

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02309/FPA
FULL APPLICATION DESCRIPTION:	Residential Development of 46no. Affordable Homes Including Access
NAME OF APPLICANT:	Partner Construction Ltd
ADDRESS:	Land to South of Crow Trees Lane, Bowburn
ELECTORAL DIVISION:	Coxhoe
	Chris Baxter
	Senior Planning Officer
CASE OFFICER:	03000 263944
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on land to the south of Crow Trees Lane in Bowburn. The site is measured at 1.11 hectares in size and is agricultural land which has been used on an informal basis for horse grazing. The adopted highway bounds the north of the site with Bowburn Infants and Nursery School located beyond. The residential properties of Heath Close, Cambridge Terrace and Oxford Terrace along with Durham Road (A177) are situated to the west of the site. The south boundary comprises of an area of tree plantation and a further undeveloped area to the east, with the A1(M) beyond. The site also adjoins the boundary of the Bowburn Conservation Area which is located to the north of the site.

The Proposal

2. Full planning permission is sought for residential development of 46no. affordable units. The proposal includes a mix of 2, 3 and 4 bedroom units with 6 of the units being bungalows and the remaining 40 units being two storey houses. The site is to be accessed directly off Crow Trees Lane. The estate road has a main spine road running in a north south trajectory with residential properties situated either side of the spine road. The proposal retains an area of open land to the north of the site. There are pedestrian footpath links proposed onto Crow Trees Lane and onto Durham Road to the west. The proposed development includes parking spaces distributed throughout the site. Parking includes individual driveways, court yard parking areas and visitor parking.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. There is no planning history for this site which is relevant to the determination of this proposed development.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. 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'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *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.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from

contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

14. *Policy H5 (New Housing the Countryside)* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
15. *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.
16. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
17. *Policy E22 (Conservation Areas)* states that the Council will seek to preserve or enhance the character or appearance of the conservation areas.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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

24. *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.
25. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

EMERGING POLICY:

26. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public (EiP) which will commence in October 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
27. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
28. *Policy 15 (Development on Unallocated Sites)* - states that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.
29. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
30. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.

31. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
32. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
33. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Environment Agency* has not raised any objections to the proposed development.
35. *Highways Agency* has not raised any objections to the proposed development.
36. *Natural England* has not raised any objections to the proposed development.
37. *Durham County Highways Authority* has confirmed that the layout and proposed parking provision for the scheme is acceptable. The proposed access provides adequate visibility however a condition is recommended for double kerbing to be installed at the access which would ensure no vehicles park which would obstruct visibility.
38. *The Coal Authority* has not raised any objections to the proposed development.
39. *Police Architectural Liaison Officer* has not raised any objections but has provided advice in relation to the design of the scheme.
40. *Cassop-cum-Quarrington Parish Council* acknowledge that the developers arranged a well publicised event for residents and the Parish Council and they appear to have tried to address issues raised. Concerns and objections are raised however in relation to highway and wildlife issues.

INTERNAL CONSULTEE RESPONSES:

41. *County Housing Development and Delivery Team* has not raised any objections to the proposed scheme. The proposal being presented is to deliver a scheme of 100% affordable housing and as such there must be evidence to suggest that this level of affordable housing in this specific location meets local need.
42. *County Spatial Policy Team* has not raised any objections to the proposed development.

