

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02242/FPA
FULL APPLICATION DESCRIPTION:	Development of 16no.houses, 23 parking bays and new adopted turning head.
NAME OF APPLICANT:	Four Housing
ADDRESS:	Land South Of 58 Cuthbert Avenue, Sherburn Road Estate, Durham
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on land south of 58 Cuthbert Avenue at Sherburn Road Estate in Durham. The site comprises a former housing site cul-de-sac which measures approximately 0.44ha. To the north of the site is the rear gardens of the residential properties of Cuthbert Avenue. Similarly to the east, the application site backs onto the rear gardens of properties on Bent House Lane. Further residential properties and the Pelaw View Centre is located to the west of the site. Open grassed land is located to the south of the site.

The Proposal

2. Full planning permission is sought for residential development of 16 new dwellings including associated parking bays and turning head. All 16 properties are proposed to be affordable rent houses in a mix of two and three bedroom units. The applicant, Four Housing, is a registered social landlord who will be managing all the properties. The proposal includes a mixture of semi-detached and linked dwellings which will all be of a two storey design. The proposed properties would be arranged around a central road and a turning head would be created within the site.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. An application for prior approval for the demolition of 15 residential dwellings was determined in July 2005 on this site. Subsequently the 15 dwellings were demolished. The site has been vacant since the demolition of the properties.

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 E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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
21. *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.
22. *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:

23. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Coal Authority* has not raised any objections to the proposals, indicating that the site does not fall within the defined Development High Risk Area.
25. *Northumbrian Water* have not raised any objections to the drainage strategy plan which has been submitted.
26. *Durham County Highways Authority* has confirmed that the access layout and proposed parking for the scheme is acceptable.
27. *Police Architectural Liaison Officer* has not raised any objections but has recommended that the street lighting should achieve a Uo value (overall uniformity of light) of 0.25 as part of the adoptable standard.

INTERNAL CONSULTEE RESPONSES:

28. *Landscape Section* has not raised any objections to the proposed scheme.
29. *Environmental Management (Noise, dust, smoke, odour, light)* have not raised any objections with regards to noise, dust, smoke, odour or light.
30. *Drainage Section* have accepted that the drainage discharge rate of 5 l/s is a practical solution to the drainage of the site.
31. *Sustainability Section* has indicated that the applicant should aim for zero carbon development and a condition should be imposed requiring additional information in terms of embedding sustainability and minimizing carbon from the development.
32. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further contamination report shall be submitted prior to development commencing.
33. *Ecology Section* has not raised any objections to the scheme and requested that a condition is imposed for the development to be in compliance with the mitigation proposed in the submitted ecology report.

34. *Housing Development and Delivery Team* has confirmed that the affordable housing requirement for the Central delivery area is 20% but demand data has shown sufficient demand to support a 100% affordable scheme on this site.

PUBLIC RESPONSES:

35. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing.

36. A letter of support has been received from the resident of No. 58 Cuthbert Avenue which is directly adjacent to the site.

37. The Durham Bicycle User Group (DBUG) have indicated that there is no provision for cycle parking. DBUG indicate that there is no assessment of the sustainability of the site from the point of view of transport. It is also suggested that it would be of benefit to the local residents if a cycle path was created linking the site to Bent House Lane.

APPLICANTS STATEMENT:

38. No statement submitted.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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.

Principle of residential development

40. The site is located within a predominantly residential area with residential properties located to the north, east and west of the site. It is also noted that the site is previously developed as there was previously 15 residential properties on the site before they were demolished approximately 10 years ago. The site is located within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainability principle of the NPPF.

Residential amenity

41. The proposed dwellings are on a similar footprint to the previous houses before they were demolished. The proposed scheme does actually offer greater separation distances with neighbouring properties compared to the previous arrangement. The proposed development meets the local plan separation guidance of 21 metres window to window and 13 metres window to blank gable, with the exception of two distances. These two distances relate to the relationship between proposed plot 7 and 18 Bent House Lane; and proposed plot 8 and 20 Bent House Lane.

42. The gable elevation of plot 7 is located 12.87 metres from the rear elevation of 18 Bent House Lane. It is accepted that this distance is below the 13 metres however the difference is negligible and ultimately it is not considered that the amenity of existing residents would be adversely compromised. It is also noted that the property which was previously demolished was only set approximately 10 metres from 18 Bent House Lane.
43. The rear elevation of plot 8 is set 19 metres from the rear elevation of 20 Bent House Lane. This distance is 2 metres below the 21 metre guidance stated in the local plan. However given the orientation of the proposed property in relation to the existing properties, it is not considered that the existing residents would experience any adverse loss of amenity in terms of overbearing or overshadowing issues. In terms of privacy, it is considered a 19 metre distance would still achieve adequate levels of privacy. Once again, it is noted that the property which was previously demolished was only set approximately 10 metres from 20 Bent House Lane, therefore the proposed separation distance in this application is significantly improved from the previous properties which were situated on the site.
44. Each proposed property would have sufficient amounts of rear useable amenity space for the future residents.
45. The Environmental Health Officer has not raised any objections to the proposed scheme however a number of conditions have been recommended 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. The Environmental Health Officer dealing with contamination has not raised any objections but has requested that a further contamination report is submitted prior to works commencing on site. This issue can be adequately covered by a planning condition and a condition is subsequently recommended.
46. 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

47. The layout of the proposal is a standard cul-de-sac design, with properties surrounding the central estate road. This layout replicates the layout of the previous properties which situated the site. The position of the proposed houses is almost identical to the previous properties. Given the size and shape of the site, it is considered that the proposed layout is the optimal layout for a housing scheme on this site. The proposed road would be constructed to an adoptable standard and would provide a turning head. It is considered that the layout of the proposed scheme is acceptable.
48. There is a mix of house types on the site with semi-detached houses and linked terraced properties proposed. The design and appearance of the existing properties in the area is primarily two storey with hipped roof designs and having brickwork at ground floor and render at first floor level. Porch canopies above doorways are also a primary feature to the immediate surrounding properties. The proposed properties compliment the design and appearance of the surrounding dwellings. Hipped roof designs and porch canopies are proposed along with brickwork at ground floor and render at first floor level. The parking

areas are proposed to be constructed from herringbone pattern block paving with buff paving slabs to the walk ways. In terms of boundary treatment there will be a mix of fencing and high hoop top railings throughout the site. A landscape plan has also been submitted which shows the introduction of trees and planting within the site.

