



Area Planning Committee (South and West)

Date Thursday 17 November 2016
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 20 October 2016 (Pages 1 - 12)
5. Applications to be determined
 - a) DM/16/03231/OUT - Garage site at Biscop Crescent, Newton Aycliffe (Pages 13 - 20)
Erection of 1no. bungalow (Outline application - all matters reserved) including demolition of existing garages.
 - b) DM/16/03232/OUT - Land to the east of 10 Hatfield Road, Newton Aycliffe (Pages 21 - 28)
2no. dwellings (Outline application – all matters reserved) including demolition of existing garages.
 - c) DM/16/01450/OUT - Land South Of Beacon Avenue, Beacon Lane, Sedgefield (Pages 29 - 48)
Resubmission of refused application DM/14/02318/OUT, proposed residential development with all matters reserved (indicative 34 dwellings)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

Durham
9 November 2016

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)
Councillor M Dixon (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,
L Taylor, C Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 20 October 2016 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors M Dixon (Vice-Chairman), B Armstrong, H Bennett, J Clare, K Davidson, C Kay, S Morrison, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

1 Apologies

Apologies for absence were received from Councillor D Bell.

2 Substitute Members

Councillor H Bennett substituted for Councillor D Bell.

3 Declarations of Interest

Councillor Richardson noted that it had been suggested that he had an interest in the Windmill item. He informed the Committee that he was familiar with both parties but that he was not a Member of the Windmill Residents Group and would consider the application with an open mind after hearing all arguments.

4 Revocation, Modification and Discontinuance Orders, Mill House Farm, Windmill

The Committee had received a report of Legal and Democratic Services with regards to Revocation, Modification and Discontinuance Orders, Mill House Farm, Windmill. The report was exempt by virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Chairman confirmed that the report was to be noted by Members and as they had received the report well in advance of the meeting, having considered it and its contents, he sought a motion to exclude the public in order to debate the exempt report if Members felt like this action was necessary. No members moved exclusion and therefore members of the public were not excluded from the meeting.

Members did not have any queries with regards to the content of the report and therefore Councillor Dixon moved that Members noted the contents of the report as per the recommendation, seconded by Councillor Davidson.

Resolved

That the content of the report be noted.

5 Revocation, Modification and Discontinuance Orders, Mill House Farm, Windmill

The Committee considered a report of the Planning Development Manager with regards to Revocation, Modification and Discontinuance Orders, Mill House Farm, Windmill (for copy see file of minutes).

The Planning Development Manager referred to an update which had been published in addition to the report following the receipt of late comments from two interested parties who had both requested that the report be withdrawn. Following a discussion with Legal Services, the Planning Development Manager had concluded that there were no grounds to withdraw the report and the content of the update report contained a description and response to the objections from both interested parties.

The Planning Development Manager gave a detailed presentation which included plans and photographs of the site. Members had also attended a site visit earlier in the day.

The Clerk of Evenwood and Barony Parish Council addressed the Committee in support of Mill House Farm and thanked the Planning Development Manager for the detail in the report which highlighted the constant allegations it had been subjected to and also the pressure of a police investigation, a court case and a decision of the Local Government Ombudsman (LGO), based on a flawed report. He advised that the decision of the LGO had been made following receipt and consideration of forged documents claiming to be from the Parish Council, but in fact written by a third party. Mrs Sewell had suffered years of uncertainty whilst being subjected to intolerable personal, financial and emotional strain. This was through no fault of her own, but due to the errors of the Council and the document forgery. The Parish Council confirmed they were in full support of Mill House Farm and would prefer the outcome to reflect Option 2. If there was to be any action at all taken, then a combination of Options 3 and 4 would be preferable as the Parish Council did not want the owner of Mill House Farm subjected to any additional financial burden.

Councillor Nicholson, Chair of Evenwood and Barony Parish Council referred to the update report and described it as ironic that one of the interested parties had sought an apology and withdrawal of the report and described it as an inaccurate written, false and damaging claim about her. The same person had been arrested and charged, then consequently found guilty of using a false instrument. Without the two forged documents, the LGO would never have reached the conclusion it had and Members would not be considering the matter. She urged Members to help Mill House Farm.

