

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/00858/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>12 no. residential apartments</b>
<b>NAME OF APPLICANT:</b>	<b>Mr W Adams</b>
<b>ADDRESS:</b>	<b>3-6 Front Street, Wheatley Hill, Durham, DH6 3NJ</b>
<b>ELECTORAL DIVISION:</b>	<b>Trimdon and Thornley</b>
	<b>Laura Eden</b>
	<b>Senior Planning Officer</b>
<b>CASE OFFICER:</b>	<b>03000 263980</b>
	<a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is situated within the built up limits of Wheatley Hill within a mixed commercial and residential area. The site is currently cleared having once been occupied by a two and three storey cinema building fronting the main street. It is enclosed to the front and rear with a birds mouth timber fence.
2. The site fronts onto B1279 Front Street, one of the main routes through Wheatley Hill. To the north, south and immediate east of the site lie residential properties, to the north-west is Wheatley Hill Industrial Estate and to the west there are various commercial premises that line Front Street.

### The Proposal

3. Planning permission is sought to construct no.12 residential units consisting of six 1 bedroom and six two bedroom apartments. Amended plans were received during the application process revising the overall design of the proposal to overcome concerns. The proposal is similar in appearance to the 2009 approval identified in the planning history section below.
4. The apartment block would be three storeys high set back 1.3 metres from the main road. The building would have an overall height of 11.4m, would be 20.8m wide by 12.3m deep. The building is orientated to face onto Front Street but the vehicle and pedestrian access is to the rear from Moor View with 16 car parking spaces provided. The plans include small amenity areas, shared bin store areas and landscaping provision.
5. This application is being referred to the planning committee as it constitutes a major planning application.

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## **PLANNING HISTORY**

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6. 99/217 – Outline development for residential approved
7. 05/721 – Outline permission for 8 dwellings approved
8. PLAN/2007/0813 – 10 residential apartments approved
9. 5/PL/2009/0219 - 12 no. Apartments approved
- 10.5/PL/2011/0346 - Alterations to elevations & internal alterations to apartments - non material amendment to planning application ref no. PL/5/2009/0219 for 12 no. Apartments

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

11. 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.
12. 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'.
13. The following elements are considered relevant to this proposal;
14. 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.
15. 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
16. 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.
17. 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.
18. NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate

change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

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:**

### **Easington Local Plan**

19. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
20. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
21. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
22. Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
23. Policy 67 - Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.

## **RELEVANT EMERGING POLICY**

### **The County Durham Plan**

24. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. Northumbrian Water - No objection in principle however recommend a condition in relation to foul and surface water drainage.

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

26. Design – Consider that the amendments to the scheme are a significant improvement and the traditional design concept is similar to the previously approved plan. Recommend the imposition of conditions relating to materials and opening details.

27. Highways – Following the submission of amended plans no objection is raised subject to the imposition of a condition and informative relating to the off-site improvement works

28. Landscape – No objection however consider the scheme could be enhanced through a landscaping scheme

29. Contaminated Land – Require the imposition of a condition

30. Environmental Health - No objection to the development subject to the imposition of conditions

31. Archaeology - There are no known archaeological objections to this scheme

32. Sustainability – Condition relating to sustainability is required to be imposed

33. Police Architectural Liaison Officer – No objection

34. Drainage – Further details are required in relation to surface water drainage.

#### **PUBLIC RESPONSES:**

35. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. One letter has been received from a local resident querying three aspects of the development including surface water drainage, the capacity of the network to accommodate foul sewerage and waste collection.

#### **APPLICANTS STATEMENT:**

36. This planning statement is submitted in support of a planning application on land at 3,4,5,&6 Front Street Wheatley Hill. The application seeks permission for the construction of twelve one bedroom and two bedroom flats, to include car parking and some landscaped areas. The development will provide for affordable homes within the area and the statement is prepared on behalf of Mr W Adams the applicant in this matter.

37. The site benefits from a previously approved scheme that has now lapsed for a similar density development of twelve flats.

