

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/14/02105/FPA
FULL APPLICATION DESCRIPTION:	Erection of 40 dwellings, associated access and landscaping works
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land to the south of Oakfield Crescent, Bowburn
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Ann Rawlinson, Senior Planning Officer 03000 261393 <a href="mailto:ann.rawlinson@durham.gov.uk">ann.rawlinson@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to an undeveloped, triangular shaped field located to the south of Oakfield Crescent, on the east side of Bowburn. The site is Council owned land. It slopes gently from its north-east corner towards the south west. The site is approximately 1.12 hectares in size and is bound to the north by the rear of properties on Oakfield Crescent and trees. These properties consist of single and two storey dwellings within an established residential area. To the west is a palisade fence dividing the site from Bowburn Junior School playing field. The boundaries to the south and east consist of dense trees, hedges and shrubs. Beyond the hedge line to the east lies Crow Trees Lane that skirts around Bowburn between the built up area of the village and the A1 (M) which is located approximately 100m further to the east. Beyond the trees to the west lies the recreation ground. The application site is located within the settlement boundary of Bowburn. There are no ecological, landscape or heritage designations on the site. The Cassop Vale Site of Special Scientific Interest (SSSI) is located approximately 900m to the north east of the site.

### The Proposal

2. The application seeks full planning permission for 40 dwellings (equating to a density of 35.5 dwellings per hectare), a new access and associated landscaping works by Durham Villages Regeneration Company, a partnership between the Council and Keepmoat Homes. Properties would be single and two stories in height. One house type would be 2 ½ storey with accommodation in the roof. A total of four 2 ½ storey units are proposed, sited to the north and west. These would incorporate a dormer window to the front elevation and rooflights to the rear elevation.

3. Properties would vary between 2, 3 and 4 bedrooms and would be arranged as a mixture of detached, semi-detached and terraced properties. Eight dwellings, located to the rear would be 'affordable', comprising 4 two bedroomed bungalows and four 2 and 3 bedroomed semi-detached properties.
4. The proposed vehicular access would be taken from Crow Trees Lane to the south east of the site extending northwards into the site to form a 'T' shaped hammerhead. The proposed layout would be open plan, sited around the access road. Each property would be served by parking spaces or parking spaces and garages incorporating, small front lawned and treed gardens and enclosed rear gardens. Three visitor parking spaces would be provided. A new stepped pedestrian link is proposed in the north east corner of the site extending to meet the footpath on Crow Trees Lane. A hammerhead sited to the north west of the site would allow vehicular access through a new gate into the adjacent school playing field. The existing palisade fence to this boundary would be retained.
5. Roads, footpaths and parking bays would be constructed of tarmac. Materials would comprise two colours of brick and two colours of roof tiles, to be approved via planning condition. White fascias, soffits and weatherboarding would be used. Various styles of canopies would be incorporated to the front of dwellings, as would art stone heads and cills. Front doors would be black. Bin storage would be provided to the rear of dwellings. A 1.8m high acoustic fence would be incorporated along the eastern boundary of the site adjacent Crow Trees Lane. 1.8m close board timber fencing or 0.9m high timber post and rail fencing would be erected to the rear of properties. The plans have been revised to reduce the extent of tree loss at the pedestrian access point to the north east of the site as well as improvements to the proposed landscaping scheme and highway improvements to the internal layout.
6. The application is reported to the Central and East Planning Committee as it represents major development.

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## **PLANNING HISTORY**

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7. Planning permission for 43 dwellings was refused in July 2013 by the Council's Central and East Planning Committee. The reasons for refusal related to loss of residential amenity for existing residents, highway safety, potential for flooding and effects on surface water and sewage drainage. A subsequent appeal was dismissed in April 2014, with the Inspector concluding that the layout of the proposed dwellings to the northern boundary of the site would be harmful to the privacy of existing and future residents and would be overbearing upon residents of Oakfield Crescent.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. 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'.

9. 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:
10. *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.
11. *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.
12. *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. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development. Planning decisions must 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, create safe and accessible environments and be visually attractive.
14. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure 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 and associated infrastructure.
15. *NPPF Part 11 – Conserving and enhancing the natural environment.* Planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.  
  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (NPPF)
16. 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:

### City of Durham Local Plan (2004) (CDLP)

17. *Policy E5a – Open Spaces within Settlement Boundaries.* Does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
18. *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.
19. *Policy E15 – New Trees and Hedgerows.* Sets out that the Council will encourage tree and hedgerow planting.
20. *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.
21. *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.
22. *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.
23. *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.
24. *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.
25. *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.
26. *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.

27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.
33. *Policy T1 – Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
34. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
35. *Policy 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.
36. *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.
37. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. 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.

38. *Policy U11 – Development on Contaminated Land.* Development will only be permitted where the nature and extent of contamination is established, the development would not add to the level of contamination, proposals include remedial measures and that there is no detrimental effect on the environment.
39. *Policy U14 – Energy Conservation – General.* states that the energy efficient materials and construction techniques will be encouraged.