Mr Potts, Wind Mill resident and objector, gave a presentation which described the impact of the existing approved planning permissions of Mill House Farm. He confirmed that Wind Mill was a traditional farming village where animal activity, smells and noise were expected and residents had lived alongside these conditions for decades without problem. The barns at Mill House Farm would allow in excess

of 320 housed cattle in three barns 40-90m from residential properties. He suggested that had the applications been in front of the Committee for consideration and the impact on amenity assessed correctly, they would be refused.

Mr Potts stated that the Council had issued a written apology to the residents of Windmill for the suffering caused. The LGO had requested that the Council address the issue regarding the permanent housing of high numbers of livestock and remove the impact on residents. The LGO had also required the Council to identify measures which would remove the impact on residents and to also make a decision on whether to revoke or amend the existing permissions. Mr Potts suggested that the use of the barns that Members would have witnessed on the site visit was not relevant to the decision being made. The issue for the Committee to consider was the fact that existing permissions allowed the land and barns to be used to permanently house in excess of 320 livestock.

Mr Potts confirmed that in 2010 planning permission had enabled 160 cattle to be housed in the two existing barns, however in 2015 there were 243 animals on the site. Mr Potts suggested that the LGO wanted the impact on residents to be removed permanently. He confirmed that there had been two LGO reports and three independent reports relating to the impact on amenity, which had all concluded that permission should be revoked or significantly modified in order to remove the impact on residents. The report by AECOM had only assessed 50 housed cattle and had concluded that the number of housed livestock should be reduced and restricted, and the impact on residents removed. The outcome of the Fairhurst report was unknown as residents had never been provided with copies, however it had also concluded that housed livestock numbers needed to be reduced and restricted. Robson & Liddle had concluded that such livestock numbers could not be sustained on the land unless they were permanently housed. When Mill House Farm had been monitored with regards to the noise, almost all housed cattle and heavy machinery was moved off site, with only 15 cattle left in the barn. The conclusion was that 15 housed cattle was borderline statutory nuisance yet the permission attached to the land allowed more than 320 animals and there had been at least 243 animals in July 2015.

The conditions the Council were proposing were unrealistic and impractical and Mr Potts suggested that the restricted times for site activity and waste management plans would not be adhered to. He considered that the existing conditions had not been monitored by the Council and there had never been any enforcement action taken despite repeated breaches. He suggested a number of planning conditions, which included only housing 15 animals in barn 1 in emergencies only and not housing livestock at all in barns 2 and 3. Mr Potts claimed that the business model for the Farm was to intensively house livestock. Residents believed that new conditions should not be forced on to the landowner, nor should they be forced to reduce the business from farming 320 animals to fewer than 15. Residents did not believe the landowner should be penalised for the Council's failures, however the impact had to be removed and the existing permissions allowed barns which were too close to residential properties to permanently house livestock. The only way to remove the impact was to revoke all three of the existing planning permissions. This would enable the business to be moved to an alternative and more suitable

site which was a suitable distance from existing homes. Mr Potts believed that Officers of the Council had repeatedly alleged that residents had not paid Council Tax since 2012 and had also claimed complaints about the site were unfounded or exaggerated. He confirmed that this was not the case, all residents had paid Council Tax and over 150 documents evidencing site impact were missing from Council files for the LGO investigation.

Mr Potts summarised that all three permissions should be revoked, the landowner fully compensated, and the land returned to a traditional farming field.

Mr Cuthbertson, NFU Mutual and Group Secretary of the Weardale branch, was speaking in support of Mill House Farm. He asserted that the situation of Mill House Farm, was a result of the Local Planning Authority and the Action Group and not of the actions of Mrs Sewell. He confirmed that all existing permissions had been granted by following the correct application process and investigations carried out by all statutory bodies involved had found no wrongdoing. The Council had been found guilty of maladministration by the LGO, which had nothing to do with Mill House Farm and despite what had been stated in the presentation by Mr Potts, there had been no breach of planning conditions or orders. Mill House Farm had been subjected to the full force of the Action Group, the conduct of which, he believed was in excess of normal acceptable behaviour. Mrs Sewell had suffered a devastating effect on her health and the lack of conditions with regards to the existing planning consent was the fault of the Council, not Mill House Farm, which was the victim of this ordeal. Mrs Sewell had been forced to install 24 hour CCTV surveillance for her own protection, due to the anti-social behaviour she had suffered.