38. In addition to the planning statement and application revised plans the application is also supported by the following;

- i) design and access statement
- ii) environmental noise survey
- iii) phase one desk top study

39. The site is located adjacent to Front Street Wheatley Hill to the south and a site location plan is submitted with the application.
40. The site is rectilinear with dimensions of approximately 22.000m wide and 35.000m deep. There is a general fall north to south and the site is currently vacant.
41. The site is an infill plot between two residential dwelling to the east and commercial retail shops and first floor accommodation to the west.
42. The site is served from Moor View to the south an existing adopted road and this is the proposed access position for both pedestrian and vehicular traffic.
43. A more detailed description of the site and proposal is contained within the design and access statement.
44. The site benefits from a previously approved scheme of similar design and scale.
45. This proposal provides a comprehensive approach to the redevelopment of the site, which is currently vacant.
46. The proposal accords with national and local planning policies for the site redevelopment.
47. The proposal is recommended to the council for approval of the revised scheme.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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48. 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 principle of development, impact on surrounding land uses, visual impact, highway issues, S106 contributions and other considerations.

### Principle of development

49. The application site is located within the defined built up limits for Wheatley Hill and relates to a former brownfield site that has now been cleared. Policy 67 advocates support for housing proposals provided they lie within the settlement limits and relate to previously developed land. The current proposal would therefore be in accordance with this policy being former brownfield land and within the settlement limits.
50. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. Greater weight would need to be afforded to the guidance contained within the National Planning Policy Framework which is more up to date than the policies of the local plan. The NPPF advocates a presumption in favour of sustainable development and seeks to provide additional housing.
51. The County Durham Settlement Study identifies Wheatley Hill as a local service centre. Although such areas are less self-contained than larger villages and smaller towns the facilities they do have reduce a significant amount of trip generation between settlements. Wheatley Hill would therefore be regarded as a suitable and

sustainable location for new housing development. The application site is considered to fit well within the village form being an infill site in the row.

52. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of services, amenities and sustainable transport links. Future residents would therefore have ready access to these facilities without the need to utilise the private motor car. The NPPF applies a presumption in favour of sustainable development which this proposal is considered to represent.

#### Impact on surrounding land uses

53. In terms of neighbouring amenity policy 35 of the local plan aims to ensure that developments have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
54. Distancing standards outlined in the local plan recommend that a minimum of 21 metres is achieved between opposing elevations containing habitable windows. These distancing standards are comfortably achieved in relation to the development and the properties to the south of the site located off Moor View. With regards to the properties to the north on the opposite side of Front Street the distances fall short of the standards recommended due to the established street pattern and are around 17m. Given the clear benefits to the street scene in terms of redeveloping the site and that the distance does not fall significantly short of those recommended it is not considered to be a reason to refuse the application.
55. Both the adjacent properties have windows in their side elevations overlooking the development however these serve non-habitable rooms. It is acknowledged that the three storey building would sit adjacent to no.2 Front Street, a dormer bungalow. Despite the clear differences in their overall height given the orientation of the buildings and that they would have similar front and rear build lines it is not considered that the proposed apartment block would have a significant overbearing impact or result in issues of overshadowing.
56. Environmental health officers have been consulted on the scheme. They note the site is a high street location therefore the surrounding area is in mixed use. With regards to noise disturbance they have no specific concerns given that the nearby Rock Cliff Dairies are no longer operating and properties would be set back from Front Street which is limited to 30mph. Although they do not object to the scheme they do recommend conditions relating to considerate construction practices are imposed however it is considered that this could be dealt with by means of an informative.
57. Overall, it is considered that the proposals detailed in this application would not have an adverse impact on surrounding uses and the proposals would be in accordance with policies 1 and 35 of the local plan.

#### Visual Amenity

58. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy 35 of the Easington Local Plan requires the design and layout of developments to reflect the scale and character of adjacent buildings and the area

generally, particularly in terms of site coverage, height, roof style, detailed design and materials.

59. The proposal would introduce a three storey building in an area that is typically characterised by two storey properties. The former building on the site was part three storey and there are variations in ridge height along the frontage albeit the properties are two storey. The site occupies a prominent position within the front street and the cleared site is an uncharacteristic void in the developed frontage therefore there are clear advantages in seeing the site redeveloped. The design officer has assessed the proposal and following the submission of the amended plans offers no objection to the more traditional design approach that reflects the 2009 approval. The detailed design incorporates features such as heads and cills which is considered to be acceptable however lacks detail regarding materials and openings. These matters can be dealt with by means of planning conditions.
60. The plans indicate areas of landscaping however no specific details have been provided. A landscaping scheme is therefore required to agree these details.
61. Overall it is considered that the proposals are acceptable in visual terms and would be in accordance with policies 1 and 35 of the local plan.