**RELEVANT EMERGING POLICY:**

40. 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.
41. *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 mixed type, size and tenure are required in the County.
42. *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 in Durham City and 520 required in the smaller towns and larger villages.
43. *Policy 15 – Development of Unallocated sites.* Development on sites not allocated will be permitted provided that certain criteria are met including; that it would not involve development in the countryside and is appropriate in scale, design and location to the character and function of the settlement.
44. *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. No sites are allocated for housing in Bowburn.
45. *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 relevant. The full text, criteria, and justifications can 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)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

46. *Cassop Cum Quarrington Parish Council* – The Parish Council acknowledges that the Inspector dismissed all objections to the original planning application apart from residential amenity of existing properties located on Oakfield Crescent. However, the Parish Council resolved to object again upon other grounds. It recommends that houses overlooking the school playing fields should be single storey so as not to overlook a school which may be built there in the future. The Parish Council strongly maintains its view that the site should be kept for educational use. If the application is approved then an access should be constructed to the school field for future construction traffic. The existing school playing field should not be sterilised by drains etc. A local neighbourhood plan is currently being produced which would include a requirement that the site be set aside for a new school.
47. *Highways Authority* – Officers advise that the proposed access onto Crow Trees Lane is acceptable as is the proposed visibility splay. Advice was given regarding the internal layout and parking, including drive ways and visitor parking. These issues have been resolved and thus no objections are made.
48. *Environment Agency* – No objections are made. Advice is given regarding surface water management and foul drainage.
49. *Northumbrian Water* – Has raised no objections subject to the development being undertaken in accordance with the submitted FRA. A specific foul water discharge rate of 2 litres a second in manhole 9201 is also requested. Consideration should be given to discharge of surface water by soakaways or watercourse. If the sewer is the only option then Northumbrian Water advises that surface water should be restricted to 5 litres a second into manhole 8215.
50. *Natural England* – Advise that the site is in close proximity to the Cassop Vale SSSI. It is satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified. General advice regarding protected species, green infrastructure, local sites and biodiversity and landscape enhancements is given.
51. *Coal Authority* – Advise that within the site and surrounding area are coal mining features/hazards which should be considered. Part of the site is likely to have been subject to past coal mining, specifically a thick coal outcrop through the site that may have been historically worked. However, this is only located within the extreme southern part of the site and not within the part of the site where development is proposed. The site where development is proposed actually falls outside the defined Development High Risk Area. Therefore the Coal Authority does not consider that a Coal Mining Risk Assessment is necessary and do not object to the application.

### INTERNAL CONSULTEE RESPONSES:

52. *Design and Historic Environment* – Officers advise that the layout is of average standard. It is highway dominated with few intimate spaces. Although the reduction in units provides an improvement to the space around houses. The bungalows to the rear have enhanced the street scene, as does the variation of property heights and introduction of different house types along the northern boundary, picking up references with the adjacent estate. It is considered that the materials, houses types,

style, character and materials provide a cohesive uniformity and that materials should pick up cues from the surrounding estate.

53. Concerns are raised regarding the loss of important hedgerow/trees to form the vehicular and pedestrian access which acts as an attractive visual screen. This should be retained as much as possible. The group of trees on the southern boundary may also come under pressure from residents to be removed. However, the retention of trees to the northern boundary would provide an instant, attractive screen. Hedges should be provided to front gardens in order to provide an attractive sense of enclosure, tie in with the site and surroundings and reduce hard surfacing. Pedestrian routes should be provided out of the site to increase permeability, without compromising trees. Permeable setts and coloured tarmac would provide an attractive space.
54. *Landscape* – Officers have expressed some concern at the removing and cutting back of existing tree/hedgerow belt along the main road and additional bushes to allow for necessary sightlines. A further 11m would be lost to accommodate a footpath link. The tree belt to the south would also come under pressure from residents who would wish for sun in their rear gardens. Officers advise that no walls should be placed in the RPA of trees. The removal and pruning back of trees should be undertaken, and the retained trees protected, in accordance with the submitted arboricultural report. Advice is also given regarding materials and the necessity of a re-planting scheme.
55. *Green Infrastructure* – The site was assessed in the SHLAA and found to be a logical extension to the settlement with low landscape impacts. The development could accommodate approximately 96 people which, according to OSNA standards, would lead to a requirement of 0.4992 ha of open space. Coxhoe Electoral Division has an undersupply of parks and gardens only and a slight undersupply of semi-natural open space. Bowburn itself has a rather limited supply of open space, most of which is amenity open space. There is a recreation ground which includes some elements of park and garden, and some sports pitches. The Playing Pitch Strategy for the area found that, overall there should be sufficient pitches to meet demand, although these could be of better quality. Clubs have reported that the quality of pitches is poor and that there is a shortage of junior football pitches.
56. The development incorporates a small amount of green infrastructure, which although welcomed, is quite minimal. The design provides a degree of pedestrian connectivity which is again welcomed. The development should entail a contribution to open spaces in the area commensurate with the OSNA recommendations. The priority for the village is to improve the range, connectivity and functionality of open spaces in the area.
57. *Ecology* – Officers confirm that they have no objections to the development of the site in principle. However, concern is raised regarding the loss of tree cover in the roadside shelterbelt. This group of trees should be retained as a buffer. The shelterbelt also provides an element of linear connectivity between other habitats along the roadside.
58. *Environmental Health (Noise)* – No objections are raised. Officers have considered the submitted noise assessment and advise that provided that the proposed noise mitigation measures are implemented they consider that there would not be adverse impact on future occupants from noise. Street lighting would be a reasonable distance from existing residents so would not adversely impact on their amenity. Officers recommend that a construction management plan, taking into account the effects of noise, smoke, dust and construction hours should be implemented.