Mr Cuthbertson confirmed that in 2013 Mrs Sewell had been made aware that the remainder of the LGO report would stand. The Council chose not to rectify the injustice and he reiterated the devastating effect this had on Mrs Sewell's health. He asserted that no financial reimbursements had ever been offered to Mrs Sewell.

Retrospective planning conditions were not the answer or the solution to neighbourhood disputes that were originally caused by the maladministration of the Council and Mr Cuthbertson claimed that none of the conditions listed in the report were workable. He suggested that the Council were recommending the least costly avenue and with regards to all of the people affected, there was no guarantee that the abuse would not continue.

Mr Cuthbertson referred to the conditions set out in the report and confirmed that Mill House Farm was already in breach of condition b) as the animals were housed for the winter already despite only being October. The Planning Authority were attempting to subject Mill House Farm to unreasonable and excessive conditions which he considered amounted to more injustice and bullying. He suggested that the Council were attempting to take the least timely and costly avenue rather than correcting the injustices caused by them. He stated that any conditions would be contested at every opportunity.

The Chairman invited the Planning and Development Solicitor to respond to any issues raised by the speakers. The Planning and Development Solicitor noted that the representative of the Parish Council had made references to forged letters and reminded Members that they were here to consider their preferred option with regards to the three existing permissions and not to be distracted by the background of the case.

The Solicitor confirmed that a number of points had been raised with regards to the instructions of the LGO to permanently remove the impact of the barns. She confirmed that the LGO prescribed a process but that there had been no instruction from the LGO which had prescribed an outcome – if the LGO had done this, the Committee would have no need to consider this report.

The Planning and Development Solicitor clarified that the LGO had requested the Council to commission a report with regards to the impact of the barns and for the Council to make a decision with regards to what action to take, if any. Regarding the reference to a Waste Management Plan, this had had been attached as a condition to barn number 3 which had not yet been constructed and therefore in the absence of a building, no plan applied and no breaches had occurred.

The Planning and Development Solicitor responded to Mr Cuthbertson's reference to the proposed conditions being unworkable and the fact that the animals were already housed. There was a general requirement to keep land in good agricultural and environmental condition and therefore the Officers believed the conditions were workable. A 'winter housing' condition had previously been imposed with no objection from the landowner. She confirmed that the Secretary of State would be required to confirm any orders and so there would be an opportunity for a Public Inquiry and finally in response to the claim that the Council was recommending the least costly avenue, reminded Members that the exempt report had given details of financial implications to ensure they had full knowledge of the potential costs involved.

The Planning Development Manager confirmed that he had been closely involved with Mill House Farm over the last three years and was unaware of any outstanding enforcement issues. All complaints had been fully investigated as evidenced in the report and enforcement action had twice been taken for the removal of a hedgerow and two caravans. He was confident in the way that the site had been policed to the appropriate standards and it was accepted that should the recommendation to impose additional conditions be approved, there would be additional enforcement monitoring. He confirmed that the conditions had been drafted with advice from a specialist agricultural surveyor and had been recommended with the agreement of Planning and Legal Officers, who were also satisfied that they could be enforced.

Councillor Davidson had considered the report on a number of occasions and described it as distressing to read. He was concerned about the potential number of cattle which would be housed should barn no. 3 be erected however he referred to the site visit and considered the site to be an adequate location for a farm, therefore to remove it, as per Option 1, would not be appropriate.

Councillor Dixon reiterated that this was not a normal planning application and advised the Committee to stay clear of the history of the case and consider a position which would assist both Mill House Farm and the residents to move forward and meet the needs of both. He considered Option 6 as the only option which met the needs of both parties and could assist them in moving forward.

Councillor Patterson referred to the site as open countryside and the number of animals grazing on the land was something for consideration under a different legislation and not within the remit of planning. She was concerned at the lack of evidence with regards to nuisance noise and odour and suggested that since the applicant had not breached any conditions and the Council had not upheld any of the complaints, the applicant should be monitored and evidence gathered, before conditions were implemented.