### Highways

62. The twelve apartments would be served by sixteen on-site car parking spaces therefore would comply with Durham County Council's residential car parking standards. Cycle storage arrangements are also shown on plans which is also welcomed.
63. The proposed new access for the development off Moor View will require the creation of a new footway type vehicular access crossing in conjunction with the removal of the existing access. A condition and informative are proposed to agree the details of these works and ensure they are completed prior to the occupation of the properties.
64. The highways officer has also queried what will happen to the surface water drainage of the car parking area as this would not be permitted to discharge on public highway. This matter would be dealt with by a surface water planning condition.
65. Subject to the above it is considered that the proposed development would not compromise highway safety.

### S106 contributions

66. Policy 90 of the local plan as well as evidence within the Council's Open Space Needs Assessment (OSNA) requires new housing development to contribute to the provision and enhancement of outdoor sports facilities. In this instance a developer contribution can be made towards the enhancement and upgrade of recreational facilities in the locality. The amount of these contributions would be determined pro-rata on the final number of dwellings approved, but would equate to £500 per unit the established rate for the former Easington District Council area. This contribution would help to support and improve facilities within the surrounding locality for the benefits of the additional properties and also existing residents of the local community. Adequate on site provision is not being provided therefore the applicant would be required to enter into a Section 106 Legal Agreement to secure a financial contribution of £6000 for off-site play/recreation provision.

## Other issues

67. The Contaminated Land Officer has assessed the available information and historical maps. Due to the fact that this development proposes a more sensitive end use a contaminated land condition should be imposed.
68. The Council's Drainage Officer and Northumbrian Water have been consulted on the proposed application. No objections have been raised however a condition has been requested for details of foul and surface water drainage to be submitted prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.
69. The Council's Sustainability Officer has not raised any objections however a condition is recommended for further information to be submitted in relation to sustainability embedded into the development. A condition is recommended accordingly.
70. The Council's Archaeology Team have not raised any objections to the proposed scheme as the site does not lie within a recording area. The site does not lie in a high risk coal mining referral area.
71. One letter has been received from a neighbouring property querying aspects of the development. In relation to foul and surface water drainage a condition has been imposed to agree these details. Shared bin store areas have been shown on the plans however detailed plans have not been submitted therefore a condition is proposed.

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## CONCLUSION

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72. In conclusion, the location of the proposed development is considered sustainable as it is well related to the existing settlement. It is considered that the site has the potential to be developed without causing a significant adverse impact to residential and visual amenity in addition to highway safety. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of the National Planning Policy Framework and saved Policies of the current Local Plan.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £6000 for off-site play/recreation provision, and 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: Application form and Design and access statement



received 10/05/2016, site location plan received 24/03/2016, Drg. no. 1A and Drg. no. 2A received 10/05/2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 and 35 of the Easington Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

4. Notwithstanding the details shown on the approved plans precise details of all new fenestration including door openings, glazing, heads and cills shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

6. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the appearance of the area and to comply with policies 1 and 35 of the District of Easington Local Plan.

7. Prior to the commencement of the development details of the design and appearance of the bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed and available for use prior to the occupation of the building.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

8. Prior to the commencement of development full engineering details of the off-site highway improvement works to the Moor View public footway must be submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the construction of the off-site highway improvement works to the Moor View public footway have been completed in accordance with the approved details.

Reason: In the interest of highway safety and to comply with saved policies 1 and 35 of the Easington Local Plan.

9. 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 Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No 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

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

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

10. 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 the interests of sustainable construction and energy generation in accordance with the aims of with saved policies 1 and 35 of Easington Local Plan and Part 10 of the NPPF.

11. No development shall take place until a detailed scheme for the disposal of foul and surface 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: To prevent the increased risk of flooding from any sources and in accordance with Part 10 of the NPPF.