59. *Environmental Health (Contaminated land)* – Officers have assessed the available information and historical maps with respect to land contamination. They advise that, whilst there are no historic industrial land uses, there is a scar on the aerial maps from 2000 and 2010 to the south west corner of the site. It is quite often the case that a site which has a road boundary can be affected by the road building development. However, due to the fact that the proposed development constitutes a change of use to a more sensitive receptor, the contaminated land condition should be applied.
60. *Sustainability and Climate Change* – Officers advise that the site is not within a short walking distance of a secondary school, FE/HE or a supermarket. However, there is a good level of bus service. Investment in cycle infrastructure should be considered. The level of bus provision should ensure access to regional employment. The site should incorporate green space, although residents would have access to green space in the surrounding area. Visual impacts should be low as the site is visually well contained. It is proposed to use solar PV to reduce energy use by 10%, which is welcomed.
61. *Access and Public Rights of Way* – Officers advise that there are no rights of way affected by the proposed development.
62. *School Places Manager* – Advise that no contributions towards additional classrooms are required on the basis of 40 new dwellings.
63. *Housing Development and Delivery Manager* – Officers advise that there is a clear commitment to deliver the required 20% affordable housing provision as defined within the Strategic Housing Market Assessment. Previous discussions held with the applicant have resulted in the application incorporating the required affordable housing which is of the right mix and type and would be distributed across the proposed development. Officers are thus supportive of the development.
64. *Neighbourhoods – Street Scene Services* – Advice is offered regarding landscaping, open space and future maintenance.
65. *Drainage* – Officers advise that the submitted FRA is adequate at this stage for planning purposes and planning permission should not be withheld due to drainage. However, full design information including plans and micro drainage calculations should be submitted for approval prior to commencement.

#### **PUBLIC RESPONSES:**

66. The application was advertised in the press, on site and in the locality. Letters were sent to neighbouring residents. Three letters of objection have been received. The main concerns and comments received from local residents are summarised as follows:
67. Residents fear that the proposed development would adversely affect any future provision for a new primary school for Bowburn. They consider it to be the only remaining site within the village for new a school and should be reserved for future school provision, especially given the age and conditions of the existing schools. The building of a new combined school on the existing Junior School playing field would be difficult, especially given required educational space standards and a growing population, taking into account new housing development. It is also considered that necessary infrastructure, including schools, should be adequately planned for, as set out in the emerging CDP and existing CDLP. Residents consider housing targets in the area have been met and that additional housing should not be provided without

additional necessary infrastructure such as a new school. Alternatively a compromise could be building fewer houses and leaving an access road through to the existing Junior School field for construction traffic to improve road safety in the area surrounding the existing school.

68. Concerns regarding loss of privacy and sky reception and affect on installed solar panels are also raised. A resident is concerned that a 2 storey property is proposed close to the rear of their bungalow. They feel victimised that proposed properties have been changed to bungalows opposite other bungalows on Oakfield Crescent, but not opposite their property. Concern is also expressed that two covenants extend over part of the site and that part of the site appears to be owned by the Department of Transport.

#### Non-statutory Representations

69. *Bowburn Infant and Junior School Governors* – Advise that they object to the proposed development. They are concerned that the construction of a single Primary School at Bowburn cannot satisfactorily be undertaken if this housing development is carried out. There may be insufficient space to construct a sufficiently large school on the existing Junior School playing fields. This view is based on unknown housing numbers and catchment areas and required educational space standrds. They consider that the Council should keep the land in their ownership for a future school. The construction access to the new school should be from the application site, given the problems with the existing school access and for the safety of pupils and amenity of residents. It is also considered that town houses should not overlook a school.
70. *Bowburn and Parkhill Community Partnership* – The Partnership advises that they wish to support the representations made by the Bowburn Infant and Junior School Governors and that the issues raised by the governors have been aired many times by the Partnership.

#### **APPLICANTS STATEMENT:**

71. The Inspector considering the appeal regarding the refusal of planning permission of our original application considered the Council's reasons for refusal and examined all the objections raised by local residents and other interested parties. The Inspector advised that the principle of housing development on the site is appropriate. He concluded that the sole reason for dismissing the appeal was that the layout along the northern boundary would cause significant harm to residential amenity for some existing and proposed residents due to the distances, in some instances, between existing properties on Oakfield Crescent and proposed new homes, and due to the scale of some of the proposed new homes.
72. We have worked with Council officers to ensure that our current application addresses those issues. By reducing the number of dwellings from 43-40 we have been able to increase the distances between the existing properties on Oakfield Crescent and the proposed new homes. We have also introduced single storey bungalows along the northern boundary of the site, principally to reduce the impact of the new homes on the existing, but also to create a more varied street scene. We note that the Councils Design and Conservation team consider that the proposal is acceptable in terms of both privacy distances and overbearing impact. We believe that our proposal accords with the NPPF's presumption in favour of sustainable development and accords with local plan policies. The proposal would provide much needed new homes, both affordable and for private sale.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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73. 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 considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity, affordable housing, access, traffic and highway safety, landscape/visual impact, design and layout, ecology and nature conservation, flooding and drainage and other matters.