The Planning and Development Solicitor confirmed that officers found the current operation of the site did not have any unreasonable impact on the amenity of local residents. Members were being asked to consider the potential future impact should the third barn be erected and no further planning conditions be imposed.

The Planning Development Manager confirmed that the land was of agricultural use, there was an adjacent farm in close proximity and it was within the character of Windmill. Should Members conclude there was no potential for significant impact, they may prefer to consider and recommend Option 2. He confirmed that there were no concerns with regards to animal welfare –relevant organisations had been consulted and had confirmed that with regards to stocking in barns and on the land as a whole, the animals were able to be accommodated, in compliance with animal welfare standards.

The Environmental Health Officer was invited to speak and confirmed that no statutory nuisances had been observed on any investigation carried out at the site. However he reminded Members that the reports commissioned by the council demonstrated the potential impact of the site should it be used to its fullest extent allowed without further controls.

The Environmental Health Officer was invited to speak and confirmed that no statutory nuisances had been observed on any investigation carried out at the site. He reminded Members that consideration was for the potential impact of the site and therefore they should consider this as they would consider a new application.

Councillor Kay had not visited this site however he did often cycle through the area and was well aware of the vicinity. Planning permission had been granted in error and there was a ruling of maladministration against the Council, however there had been no wrongdoing by Mill House Farm in its current operation. There was the potential for an impact in the future which could not be guaranteed, however he agreed that a compromise was needed to enable both parties to move on, and that was Option 6.

Councillor Clare referred to the tragedy of the situation which had destroyed a community and had been detrimental to the quality of life of all involved. Members had been asked to give advice to the Head of Planning and Assets in order for him

to come to a decision and Councillor Clare considered this community required a permanent solution for them to come to terms with and which would enable them to live the rest of their lives. He referred to the two completely different views expressed by the speakers – one was requesting demolition of the existing barns and to cease the operation altogether, or reduce it to 20 cows and another was requesting the Council to do nothing. Councillor Clare felt that neither of those conclusions were suitable or acceptable in this situation. Barclays Bank who held a secured charge over the relevant land, had also issued a plea for the Committee to consider the effect that this decision could have on the value of the land, which was essentially determined by its ability to function as a farm. Councillor Clare concluded that it was a functioning farm in a rural area and it should be allowed to remain in operation, however he considered Option 6 as the only way to ensure that a middle ground was reached for both parties.

In response to a query from Councillor Clare, the Planning and Development Solicitor confirmed that the report from Fairhurst recommended a cap on the number of animals for animal welfare reasons. The welfare of animals would be applicable under animal welfare regulations and supervision by DEFRA and therefore a condition attached to the planning consent would appear to duplicate other statutory controls and therefore would not be necessary.

Councillor Dixon confirmed that should the Committee be minded to recommend Option 6 as their preference, there were no restrictions preventing a further application from being submitted for a third barn.

Councillor Richardson confirmed that he had been involved in the planning process since it began in Teesdale District Council and regardless of the planning history, Members had to recommend a solution, which could only be supported by Option 6.

Councillor Patterson confirmed that the Committee were not responsible for finding a balance or to please one side or the other, or both, but were to look at the facts and recommend the option which was best. She was concerned that should the Committee recommend Option 6, they would be imposing unrealistic conditions. She referred to condition b) which restricted the months of which animals could be housed between November to April and confirmed that in Tow Law, animals were already housed due to adverse weather. She suggested that to impose conditions in the absence of sufficient evidence of unreasonable impacts was unfair. Councillor Dixon suggested that the Committee may recommend the addition of adverse weather to be included as an exception to the condition should it be accepted as a reason for emergency housing.

Councillor Armstrong agreed that the conditions may have needed tweaking to allow the business to operate, however she considered Option 6 to be the most desirable outcome.

Councillor Dixon confirmed that the Committee's concerns should be fed back to the Head of Planning and Assets in addition to their recommendation prior to any decision being made and he moved that the recommendation to impose Option 6 be approved.

Councillor Davidson queried the need for the Committee to vote for a resolution, however the Chairman considered it relevant to record the consensus in the circumstances.

Councillor Clare seconded the recommendation made by Councillor Dixon and confirmed that there was not an option which would please everybody, however Option 6 would be a compromise.