43. *County Landscape Team* has raised concerns indicating that the relatively elevated nature of the A1(M) and slip road expose vehicles that may be seen, as well as heard, through trees from viewpoints within the site. Concerns are also raised with regards to some of the steep rear garden areas may not be useable as amenity space. It is also noted that the hawthorn on site provides rich habitat for birds and insects.
44. *County Tree Officer* has not raised any objections to the proposal.
45. *Design and Conservation Officer* has not raised any objections to the proposed scheme. Design amendments have been suggested in relation to the proposed layout, open spaces and landscaping of the site.
46. *County Environmental Health (Noise, dust and light)* has no objections in principle however in order to minimise the environmental impact some conditions are recommended.
47. *County Environmental Health (Contaminated land)* has not raised any objections subject to the imposition of a condition.
48. *County Archaeology Section* has not raised any objections. Conditions are recommended for further archaeological works to be undertaken prior to development commencing.
49. *County Ecology Section* has confirmed that the ecology reports submitted with the application are acceptable.
50. *County Drainage Officer* has not raised any objections to the proposed development. Full details of the proposed surface water system for the site should be submitted.
51. *County Education Section* has indicated that there are no contributions required for additional school places in respect of this development.
52. *County Sustainability Team* has no objections in principle to the proposed development providing noise impacts can be mitigated and pedestrian access can be obtained onto the A177.
53. *Green Infrastructure Officer* has not objected to the application however has stated that the scheme should have pedestrian and cycle connectivity with Oxford Terrace and Durham Road. A contribution should also be made towards green infrastructure. The priority for the village is to improve the range and quality of its public open space.

PUBLIC RESPONSES:

54. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 7 letters of representation have been received on the application.
55. The main concern raised by local residents relate to the impacts the development would have on highway issues. There is considered to be parking issues in the area and associated with the nearby school. The proposed access is considered unsuitable. It is also noted that there is no visitor parking proposed within the site.

56. Issues surrounding the principle of development have been raised by local residents, in particular the weight which should be offered to the current local plan and the emerging County Durham Plan (CDP). It is noted that the site is outside the settlement limits and is not allocated in the CDP as a housing site. It is considered that there is sufficient affordable housing provision provided for through the CDP. The site should be considered by the Planning Inspector through the Examination in Public for the CDP. There is also considered to be sufficient housing in Bowburn with no demand for additional properties.
57. Local residents have raised concerns with regards to noise issues, security issues, anti-social behaviour, devaluation of existing properties and the loss of green space. Residents consider that the creation of a walkway from the site through Cambridge Street would be unacceptable. There is a shortage of shops and school places in the area, and the medical centre is considered to be at capacity. There are concerns in relation to ecology and wildlife on the site and it has been stated that newts are present on the site. It is also considered that a bat and nesting bird survey should be undertaken. Finally some of the local residents have indicated that there are inaccuracies and incorrect information within the design and access statement.
58. Bowburn and Parkhill Community Partnership have commented on the application and whilst they do not oppose the principle of development some concerns have been raised which are similar to those concerns raised above. Highway safety issues have been raised in particular concerns with parking in relation to the school and also poor proposed access. A traffic survey on this section of road has been requested. There are worries regarding the capacity of the school. Concerns are also raised with regards to drainage and flooding as well as ecology issues.

APPLICANTS STATEMENT:

59. Partner Construction and Thirteen have presented a scheme to deliver a total of 46no. new homes with a significant emphasis on delivering affordable housing for local needs. The proposed development is a departure to the adopted Local Plan although the site is confirmed as being 'suitable' for residential development within the most recent SHLAA. It is the delivery of a significant proportion of affordable housing for local needs which differentiates this site from many other sites brought forward out of the plan. Thirteen has already secured HCA grant allocation (supported by the Council's housing officers) for the first 20 properties to be delivered as affordable rent homes, with rents capped at 80% of market rents. The remaining units are likely to comprise a mixture of affordable typologies delivered under Thirteen's 'flexible tenure' model.
60. The scheme includes a mixture of 2, 3 and 4 bedroom homes and will contribute towards reducing the significant affordable housing requirements in the County. It has been demonstrated through the planning submission that with all emerging site allocations and existing permissions, there is still a demonstrable shortage of affordable housing supply in all areas of the County. In addition to the variety of property sizes, the scheme also includes a number of bungalows which are in short supply and will ensure the development is accessible to a wide cross-section of society.
61. Whilst there are significant social benefits to the delivery of much needed housing, the scheme will also deliver a wide variety of economic benefits, including New Homes Bonus (including the further uplift secured through

affordable housing development) and job creation directly related to the construction of the proposed dwellings.