### Principle of Development

74. The Inspector considered the principle of residential development on the site to be acceptable. In the intervening period since the appeal decision there has been no change in planning policy that would allow a different view to be taken, although greater weight can now be given to the emerging CDP given that it is currently the subject of an ongoing Examination in Public.
75. In terms of the development plan, the site is situated within the settlement boundary for Bowburn, defined by CDLP Policy H3. Housing development would normally be approved on previously-developed land where it lies inside of the boundary, to help contain settlements and prevent sprawl into the surrounding countryside. Therefore, the proposed development does draw some support from the Policy in locational terms, but less so in terms of the Greenfield nature of the site. However, 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, and takes a more flexible approach to settlement growth and development.
76. 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.
77. The NPPF also encourages the re-use of Brownfield land, as stated at paragraph 17. However, though the development on Brownfield land is encouraged, the development of Greenfield land is not necessarily inappropriate as indicated by paragraph 52 of the NPPF which considers extensions to villages can be an appropriate means to deliver housing.

78. The application site is well located to in terms of its relationship with established residential areas, and is within walking distance of a range of services and employment opportunities, whilst a school is located adjacent the site. There is a recreation ground to the immediate south west, and a bus stop approximately 200 metres away to provide access to services and employment opportunities further afield. The site is therefore considered to be in a sustainable location, and accordingly, it is considered that the proposal would meet the NPPFs aspirations of boosting the supply of housing to create sustainable, inclusive and mixed communities.
79. In terms of the emerging plan, and to ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, Policy 15 sets out a criteria-based approach to development on unallocated sites. The Policy is permissive of development in built up areas provided that it is appropriate in scale, design and location to the character and function of the settlement; and would prejudice the development of adjacent land. The application site is considered to generally form part of the built-up area and would meet the broad tests in terms of location, scale and design, and is therefore appropriate to the character and function of Bowburn.
80. Policy E5A of the CDLP seeks to protect open space within settlements. Policy R3 seeks to protect areas of open space used for recreation and leisure. The latest evidence base with regards to availability and need for recreational space and open space is contained within the Open Space Needs Assessment (OSNA). The site is not identified or allocated within the OSNA (nor is it allocated for a purpose within the Local Plan proposals maps). Furthermore, the OSNA identifies that deficiencies in open space within the Coxhoe Electoral Division relate to parks and gardens, play space and allotments, of which the site is not considered to be. The site is used more informally, most likely by dog walkers. Land to the immediate south west at Bowburn Recreation Ground provides formal playing pitches.
81. The loss of the land on the grounds of its recreational value or potential is therefore accepted, although it is recognised that this presents some conflict with Policy E5A, and to a lesser extent Policy R3 of the CDLP. The provision, through a financial contribution towards improving existing sports/play/open space provision within the area, to be secured by legal agreement, would provide wider benefits to the local community.
82. Concerns raised regarding the proposed development potentially jeopardising any future expansion and redevelopment of the Bowburn schools have been considered. It is considered that in the future, should, there be a need for a new school to be constructed on the existing school playing field, a "playing field access" located in the north west corner of the site would enable access onto the school site. Despite the concerns and objections raised over a period of time regarding the need to retain the application site for potential future expansion of the school, no requirement to allocate this parcel of land for school redevelopment has emerged and officers do not consider that objection to the proposal on the grounds that this site may be required in the future is a material planning consideration of such weight that the application could be refused on this basis. Indeed, the Inspector gave this issue very little weight in the recent appeal decision.

## Residential Amenity

83. In dismissing the planning appeal the only matter of harm identified by the Inspector was loss of privacy to, and unacceptable overbearing impact on, some residents in Oakfield Crescent, adjoining the northern boundary of the site. The Inspector considered that the layout of the northern part of the site would have affected the living conditions of some occupants living in Oakfield Crescent and that the proposed distances between existing and new dwellings were insufficient to ensure privacy. The Inspector considered that the shortest distances of 20.1m and 20.6m between the habitable windows of plots 15, 18, 19 and 20 and the bungalows at nos. 4, 5, 6 and 7 Oakfield Crescent was insufficient due to the nature and positioning of the proposed units, the types and designs of the dwellings (existing and proposed), the height of proposed dwellings, the levels between the houses and the fact that the proposed dwellings were also one continuous line of built form. He concluded that these factors would have resulted in an overbearing obtrusive effect on the existing dwellings. The Inspector considered that the development as proposed would not lead to a loss of daylight or sunlight to these dwellings.
84. The current application has sought to address the concerns of the Inspector. This has resulted in an amended layout to the northern boundary of the site adjacent the properties located on Oakfield Crescent. It was acknowledged by the Inspector that a 21m separation distance, although not a statutory requirement is a commonly used distance when considering window to window distances. This is the required distance which is set out in the Policy justification to Policy Q8 of the CDLP and to which the Inspector referred to as 'a fundamental part of Policy Q8'. Policy Q8 does not distinguish between different heights or types of dwellings. However, it is noted that the Inspector considered that the 21m dimension should not always be seen as being an absolute or minimum distance. In some cases a lesser dimension might be appropriate while in others over 21m might be necessary. Each case should be considered on its own merits and in relation to the specific relationship between dwellings.
85. The shortest separation distances now proposed would be 21.0m and 21.5m between nos. 15 and 14 Oakfield Crescent (both bungalows) and plots 26 and 25, also proposed to be bungalows. These are considered to be acceptable relationships. Whilst the bungalows of nos. 13 and 12 Oakfield Crescent are sited opposite proposed 2 storey dwellings, these proposed dwellings are set at a distance of 22.2m and 22.3m, respectively, and therefore beyond the required distance of 21m. In addition, they are offset and also have gaps either side of the pair of dwellings which has created more space around this pair of dwellings. These distances, changes to the siting of proposed dwellings and reduction in built development opposite existing dwellings would result in an acceptable relationship between existing single and proposed 2 storey dwellings. Between nos. 11 and 10 Oakfield Crescent (two storey dwellings) and plots 22 and 21 (2.5 storey dwellings) there are separation distances of 28.2m and 28.4m respectively. These are considered to be acceptable separation distance between the properties. It should also be noted that the roof lights to the rear elevation of the 2.5 storey properties are above head height and would prevent any overlooking. There would be a distance of 28.3m and 28.7m between nos. 9 and 8 Oakfield Crescent and plots 20 and 19 (2 storey dwellings), which is considered acceptable. Between the bungalows of nos. 7 and 6 Oakfield Crescent and plots 17 and 18 (both bungalows) are 21.5m and 22m, respectively. This is considered an appropriate relationship. Between nos. 5 and 4 Oakfield Crescent (both bungalows) and plots 16 and 15 are 26.8m and 26.9m. This latter distance is the distance between main windows, with a distance of 22.6m to a window in a garage conversion at no. 4 Oakfield Crescent. Again these relationships are considered appropriate.