Councillor Patterson appreciated there had been two reports commissioned by the Council, however the nuisances and impact on amenities referred to were based on potential, rather than an actual. Councillor Patterson suggested a portfolio of evidence should be required before conditions were imposed and therefore her preference was Option 2.

Resolved

(Councillor Patterson dissenting)

That Option (6) Revocation and Conditions, as outlined in the report, be recommended to the Head of Planning and Assets on behalf of the Committee, as the preferred recommendation.

6 Minutes

The minutes of the meeting held on 22 September 2016 were agreed as a correct record and signed by the Chairman.

Councillor Patterson left the meeting.

7 Applications to be determined

a DM/16/01325/VOC - Site Of Former School, 28 Front Street, Staindrop, DL2 3NH

Consideration was given to the report of the Senior Planning Officer regarding an application on the variation of condition 2 of application DM/15/00292/FPA to amend the design of the scheme (retrospective) at site of former school, 28 Front Street, Staindrop.

The Senior Planning Officer gave a detailed presentation which included plans and photographs of the site. Members had also attended a site visit to the property.

Local resident, Mrs Grice confirmed that she and her husband had met with the architect and raised two concerns with regards to the development. The first was with regards to the height of the building and they were reassured that it would be no higher than the nearby telegraph pole. The second issue raised was with regards to parking in the lane – she added that there had been a recent near miss involving a child as reported by the Teesdale Mercury. However they had not objected to the proposal as they had been reassured following the meeting.

They had accepted that the windows in the roof would look back over their property, however on the original plans they were at head height and had been installed at waist level, which would reduce the amount of overlooking to their property. Had the roof been built to the prescribed height and pitch, the impact with regards to loss of privacy would have been minimised. This loss of privacy was confirmed by Mrs Grice who stated that workmen had waived to her from the roof windows as she washed dishes in her kitchen. She urged Members to refuse the application and required the roof be restored to its original height and the windows of the third unit be addressed in order to eliminate any overlooking. Mrs Grice referenced the delegated report which confirmed that permitted development rights should be removed with relation to roof extensions, to protect residential amenity and the conservation area setting.

Mr McGill spoke on behalf of the Applicant as his Agent and confirmed that before the development commenced, the site was derelict and an eyesore in the area. Following the approval of the application in 2013, there had been no interest in the site and therefore it was considered to be unviable. In 2015 the applicant had been careful to ensure that objections by local residents were dealt with face to face, rather than via Planning Officers and the fact that they had raised objections had confirmed that this was not the correct route to go down. The applicant had also made other changes which he regretted. With regards to the design of the windows, he had accepted that this needed to be rectified, however the issue of overlooking was minimal – the distances between the properties was well in excess of normal limits. There was no impact to neighbours, particularly those in adjoining properties and he confirmed that there had been an improvement to amenity due to the demolition of part of the old buildings. The applicant had suffered a huge amount of difficulty – some of which had been brought on by his own actions, but some were to please neighbours, however on the whole this was a positive scheme which would improve the character of the conservation area.

The Senior Planning Officer confirmed that the objection raised was with regards to overlooking since the changes in height to the roof and the position of the windows, however the distances were well in excess of 21m – it was measured at approximately 30m and no negative impact to amenity had been identified.

With regards to the traffic management, the road was used as a cut through to the school, however there were parking spaces included within the courtyard which would limit the impact of on street parking.

Councillor Richardson was the local Member and referred to the concerns regarding the height which had been reported to the Enforcement Officer. They had told the builders to stop, however they had continued working on the roof until a stop notice was served by the Enforcement Officer. With reference to the Agent's statement which described the changes as minor and also criticised the objectors, he confirmed that these were not minor changes, they were affecting the privacy of the residents who were being watched in their own back yard. He was appalled that the plans were up for approval as the applicant had been working to a different plan than what was originally approved by the Council. He referred to the objection from Staindrop Parish Council, of which he shared the same views. He queried how an originally approved development could proceed with so many arbitrary

changes, which had resulted in the issue of a temporary stop notice. Referring to the current system as deficient for allowing developers to ignore planning constraints and submit a retrospective application. He suggested that this sent out the wrong signal to the majority of people who abided by the rules. Current planning policy and law was in favour of applicants against the interests of communities, usually in favour of development. Until stronger action was taken against breaches of the planning system and developers were made aware of the consequences of not adhering to the rules, these issues would continue. Councillor Richardson urged the Committee to consider the message that approval of the amended development would send out to other applicants.

