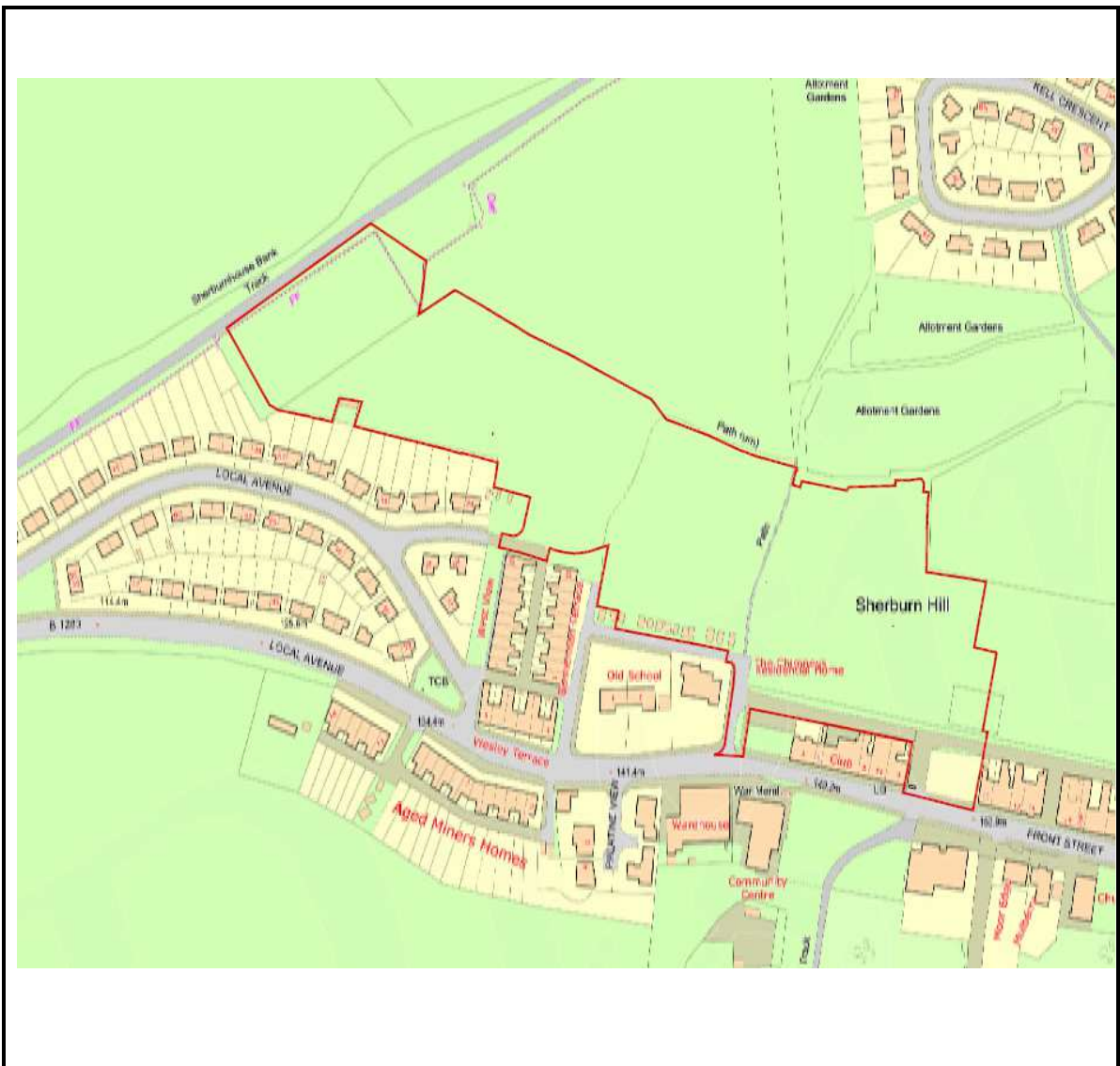
STATEMENT OF PROACTIVE ENGAGEMENT


The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance

- City of Durham Local Plan 2004
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>DM/14/02104/FPA</p> <p>Erection of 81 no. dwellings and associated access and landscaping works</p> <p>Land to the north of Local Avenue and Front Street Sherburn Hill, County Durham</p>		
<p>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</p>	<table border="1"> <tr> <td data-bbox="917 1814 1093 1993">Date</td> <td data-bbox="1093 1814 1396 1993">21st October 2014</td> </tr> </table>	Date	21 st October 2014
Date	21 st October 2014		