86. It is considered that, the required distance of 21m between windows set out in the justification for Policy Q8 of the CDLP has been met and that further positive design and layout changes have been made to ensure the privacy and amenity of both existing and prospective occupiers. In particular, it is considered that the incorporation of bungalows on plots 17, 18, 25 and 26, to replace 2 storey dwellings, a reduction in the number of 2.5 storey dwellings along the northern boundary from four to two, as well as larger gaps between pairs of dwellings and low garage heights would result in a varied streetscape and an unobtrusive outlook for residents of Oakfield Crescent. These changes have addressed the previous 'wall of development' concern expressed by the Inspector. Retention of existing trees to the north of the site would also provide screening and assist in maintaining privacy and improve outlook.
87. It is thus considered that the positive changes to the layout, house type/design, height and separation distances between dwellings has addressed the concerns raised by the Inspector and thus would ensure a satisfactory outlook and safeguarding of privacy for both existing and future occupants. It is considered that the proposal meets the requirements of Policies Q8 and H13 of the CDLP.
88. The concerns regarding the siting of two and 2.5 storey properties adjacent the school playing field's eastern boundary are noted and have been considered. However, it is considered that even if a future school was constructed in this location, the siting of residential properties adjacent a school playing field or school buildings is not an unusual situation and is one that occurs adjacent many schools in residential areas.
89. It is accepted that there would be increased traffic, comings and goings and noise associated with a new housing development, albeit additional housing close to existing residential properties would rarely be deemed unacceptable from a residential amenity perspective. In order to ensure an appropriate level of amenity for existing residents and those who occupy dwellings in the earlier phases of development it is considered appropriate to require a construction management plan be developed and implemented to ensure appropriate management of such issues as operations, deliveries, noise, dust, mud, vibration and light so that the construction of the dwellings would not adversely affect the amenity of residents. Concerns raised regarding loss of Sky TV reception and impact on solar panels on existing properties are acknowledged but these objections are not evidenced or substantiated and are thus given little weight.
90. The implementation of noise mitigation measures as set out within the submitted noise assessment and addendum, to incorporate acoustic glazing/ventilation and acoustic fencing to the properties adjacent the access road, nearest the main road and thus closest to the A1 (M) would ensure that the amenity of future occupants is safeguarded, in accordance with the requirements of Policies Q8, U7 and H13 of the CDLP.

#### Affordable Housing

91. 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. 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 CDP identifies that affordable housing requirements should apply to housing schemes of 15 dwellings or 0.5 ha. and that 10% of housing should be appropriate for older people.

92. In this particular case, the application proposes that on the basis of 40 dwellings being constructed, 20% would be affordable or 8 units overall, likely to be for affordable rent. This would also consist of four bungalows. The proposal would assist in the delivery of a wide choice of homes based on current and future demographics as set out at paragraph 50 of the NPPF.
93. Accordingly, it is considered that the proposals reflect the level of affordable housing recommended in the SHMA and as a consequence is consistent in Policy 31 of the emerging CDP and CDLP Policies H12 and H12A which require that affordable housing of the right size and type is provided where a local need exists. The affordable housing provision would be secured in perpetuity by way of a S106 legal agreement.