62. Finally, environmental considerations are central to the success of the development which includes the re-provision of hedging lost as part of the development and commitments to ensure the development does not materially harm other areas of habitat importance. Within the scheme the environmental quality of the development for future residents is also maximised, with the development having been orientated to ensure it meets the Council's design and privacy standards.
63. Overall, it is considered the development will make a positive and meaningful contribution Bowburn and the wider area. It will deliver much needed local housing which is accessible and will secure a variety of social, economic and environmental benefits.

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; affordable housing and section 106 contributions; ecology and drainage; and other issues.

Principle of residential development

65. The site is located outside of the existing settlement boundary for Bowburn and comprises greenfield land. There are no specific landscape or site designations relevant to the site. Saved Policy H3 of the local plan specifies that new housing development on sites which are located within the defined settlement boundary will only be permitted in instances where it involves the development of previously-developed land. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary. Consequently, the development of the site for housing would be in conflict with local plan policy H3 and there would need to be other 'material considerations' to justify a departure from that policy.
66. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local Planning Authorities are expected to boost significantly the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. To accord with the NPPF new housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure (health, education, leisure and open space). New development should be located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.

67. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community should be provided. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.
68. Bowburn is recognised as a smaller town/larger village (2nd tier in the County Durham Settlement Study) in the County and is a focus for growth within the plan. In terms of the issue of settlement limits, the CDP proposes to remove them altogether and introduce a criterion based policy, against which proposals would be assessed. To ensure that the CDP is flexible over its intended timeframe and resilient to changes which take place within that period, the CDP contains policies 15 (Development on Unallocated Sites) and 35 (Development in the Countryside) to enable proposed development on unallocated sites to be assessed on their merits and individual circumstances. These policies are permissive of development provided that it is appropriate in scale, design and location to the character and function of the settlement; and it would not involve development in the countryside. To aid clarity in applying these policies, the submission version of the CDP contains a definition of the built up area. It is considered that the proposed development would accord with the definition of built up area in this instance. It is against this definition that a proposal to develop housing on land to the south of Crow Trees Lane would be assessed. Whilst the application site represents land on the edge of the settlement, it can be viewed as well contained on account it is bound by perimeter planting on the eastern boundary which separates the site from the A1(M). Development of the site would not result in encroachment into the countryside. This interpretation largely reflects the assessment of the site within the SHLAA which concluded that the site would present a logical extension to the settlement.
69. It is important to address how much weight can be attributed to the emerging CDP at this stage. Para 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in its preparation, the greater the weight that may be given. Allied to this, the fewer and less significant the objections to the plan, the greater the weight that may be given. Although this proposal is considered to be broadly consistent with Policies 15 & 35 of the emerging plan, as both policies have unresolved objections which will be debated at the EiP, it reduces the weight can be applied to them at the current time. Recent appeal decisions have attributed limited and little weight to emerging Plans in recognition that they could be subject to further amendments in order to resolve issues likely to be discussed at the EiP. Whilst some weight can be attached to the emerging policies, they should not be a factor of decisive weight in appraising this application.
70. Development within Bowburn and this particular site broadly complies with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The NPPF is more up-to-date than the local plan and therefore more weight should be attached to its aims and objectives. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within Durham. Furthermore the provision of 100% affordable housing will deliver clear benefits to the area which aligns with sustainability objectives and will deliver housing which will meet the affordable needs of the settlement in the short-term.

71. The proposal for residential development is considered acceptable in principle and would be in line with the sustainable objectives of the NPPF and also policies within the emerging CDP.