The Planning and Development Solicitor confirmed that carrying out work without planning permission was not a criminal offence and recent Government Policy allowed Planning Committees to consider the retrospective nature of a development as a material planning consideration.

Councillor Dixon confirmed that the applicant had agreed to change the windows and had accepted that he had made mistakes with regards to the roof. The scheme overall was good for the area and should Members refuse the application and the viability of the scheme with regards to the costs involved in restoring the roof to its original height could jeopardise the development.

In response to a query from Councillor Davidson, the Senior Planning Officer confirmed that the increase in height was above eaves level, however he was unaware of the reasons for the increase. Councillor Davidson referred to the argument regarding loss of privacy and considered 30m as an acceptable distance. In addition the rooms in question were not habitable rooms, of which 21m would be the required distance. Although the Applicant may not have been scrupulous, the Committee had no grounds to refuse the application.

Councillor Armstrong agreed that the changes to the windows needed rectifying, however she had observed the height of the building on the site visit and it was no higher than the building opposite. She did not consider it a significant enough reason to refuse and therefore supported the Officers recommendation.

In response to Councillor Zair the Applicant explained that the foundations had been lowered further into the ground than on the original plans and therefore had made the peak of the roof no higher than originally planned.

Councillor Clare referred to the statement from the Applicants agent and felt the language used by him with reference to the objections, was inappropriate. Notwithstanding, had this been a new application in front of the Committee, the resolution would be to approve. In response to a query from Councillor Clare the Principal Planning Officer confirmed that although a copy of the original delegated report was not available, the issue regarding the removal of some permitted development rights as identified by Mrs Grice was with regards to dormer windows. Councillors Clare and Kay supported the recommendation to approve.

Councillor Richardson confirmed that the question for Members was not whether they would approve this application had it not been retrospective and suggested

that Members would be setting a dangerous precedent should they recommend approval.

Councillor Davidson moved the recommendation, seconded by Councillor Clare.

Resolved:

That the application be approved as outlined in the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/03231/OUT
FULL APPLICATION DESCRIPTION:	Erection of 1no. bungalow (Outline application – all matters reserved) including demolition of existing garages
NAME OF APPLICANT:	Livin
ADDRESS:	Garage site at Biscop Crescent, Newton Aycliffe, Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Mark O’Sullivan, Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to a block of 3no. residential garages, owned by Livin, set back to the north of Biscop Crescent. These garages are framed by grassland to the south and west with a hardstand driveway and turning area located to the south. To the north lies a pair of semi-detached bungalows, with 2 storey dwellings to the east, south and west. Biscop Crescent wraps around the application site to the south and west.
2. The proposal seeks demolition of the garage block and erection of 1no. detached 2 bed bungalow in its place, to be managed by Livin as affordable rent or ownership. This is an outline application with all matters reserved, however an indicative site plan shows the potential development footprint and access from Biscop Crescent.
3. The application is being reported to the Planning Committee at the request of Cllr Jed Hillary who raises concern over the loss of the garages which could result in the exacerbation of local parking issues.

PLANNING HISTORY

4. There is no relevant formal planning history relating to this particular parcel of land.

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 dependent.

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'. The following elements of the NPPF are considered relevant to this proposal;
7. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
8. *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.
9. *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.
10. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

11. The development plan is the Sedgefield Borough Local Plan saved policies:
12. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
13. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
14. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
15. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.

RELEVANT EMERGING POLICY:

The County Durham Plan

16. 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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Aycliffe Town Council* – Have made no comment on the application.

18. *Highway Authority* – No objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

19. *Ecology Section* – No objections.

20. *Environmental Health (Noise)* – Have no comments other than recommendation that sensitive site operations are carried out during construction.

21. *Environmental Health (Contaminated Land)* – Advise that given the potential for made ground / contamination on the site associated with the garages and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should be applied to any approval.

PUBLIC RESPONSES:

22. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. No comments have been received in response to this exercise at the time of preparing this report.