#### Access, Traffic and Highway Safety

94. In assessing traffic impacts, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. The anticipated number of vehicle trips a day arising from 40 dwellings could be safely accommodated within the existing highway network as required by CDLP Policy T1 and paragraph 32 of the NPPF.
95. The proposed access point from Crow Trees Lane and proposed visibility splays of 2.4m x 160m are considered to be acceptable in order to provide a safe access. It is noted that the access point is the same location as that found acceptable by the Inspector at the recent appeal, which was for a larger number of dwellings. Revisions to the internal layout have satisfied Highway Authority requirements with regards to emergency access, parking levels, including visitor parking, internal road and footpath layout, turning areas and drives and garages. A footpath link to the north eastern side of the site would provide a link to the footpath on Crow Trees Lane and thus provide a route to the nearest bus stop, in accordance with Policy T21 of the CDLP.
96. The proposed development is considered acceptable from a highways perspective and would thus comply with CDLP Policies T1, T10, Q2, Q4 and paragraph 32 of the NPPF which requires satisfactory access onto the road network and safe vehicle entrance, exit and manoeuvring as well as effective access for emergency vehicles. The location of the site is considered to accord with paragraph 34 of the NPPF which requires that development should be located where the need to travel would be minimised and the use of sustainable modes can be maximised.

#### Visual and Landscape Impact

97. The site itself, although clearly visible from properties on Oakfield Crescent and the school playing field is enclosed by dense trees to the south west adjacent the park and to the south east and east adjacent the road and thus not visible from these public vantage points. It is acknowledged that residential development would change the character of the site. This would though not be unattractive in itself, but would be different in character. The loss of views of the field to private properties cannot be given weight, although change in views from public vantage points is of greater importance as it affects the wider community and the character of the settlement.

98. The provision of the proposed vehicular access and pedestrian access would result in the loss of a 10m stretch of trees for the vehicular access and a 4m loss for the pedestrian access as well as cutting back of trees/hedge along the eastern boundary of the site. This would open up views into the site from these areas. However this would be relatively localised and would not affect the general character of the landscape to a substantial degree as the site would still be relatively well screened from the road and public park. Middle and long distance views would not be affected given the dense woodland to the east of Crow Trees Lane and landscaping either side of the A1 (M) to the east and south of the site, meaning views of the site would be restricted.
99. The loss of existing trees to provide access onto Crow Trees Lane is noted above. This would be exacerbated by the required access visibility splay which would result in the cutting back of trees over a length of approximately 135m and subsequently reduce the width of this tree belt by approximately 30% in a northerly direction and 20% in a southerly direction. Six trees would also be lost to the northern perimeter as well as two groups of trees to the south western boundary and one group to the south eastern boundary to accommodate the development. It is recognised that this would bring the scheme into conflict with Policies Q8 and E14 of the CDLP which seek to minimise tree and hedge loss. The proposed pedestrian access into the site has though been reduced in width to minimise significantly the tree loss in this particular area. Although a loss and thus subsequent change is acknowledged, it is considered that the remaining landscaping belt to all boundaries, when taken as a whole, is significantly robust enough so as not to significantly impact on the character of the site and surrounding area.
100. The provision of a comprehensive landscaping scheme which includes hedgerows and heavy standard trees to frontages, grassed lawns and ornamental shrubs assists in mitigating this loss and enables the scheme to comply with Policies Q5 and E15 of the CDLP. Hedges and street trees in would provide an attractive sense of enclosure to front gardens and complement the site. It is noted that trees to the rear northern boundary of the site would be retained outside the gardens of the proposed dwellings and be maintained by the owners of existing properties on Oakfield Crescent. This would provide an attractive instant screen for these properties. It is noted that the extent of tree loss is no more than the previous scheme to which the Inspector did not consider to have a significant adverse impact. Specifically the Inspector considered that development would not have an adverse impact, in terms of effect on the character and appearance of this part of Bowburn.

## Design and Layout

101. The design and layout of the proposed development is fairly traditional, with a straight road leading to a hammerhead and cul-de-sacs with parking and driveways to the front of dwellings. The properties vary in type, height and size and are arranged in a mixture and thus would complement the residential estate to the north to which it would abut and enhance the streetscape. The character, style, materials and detail provide a cohesive uniformity. The reduction in density of the proposed scheme has improved the layout and space around the houses. The provision of a pedestrian route to the north eastern side of the site leading onto Crow Trees Lane for bus access would improve the permeability of the site. Materials should pick up cues from the surrounding estate which can be ensured by planning condition.



102. It is noted that the layout does not provide public open space, given the size of the site, and that all green space is incorporated into private front and rear gardens. The priority is though for the village to improve the range, connectivity and functionality of open spaces in the area. In this respect it is noted that the application proposes a financial contribution of £40,000 towards recreational and open space improvements and £29,000 towards public art initiatives and/or environmental improvements in the electoral division. These financial contributions would be secured by way of a S106 legal agreement.
103. The proposed design and layout is considered to largely accord with the principles set out within CDLP Policies R1, R2, Q1, Q2, Q8 and Q15 of the CDLP, notwithstanding the issues discussed above regarding the loss trees and hedgerows. It is noted that the Inspector considered the design of the dwellings to be acceptable, as well as most of the layout.

#### Ecology and Nature Conservation

104. There are no designated ecological sites on or within the immediate locality of the site. The application has been accompanied by an extended phase 1 habitat survey which concludes that the proposals are highly unlikely to affect protected species. However, trees and hedgerows have potential for nesting opportunities. As a result the proposed mitigation measures require that removal of trees and shrubs occur outside of the bird breeding season. Ecology officers have raised no objections to the development in principle, although have raised concerns regarding loss of tree cover as this provides a degree of linear connectivity between habitats along the roadside. However, it is the case that some tree belt and thus linear connectivity between habitats would still remain in this location.
105. It is considered that the proposed landscaping scheme would provide some biodiversity enhancements on the site and thus would meet the requirements of CDLP Policy E16 and Part 11 of the NPPF, in that it is considered there would not be significant impact on wildlife, habitats and protected species.