Residential amenity

72. The nearest neighbouring properties are those located on Heath Close, Cambridge Terrace and Oxford Terrace to the north west boundary of the site. The gable elevation of these neighbouring properties face on to the site with no primary windows located in the gables. Along the north west boundary the developer is proposing to erect bungalows which would reduce the impact upon the existing residential dwellings. It is not considered that the proposed bungalows would have an adverse impact on existing properties in terms of overbearing and overshadowing impacts. There is a two storey property proposed on the north boundary adjacent to properties on Heath Close however there is adequate separation distance to ensure no overshadowing is created to the detriment of neighbouring amenity. There are no primary windows proposed in the bungalows or the two storey property along the north west boundary which would directly overlook neighbouring habitable windows and it is considered that adequate levels of privacy would be maintained. Some residents have raised concerns over security issues and possible anti-social behaviour. There is a concern from residents that there will be an access from the site through Cambridge Terrace. The proposed plans indicate that the existing wall and railings which bound the site to the north west with the existing properties are to be retained, therefore there will be no pedestrian or vehicular access from the site through Cambridge Terrace. The only vehicular access is to be taken from Crow Trees Lane. Pedestrian accesses will be from Crow Trees Lane as well as a link south onto Durham Road. It is therefore considered that the residential amenities of neighbouring properties would not be adversely affected.
73. In terms of the relationship between the proposed properties, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties. Each property proposed would have individual rear garden amenity areas for the future occupiers. Whilst the majority of these garden areas provide ample amenity space, there are several which could be considered substandard as they are small areas. The smaller garden areas are mainly associated with the smaller two bedroom properties and are therefore considered acceptable in this instance.
74. It is noted that the proposed site is directly adjacent to the A1(M) and roundabout junction 51. The north bound entry slip road from the roundabout junction onto the A1(M) abuts the east boundary of the site, and therefore there is the potential for noise disturbance to prospective buyers of the proposed properties. This has been recognised by the applicant and a noise assessment was undertaken and submitted with the application. This noise assessment recommends that mitigation measures are implemented to ensure that noise does not adversely compromise future residents. The Council's Environmental Health Noise Officer has assessed the details submitted and has indicated that internal noise levels within the proposed properties would be to an acceptable standard. External noise levels in garden amenity areas after the proposed mitigation measures are in place would however be over the recommended noise threshold by 8dB. The main impact would be on properties 1 to 11 which have their rear gardens along the east boundary adjacent to the A1(M) and its slip road. Whilst it is noted that the noise level would be over the recommended threshold it is also noted that this noise is already present and any prospective homeowners would be aware of the

situation when purchasing a property. Allowing residential properties to be situated adjacent to the A1(M) is also not uncommon and there are examples nearby in Bowburn, Carrville and Belmont where properties have been allowed directly adjacent to the A1(M) some much closer than the properties proposed in this scheme. On balance, it is acknowledged that the external noise levels would be over the recommended threshold. However in this instance it is considered that prospective buyers would be aware of the noise issue when purchasing properties in this location, therefore it is not considered that residential amenity of future occupiers would be adversely compromised. The Council's Environmental Health Noise Officer also notes that the economic benefits of developing on this site can override the noise levels issue in this instance. A number of conditions has been recommended by the Environmental Health Officer in respect of noise, lighting, dust suppression and development construction methods. The majority of these issues would be covered through separate Environmental Health legislation and it not considered relevant to be imposed as planning conditions. It is noted that the mitigation noise methods detailed in the submitted noise survey are essential, and therefore a condition is recommended ensuring these methods are put in place.