APPLICANTS STATEMENT:

23. Over the last few weeks Livin have completed a series of both Health & Safety and stock condition surveys on livin's entire garage portfolio. This has assisted Livin's Asset management team to identify which garages have a negative Net Present Value (NPV) and therefore lose money from its business plan. This information combined with the demand data has been used to categorised the garage stock from high (high demand and good condition) to low (no demand and poor condition). This data is being used to prioritise a programme of refurbishment and possible demolition. Other factors such as anti-social behaviour, vandalism, fly tipping, graffiti, etc. will also impact on the decision to retain or remove a garage block.

24. Prior to any investment in the garages, Livin consider if there is any future development potential of the site to meet a housing need in the community in terms of affordable rent and/or affordable home ownership, hence applications for both Biscop Crescent and Hatfield Road. The provision of affordable housing is a key strategic issue for DCC.

25. Livin will consider the provision of in-curtilage parking for livin tenants displaced from any demolitions, or if available relocation to an alternative garage site if it is proved that the garage is used for the use of a vehicle and not storage. Private owner occupiers who rent a garage will be offered alternative garage sites if available, however no in-curtilage parking could be offered as this would be against Livin's charitable objectives.
26. Should a decision be made to demolish a garage block and not redevelop that site, Livin would also have any hard standings removed to remove any long term maintenance liabilities. It would not be the intention to provide off street parking in this situation as again this would be an investment issue going forwards with no financial income being received to fund on-going repairs.

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

27. 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 at outline stage relate to the principle of development, highway safety, ecology and land contamination.

The principle of the development:

28. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. However, given the age of the Sedgefield Local Plan, its general housing policies are out of date and therefore carry little weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
29. The overarching principles of the NPPF seek to secure development in sustainable locations and one of the core land use principles is to encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
30. Newton Aycliffe is a Main Town, as identified in the County Durham Settlement Study. The application site lies in an established residential environment and has good links to the local amenities and services in the town. An additional dwelling would make a meaningful contribution to housing supply and social objectives, and furthermore, the site constitutes brownfield land.
31. Visually, the existing garages do not contribute positively to the character and visual amenity of the area given their present condition and appearance, and they have been identified by the owner as uneconomical to repair in the context of their business plan. Although matters of design and the relationship with neighbouring properties would be subject to reserved matters approval it is likely that an acceptable bungalow development could be achieved that would sit comfortably in the context of the site and have acceptable relationships with neighbouring properties.

32. The proposal would therefore deliver economic, social and environmental benefits and is wholly in accordance with the core principles of the NPPF. It should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Highway safety:

33. Saved policies H17 (A) and D3 of the Sedgefield Borough Local Plan, as well as NPPF Part 4 require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

34. The application has been called to Committee over concerns about potential displacement of parking onto the public highway as a result of the loss of the 3 garages.

35. The garages are owned by Livin who have confirmed that only 2 of the 3 garages are presently rented out, and it likely that they are used for general storage rather than for vehicles. Livin have their own policies for relocation of garage tenants to alternative sites if available, so it does not necessarily mean parking will be displaced onto the highway, especially if the garages are only used for storage.

36. However, even if the proposal does lead to 2 vehicles being displaced on to the surrounding highway, the Highway Authority is satisfied this would not be at a level that is detrimental to highway safety, and the proposed development itself does not raise any highway safety objections.

37. There is no conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and in accordance with NPPF paragraph 32, the residual cumulative impacts of the proposal on highway safety could not be classed as severe and therefore there are no justifiable reasons to refuse the proposal on highway safety grounds.

Ecology:

38. As the proposal involves demolition, regard must be given to potential impacts on bats, a protected species.

39. In this case the garages are flat roofed and cold. As such, they do not represent suitable habitat for breeding or hibernating bats. The risk of disturbing bats or loss of habitat is therefore extremely low. The Ecology Section has considered the proposals and have no objection. There is no conflict with the requirements of the Habitat regulations and Part 11 of the NPPF.

Contaminated Land:

40. Given the current use of the site for domestic garaging/storage it is very unlikely that there would be any significant ground contamination and therefore it would be appropriate to leave this matter to a condition, as recommended by the Contaminated Land Section.