#### Flooding and Drainage

106. The site lies within flood zone one, the lowest level of flooding risk and where residential development is considered appropriate. The main consideration is the prevention of flooding elsewhere by ensuring the satisfactory disposal of surface water from the site. Surface water run-off from the houses and roads would connect to the public surface water sewer. Surface water from the remaining garden land would be drained by a soak away system. It is intended that foul water would connect to the public sewer.
107. The submitted Flood Risk Assessment's findings and recommendations, as well as surface and foul water drainage proposals, are accepted by Northumbrian Water and the Environment Agency. This is subject to appropriate planning conditions which restrict the amount and location of foul water and surface water discharge into the public sewer. The Council's Drainage Officer considers that an appropriate surface water management solution for the site can be achieved which can be controlled by a planning condition to enable a positive drainage strategy to be implemented. The objectives of CDLP Policy U8a and Part 10 of the NPPF are therefore considered to have been met. It is noted that drainage and potential flooding was considered by the Inspector who concluded that there was no reason why an appropriate surface water management scheme could not be implemented and controlled by planning condition.

## Other Matters

108. It is proposed to implement solar PV to reduce energy use by 10% on the site. This is welcomed and thus meets the requirements of CDLP Policy U14 and the core principle of the NPPF of achieving sustainable development.
109. Environmental Health Officers have advised that whilst there are no historic industrial land uses associated with the site, there is a scar on the aerial maps from the south west corner of the site. They advise that it is often the case that a site which has a road boundary can be affected by the road building. However, due to residential development being proposed, they recommended that a Phase 2 site investigation is undertaken in order to identify, and if necessary, deal with any contamination, in order to ensure that the site is suitable for the proposed use, as required by Policy U11 of the CDLP.
110. The School Places Manager considers that there are sufficient surplus primary and secondary school places within the locality to accommodate the projected additional pupils as a result of this particular proposed development.
111. Representation has been received querying ownership of the site and the potential for covenants to be in place. However, any potential historical covenants are not material planning considerations to be given any weight. Furthermore, all the land is currently owned by the Council. It is understood that a Local Neighbourhood Plan is currently being drawn up by the Parish Council, although this is in its very early stages and thus carries no weight in the decision-making process at this time.

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## **CONCLUSION**

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112. In dismissing the earlier appeal, the Inspector considered the principle of residential development on the site to be acceptable. It is acknowledged that development of Greenfield land would present some conflict with Policy H3 of the CDLP and the loss of open green space, performing some recreational function would conflict with Policies E5A and R2 of the CDLP. However, given that the site is well located to the existing residential area and in proximity to services and public transport, it is considered that the proposal conforms with the key sustainability principles of the NPPF. The scheme would assist in meeting housing needs, including the provision of eight affordable houses, four of which would be bungalows. The scheme would deliver other benefits including investment in sports/play provision and arts/community provision in the locality.
113. It is considered that the residential amenity of occupiers of neighbouring properties would not be significantly adversely affected, given the proposed revised layout, siting, height and design/type of dwellings located to the northern boundary, and that the Inspectors concerns have been addressed.
114. The development is considered acceptable in highway safety, access, parking and traffic terms. The proposals would have some localised visual and landscape impact in terms of loss of roadside trees, although this would not result in significant effects on the character of the landscape. It is considered that hedge and tree planting would assist in assimilating the development into its surroundings over time. The design and layout of the proposed scheme is appropriate to the character of the area. The proposed development is not considered to negatively affect protected species. Adequate drainage would be provided and flood risk would not be increased elsewhere, subject to conditions. Conditions would also ensure that the site is safe for development.

115. Careful consideration was given to the objections and concerns raised and these have been taken into account and addressed within the body of the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of the application.
116. It is considered that the scheme represents sustainable development and the key objective of boosting significantly the supply of a mix and type of new housing thus enabling the delivery of a wide choice of high quality homes as well as community benefits.

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## RECOMMENDATION

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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:

- A 20% affordable housing provision across the site, incorporating 100% affordable rent or 80% affordable rent and 20% intermediate housing, comprising of four bungalows suitable for older people and 2 two and 2 three bed roomed houses;
- Financial contribution of £40,000 towards additional and/or improved sports provision, equipped play provision, and parks/gardens provision/improvement in the Coxhoe Electoral Division;
- £29,000 financial contribution towards public art initiative and/or environmental improvements in the Coxhoe Electoral Division
- Targeted skills and employment opportunities.

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 only in accordance with the following approved plans and specifications:

Plans:

Soft Landscape Proposals. C-913-01 Rev. D. Received 11<sup>th</sup> September 2014.

External Finishes. QD617-95-01. Rev. H. October 2012.

Planning Layout . QD617-01-01. Rev. K. October 2012.

Proposed Streetscapes sht1. QD617-65-02. Rev. B. October 2012.

Proposed Streetscapes sht2. QD617-65-02. Rev. B. October 2012.