49. 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 of the surrounding area would not be adversely affected by the development. The proposal is considered to be in accordance with policies E15, H13, Q5 and Q8 of the local plan.

Highway and access issues

50. The site was previously served by a substandard highway which still remains at present. This highway is to be upgraded to an adoptable standard which also includes a turning head. The Council's Highways Officer is satisfied with the layout of the site and it is noted that the developer would need to enter into an agreement under Section 278 of the Highways Act to undertake improvement works to the adopted highway and under Section 38 of the Highways Act to dedicate a turning head as adopted highway. The development proposes 16 allocated parking spaces for each property which meets the minimum car parking standards. 7 visitor parking spaces are also proposed which are distributed evenly throughout the scheme.
51. Durham Bicycle User Group have raised concerns that there is no covered cycle provision included within the proposed development. On a scheme of 16 properties, it is considered the lack of covered cycle provision is not sufficient reason to warrant refusal of the application.
52. 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

53. 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”. A development of this scheme usually expects 20% of the housing on the site to be affordable homes. This application proposes all the properties to be affordable rent houses which will be managed by the applicant and registered social provider, Four Housing. The Council's Housing Team have not raised any objections to the scheme indicating that demand data has shown that there is sufficient demand to support 100% affordable on this site. Whilst 100% affordable provision is proposed, it is noted that current planning policy only requires 20% of the site to be affordable rental and this would therefore have to be reflected in a legal agreement.
54. Policies R1 and R2 of the local plan seek to ensure that the provision of open space for outdoor recreation is evenly distributed and is maintained at a level which meets the needs of its population. Policy Q15 also encourages the provision of artistic elements in the design and layout of new development. To comply with policies R1, R2 and Q15, developers can make financial contributions which can be used to provide or enhance open space and outdoor

facilities; and provide public art within the locality. These contributions would be £16,000 for the outdoor recreation and 1% of build costs for the public art and these would be secured through a Section 106 legal agreement.

55. 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.

Other issues

56. 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.
57. 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.
58. An Ecology Survey of the site has been submitted with the application. This survey concludes that the proposals to develop the site do not present a risk to protected species. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. 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.
59. Northumbrian Water have confirmed that the submitted drainage scheme is acceptable and the Council's Drainage Officer has not raised any objections. The drainage strategy plan will form part of the approved plans under condition 2. It is therefore considered that the proposed development would not compromise the surrounding area in terms of drainage. The Coal Authority have not raised any objections indicating the site is not within a development high risk area. The Council's Sustainability Officer has not raised any concerns with the scheme but has recommended that a condition is attached for details of low carbon measures to be submitted for approval prior to works commencing on site. A condition is recommended accordingly.

CONCLUSION

60. The site is previously developed as there was previously 15 residential properties on the site before they were demolished approximately 10 years ago. The site is located within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore

considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainable principles of the NPPF.

61. 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. 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.
62. The proposed scheme would introduce a typical modern housing estate with the properties built from materials that would not appear out of place within the local area. It is not considered that the proposed development would have an adverse impact on the surrounding landscape. The proposals are considered to be in accordance with policies E15, H13, Q5 and Q8 of the City of Durham Local Plan.
63. The Highways Authority has confirmed that the access into the site would be acceptable. 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.
64. The Council's Housing and Asset Teams have confirmed that there is sufficient demand in this location for a 100% affordable scheme. The developer, Four Housing, is a registered social landlord which will manage the affordable units. 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. 20% of the affordable provision and the developer contributions would be secured through a section 106 legal agreement.
65. Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
66. 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 development would be in accordance with part 11 of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 20% affordable provision; and a financial contribution of £16,000 towards open space and recreational provision in the locality; and a financial contribution of 1% of build costs towards public art in the locality; and subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
SK-100 D	Site Layout	14/10/2015
SK-114	Elevation and Floor Plans – End Unit	20/07/2015
SK-112 A	Elevation and Floor Plans – 1	20/07/2015
SK-110 A	Elevation and Floor Plans – 2	20/07/2015
SK-113	House Roof Plan and Section – 1	20/07/2015
SK-115	House Roof Plan and Section – 2	20/07/2015
SK-111	House Section and Roof Plan	20/07/2015
13N244-101 P2	Proposed Drainage Layout	20/08/2015
SK-101 B	Planting Layout	03/09/2015
L.01	Site Location	20/07/2015

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

3. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

Reason: In order to minimise energy consumption and to comply with the aims of the NPPF.

4. 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:

Pre-Commencement

(a) A Ground Gas Risk Assessment is required and shall be carried out by competent person(s) to determine the need for gas protection measures.

(b) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(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 NPPF Part 11.

5. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecology Report prepared by Dendra Consulting Ltd dated 17th March 2014.

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

6. 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 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

**Development of 16no. houses, 23 parking bays and new adopted turning head at land South Of 58 Cuthbert Avenue, Sherburn Road Estate, Durham
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