12.No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

13.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 saved policies 1 and 35 of the Easington Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the 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 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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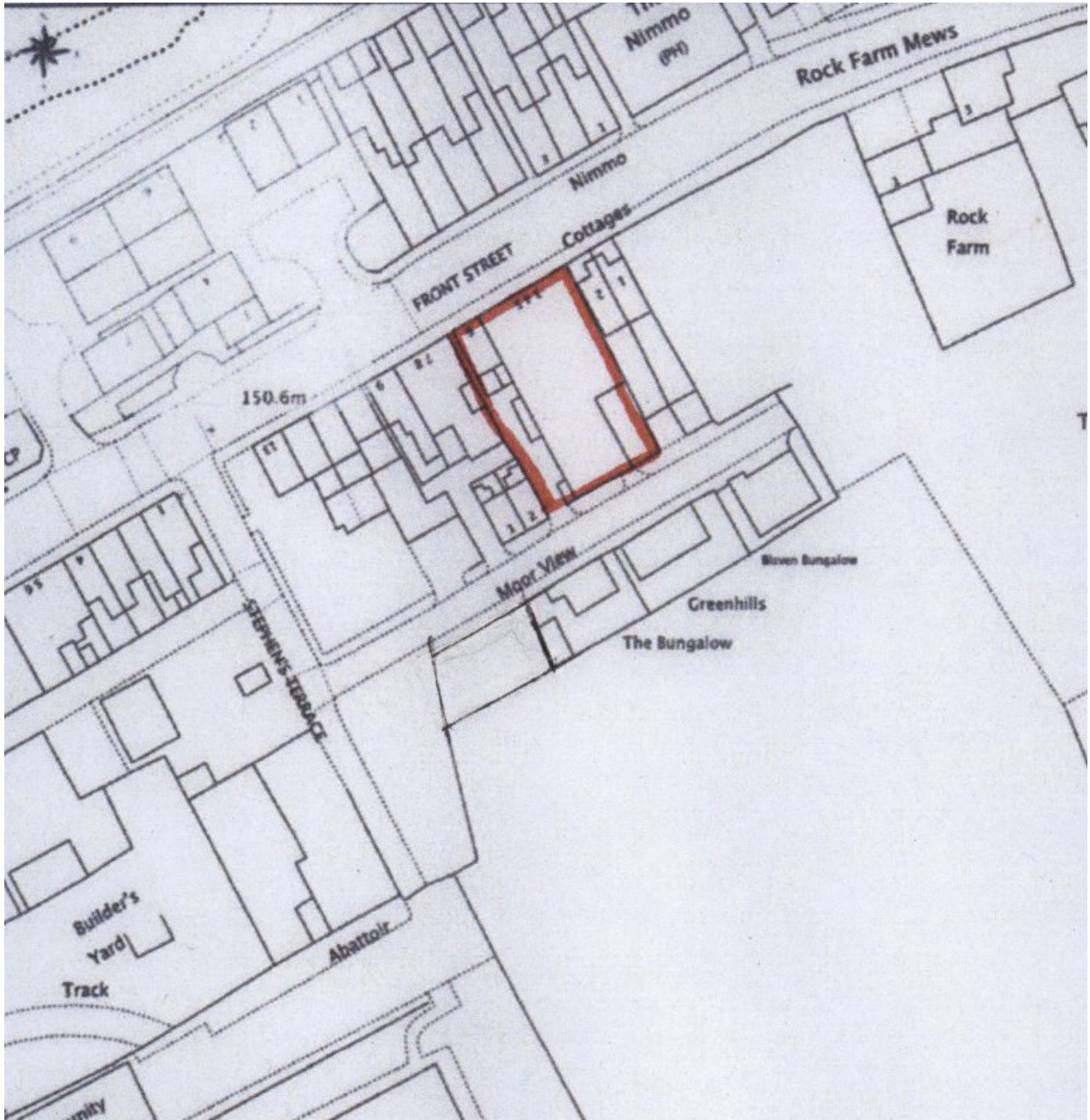
Submitted Application Forms, Plans and supporting documentation  
Easington Local Plan  
National Planning Policy Framework

Internal consultee responses

Public response

Responses from statutory and other consultees

National Planning Policy Guidance



**Planning Services**

**12 no. residential apartments at 3-6  
Front Street, Wheatley Hill, Durham,  
DH6 3NJ Ref: DM/16/00858/FPA**

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**Date**  
**14<sup>th</sup> June 2016**