Proposed Site Section A-A. QD617-65-04. Rev. B. March 2013.

Unit Type 828 Traditional. QD-617-828-01. 14.12.12.

951 (RSL) Unit 3B 5P. QD-617-951-01. Received 18<sup>th</sup> July 2014.

Garage plans and Elevations. QD617-GD-01. July 2014.

869 (RSL/INT) Unit 2B 4P. QD617-RSL869-01. Received 18<sup>th</sup> July 2014.

Unit 1176 Traditional 4b7p. Rev. A. 1<sup>st</sup> April 2014.

Unit type 665 Mid 2b4p. QD617-665-01. Received 18<sup>th</sup> July 2014.

Unit Type 763B 3b5p. QD617-763B-01. Received 18<sup>th</sup> July 2014.

Unit Type B3 2b3p. QD617-B3-01. Received 18<sup>th</sup> July 2014.

Unit Type 836 3b5p. QD617-836-01. Received 18<sup>th</sup> July 2014.

Unit Type 858FE Traditional 3b5p. QD617-858FE-01. Received 18<sup>th</sup> July 2013.  
Unit Type 999 Traditional 3b5p. QD617-999-01. Received 18<sup>th</sup> July 2014.  
Unit type 1011 3b5p. QD617-1011 3b5p. Received 18<sup>th</sup> July 2014.  
Location Plan. QD617-LP-01. July 2014.  
External Works. QD617-04-01. July 2014.  
Engineering Strategy. QD617-03-01. July 2014.  
Boundary Details. QD617-95-02. Rev. A. June 2013.

Documents:

Revised Noise Assessment. Wardell Armstrong. July 2014.  
Noise Assessment Addendum email from Nichola Dixon to Lewis Ray dated 11<sup>th</sup> July 2014.  
Arboricultural Impact Assessment. KHL\_Bowburn\_AIA 1.4. 18<sup>th</sup> July 2014.  
Ecology Report. KHL\_Bowburn\_Ecol. 2. 21<sup>st</sup> September 2014.  
Geoenvironmental Assessment. 11688. Issue 1. 19.03.2012.  
Flood Risk Assessment and Surface Water Management Plan. Queensbury Design Limited. 18<sup>th</sup> July 2014.  
10% planning Low or Zero Carbon Technology Feasibility Study. Ref. QD-Bow-LZCR-03. 17<sup>th</sup> July 2014.  
Addendum to Design, planning and Access Statement. Received 29<sup>th</sup> July 2014.

*Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies E5a, E14, E15, E16, Q1, Q2, Q5, Q8, Q15, T1, T10, T21, H12, H12A, H13, R1, R2, R3, U8a, U11, U14 of the City of Durham Local Plan.*

3. Notwithstanding any details of materials submitted with the application samples of the external walling and roofing materials of the dwellings should be submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant phase of the development to which the material relates. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policies Q8 and H13 of the City of Durham Local Plan and Part 7 of the NPPF.*

4. Development shall not commence until a construction working practices strategy that includes (but not exclusively) dust, noise, and light mitigation; compound location and traffic management shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter construction will take place in full accordance with that agreement.

*Reason: In the interests of public health, highway safety and amenity, in accordance with the objectives of Policies T1, Q8 and H13 of the City of Durham Local Plan.*

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies E15 of the City of Durham Local Plan.*

6. 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. 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 and character of the area and to comply with Policy E14 of the City of Durham Local Plan.*

7. No operations and deliveries associated with the construction phase of the development hereby approved shall be carried out outside the hours of:

Monday to Friday – 08:00 – 18:00 hours

Saturdays – 08:00 – 12:00 hours

Sundays – None

Public and Bank Holidays – None

*Reason: In the interests of residential amenity in accordance with Policies Q8 and H13 of the City of Durham Local Plan and Part 11 of the NPPF.*

8. The drainage of foul water from the site shall not exceed 2 litres per second and should discharge into the public sewer at manhole 9201. The drainage of surface water from the site shall not exceed 5 litres per second and should discharge into manhole 8215.

*Reason: To comply with Policy U8A of the City of Durham Local Plan.*

9. Notwithstanding any submitted details, no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of the development.

*Reason: To ensure adequate drainage of the site in accordance with Policy U8A of the City of Durham Local Plan.*

10. The development shall only take place in full accordance with the measures detailed in the noise assessment 'Wardell Armstrong NT110543 dated June 2013'. These measures shall be implemented before the occupation of the 1<sup>st</sup> dwelling and retained in perpetuity thereafter.

*Reason: In the interests of residential amenity in accordance with Policies Q8 and H13 of the City of Durham Local Plan and Part 11 of the NPPF.*

11. The development hereby permitted shall not commence 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, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

(a) 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.

(b) 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.

(c) 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 risk to workers, neighbours and other offsite receptors in accordance with Policy U11 of the City of Durham Local Plan and Part 11 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- Planning application ref: 4/12/01048/FPA/HJ
- Appeal decision APP/X1355/A/14/2211956
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- City of Durham Local Plan 2004
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



**Planning Services**

DM/14/02105/FPA

Erection of 40 dwellings, associated access and landscaping works

Land to the south of Oakfield Crescent, Bowburn

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Date

21<sup>st</sup> October 2014