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

Layout, design and visual amenity

76. The layout of the proposal is fairly standard with the primary road swinging round into the site forming a straight road leading to a turning head, with houses facing directly onto the road giving a strong building line. The layout is considered to be well conceived creating a sequence of spaces with clusters of houses grouped around courtyards and parking courts, with planting and shared surfacing incorporated. The estate is also not car and highway dominated, as there are no integral garages and few driveways directly in front of houses with parking generally tucked away at the side of properties or in parking courtyards. The Council's Design Officer had recommended some alterations to the layout of the properties on to the north boundary. Amended plans have been submitted showing the properties re-orientated which now gives a significantly improved frontage to the development. The amended plans also create pedestrian connectivity to the local community by introducing footpaths linking the site with Crow Trees Lane as well as Durham Road to the south.
77. There is a good mix of house types on the site with semi-detached houses, linked properties and bungalows proposed. The design of the proposed properties is a simple built form that picks up fairly successively the distinctive character of the built terrace form of the Victorian terraces in the nearby conservation area. Housing details such as steep pitched roofs, porch canopies, and sills and heads also contribute to good design. In terms of finished building materials a red multi facing brick is proposed as well as grey slate roof tiles which are both considered acceptable and would be in keeping with the surrounding area.
78. The site is currently agricultural land, and the County Landscape Officer has indicated that this development would erode the farmland pasture and breathing space between the village and the A1(M). In spatial planning terms however, given the site is sandwiched between the existing village, residential properties and the A1(M), this site is considered to be a natural site for the village to expand. It is noted that the proposal would result in the loss of extensive and dense

hawthorn scrub within the site as well as some of the hedging along the north boundary to provide adequate visibility splays for the access. The majority of the woodland areas surrounding the site would however be retained. The proposed landscape plan also proposes to mitigate the loss of the Hawthorn hedgerow by replanting further hedgerow along the boundary of the site. Overall, it is considered that the proposed development would not have an adverse impact on the landscape of the immediate area.

79. Although the site is not within a conservation area, it is noted that it is directly adjacent to the Bowburn Conservation Area. Therefore it is deemed necessary to assess the impact of the proposal on the conservation area. This conservation area is primarily made up of terraced properties with the inclusion of a couple of commercial buildings as well as the school buildings. The proposed development is considered acceptable in design terms and would complement the properties within the conservation area. It is considered that the proposed development would preserve the character and appearance of the Bowburn Conservation Area.

80. Overall, it is considered that the layout, design and appearance of the proposed development would be acceptable. The visual amenity of the surrounding area would not be compromised and the character and appearance of the nearby conservation area would be preserved. The proposal is considered to be in accordance with policies E14, E15, E22, H13, Q5 and Q8 of the local plan.

Highway and access issues

81. The proposed development is to be accessed directly from Crow Tree Lane to the north of the site. The Highways Officer has confirmed that visibility from this access is acceptable when there is no parking on Crow Tree Lane. During school pick up/drop off times there is evidence that vehicles park on this part of the road which could significantly reduce visibility from the proposed access. To overcome this issue, it is recommended that double kerbing is installed along both sides of the proposed access which would prevent parking and therefore ensuring visibility from the access is acceptable. A condition is therefore recommended to ensure double kerbing is installed.

82. The proposed layout of the estate is considered acceptable from a highways perspective and there is sufficient parking provision which would be in compliance with the Durham County Council's Residential Car Parking Standards.

83. As the application site is within close distance to the A1(M), the Highways Agency has been consulted on the proposals. They have not raised any concerns to the proposed development.

84. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

Affordable housing and section 106 contributions

85. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site".

86. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA, NPPF, Policy H12 of the local plan and draft Policy 31 of the CDP therefore provide the justification for seeking affordable housing provision on this site. The applicant's planning and affordable housing statement advises that the scheme is solely for affordable housing, which exceeds the percentage requirements under Policy 31. The first 20 of the 46 dwellings to be constructed will receive grant from the HCA, and following completion of the development, these properties will be managed by a housing association. The remaining 26 units are proposed to be a mix of 70% affordable rented housing and 30% intermediate housing.
87. Whilst 100% affordable provision is proposed, it is noted that current planning policy only requires 20% of the site to be affordable. This therefore has to be reflected in a legal agreement. The Housing Development and Delivery Team have not objected to the application but they have indicated that a housing needs survey would need to be produced so HCA funding can be attributed to this site without compromising other affordable housing schemes. The process of authorising HCA funding is a function for the Housing Development and Delivery Team and is separate from the planning process. A housing needs survey for the site may need to be produced for HCA funding purposes however this is not required as part of this planning application.
88. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £46,000, based on the sum of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development. In this instance a contribution towards public art can be made and secured through a Section 106 legal agreement.
89. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

Ecology and drainage

90. A flood risk assessment has been submitted as part of the planning application for the proposed development. The available surface water connection is the sewer which crosses the site which would be utilised as the outfall connection to watercourse. The Environment Agency and the Council's Drainage Officer have been consulted on the details which have been submitted and no objections have been raised. The Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly.
91. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

92. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
93. As the green field nature of the site could mean that a protected species may be disturbed by the proposed development, the applicant has submitted a habitat survey, along with a Great Crested Newt and Water Vole survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
94. There is a wetland area situated on the adjacent field to the south east of the application site. Ecology Officers have concerns that as a result of this development the wetland area would dry up therefore resulting in the loss of a habitat area. It is also noted that as part of the scheme a section of Hawthorn hedging is to be removed which is also considered to be an important habitat. As part of the landscape plan, the developer is proposing to mitigate the loss of the Hawthorn habitat by replanting substantial hedgerow along the boundary of the site. The NPPF indicates that when determining planning applications the aim should be to conserve and enhance biodiversity and any loss of habitat areas should be adequately mitigated. The NPPF further indicates that if the removal of habitat areas cannot be avoided then compensation can be made for improvements to other habitat areas in the near locality. The Council's Countryside Management Team has indicated that there are number of habitat areas in the near locality which would benefit from investment. The developer has stated that they would provide a financial contribution towards the enhancement of biodiversity in the near vicinity to compensate against the loss of the wetland habitat. It is therefore considered that the enhancements to habitat areas in the area would be considered acceptable and the loss of the habitat area associated with the development site would be acceptable and in accordance with paragraph 118 of the NPPF. The financial contribution towards biodiversity enhancements would be secured through a Section 106 legal agreement.
95. Overall it is considered that the proposed development would not have an adverse impact on drainage in and around the site; and the ecology and habitat areas of the site would be adequately accommodated. The proposal would be in accordance with part 11 of the NPPF.

Other issues

96. The Council's Archaeology Officer and Contamination Officer have been consulted on the proposed development. No objections have been raised however further investigation works has been requested from each Officer prior to works commencing on site. Conditions are therefore recommended accordingly. It is considered that the proposed development would not adversely impact on archaeology or contamination issues.

97. The Coal Authority and Natural England were consulted on the proposals and they have not raised any objections to the scheme. The Council's Education Section was also consulted and they have indicated that there are no requirements for contributions to education within the locality.
98. There has been some local objection to the proposed scheme as well as concerns from the Parish Council and also the Bowburn and Parkhill Community Partnership. The majority of the concerns have been discussed in the paragraphs above. There were some concerns that were inaccuracies and incorrect information within the submitted application details including the design and access statement. It is considered that the information submitted with the application is sufficient to allow for a true assessment of the proposal against relevant planning policy. There are also concerns that the proposed development would result in the devaluation of adjacent neighbouring properties. The valuation of residential properties is not a material planning consideration and cannot be used as a reason to refuse planning permission.

CONCLUSION

99. The proposed development would not strictly accord with existing local plan policy H3. It is considered that the development would accord with policies 15 and 35 of the CDP, however given objections have been received on these policies through the recent consultation it is considered that little weight can be afforded to these emerging policies. Development within Bowburn and this particular site does comply with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The proposal for residential development is therefore considered acceptable in principle and would be in line with the sustainable objectives of the NPPF and also policies within the emerging CDP.
100. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Whilst the Environmental Health Noise Officer has accepted that noise levels from the A1(M) would be over the normal threshold for external areas, it is accepted in this instance that the benefits which the scheme provides can outweigh the increased noise levels. It is also noted that it would be for prospective house buyers to decide on whether the noise levels from the A1(M) is acceptable when they are purchasing the properties. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
101. The proposed scheme would introduce a typical modern housing estate with the properties built from traditional materials that would not appear out of place within the local area. The proposal would complement the buildings located in the adjacent conservation area and it is therefore considered that the character and appearance of the conservation area would be preserved. The majority of the boundary woodland areas are to be retained and it is considered that the proposed development would not have an adverse impact on the surrounding

landscape. The proposals are considered to be in accordance with policies E14, E15, E22, H13, Q5 and Q8 of the City of Durham Local Plan.

102. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. The proposed internal layout arrangement is acceptable and sufficient parking is provided. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
103. The development is proposing 100% affordable housing on the site which far exceeds the normal 20% requirement for the area. The first 20 of the 46 dwellings to be constructed will receive grant from the HCA, and following completion of the development, these properties will be managed by a housing association. The remaining 26 units are proposed to be a mix of 70% affordable rented housing and 30% intermediate housing. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality as well as contributions towards public art.
104. A flood risk assessment has been submitted with the application which details the flooding issues and drainage across the site. The Environment Agency and the Council's Drainage Officer has been consulted and they have not raised any objections to the submitted flood risk assessment. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
105. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The loss of the Hawthorn hedgerow has been adequately mitigated with the planting of new hedgerow, and a financial contribution will be secured through a Section 106 legal agreement to compensate for the loss of the wetland, therefore the site retains habitat areas in the locality.
106. It is acknowledged that the proposal has generated some opposition from local residents which live close to the site. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of 20% affordable housing; and a financial contribution towards green infrastructure in the locality; enhancement of biodiversity in the locality and public art contribution; 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:

Plan Ref No.	Description	Date Received
SD00.00	Location Plan	04/08/2014
SD100.01 E	Proposed Layout	09/10/2014
SD100.02 F	Boundary treatments	09/10/2014
SD100.03 D	External Finishes	09/10/2014
SD100.04 A	Adoption Plan	09/10/2014
R/1607/1A	Landscape Masterplan	10/10/2014
PD10-RSL: F112-1	House type F112 Plan and Elevations	04/08/2014
PD10-RSL: F104-1	House type F114 Plan and Elevations	04/08/2014
PD10-RSL: F119-1	House type F119 Plan and Elevations	04/08/2014
PD10-RSL: F113-1	House type F113 Plan and Elevations	04/08/2014
PD10-RSL: F114-1	House type F114 Plan and Elevations	04/08/2014
CfSH-SD. ENE8-02	ENE8 Cycle storage	04/08/2014
CfSH-SD. ENE8-04	ENE8 Cycle storage – Hoop	04/08/2014
BT/Sheet 05	Boundary Close Boarded Fence	04/08/2014
BT/Sheet 14	1500 Close Boarded Fence Details	04/08/2014
BT/Sheet 15	2000 Close Boarded Fence Details	04/08/2014
BT/Sheet 19	Boundary Party Fence Details	04/08/2014

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

3. No development shall take place until a detailed scheme for the kerb improvements along Crow Trees Lane has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan.

4. No development approved by this permission shall be commenced until:
- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
 - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
 - c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

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

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

- 6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
 - i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii) Post fieldwork methodologies for assessment and analyses.
 - iv) Report content and arrangements for dissemination, and publication proposals.
 - v) Archive preparation and deposition with recognised repositories.
 - vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

- 7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: to comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

- 8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by E3 Ecology Ltd dated August 2014, the Great Crested Newt Survey prepared by Penn Associates dated May 2014 and the Water Vole Survey

prepared by Penn Associates dated March 2014.

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

9. The development hereby approved shall be carried out in full accordance with all noise attenuation measures, advice and recommendations within the Noise Assessment prepared by AMEC report Number 14242i2 dated July 2014.

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

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

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





Planning Services

**Residential Development of 46no.
Affordable Homes Including Access at
Land to South of Crowtrees Lane,
Bowburn
Ref: DM/14/02309/FPA**

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Date 21st October 2014