CONCLUSION

41. The proposal represents a sustainable form of development that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. All detailed matters are reserved for future consideration, but it is likely that an acceptable bungalow development can be delivered on the site in keeping with the

character of the area and without compromising highway safety, residential amenity and other interests in relation to ecology, and land contamination subject to detailed consideration at reserved matters stage.

42. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgfield Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

2777-D-00-003 B (Proposed site plan), received 06 October 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The dwelling hereby granted outline permission shall be of single storey bungalow design.

Reason: To define the consent in the interests of proper planning.

5. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all 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 Part 7 of the NPPF and saved policies H17 and D1 of the Sedgfield Borough Local Plan.

6. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before

development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

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) before development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

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 submitted to and approved in writing by the Local Planning Authority and thereafter 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.

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.

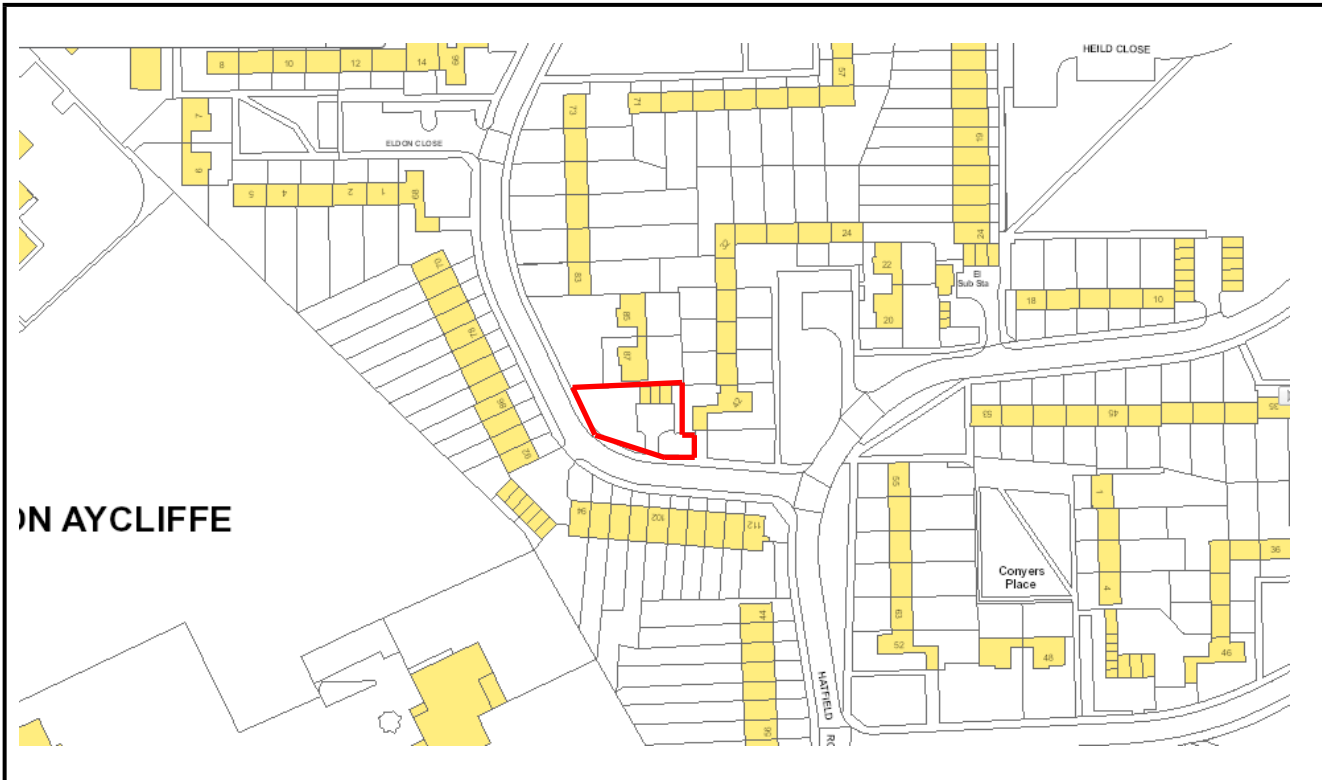
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, 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. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
Statutory response from the Highway Authority
Internal responses from Ecology, Environmental Health and Contaminated Land
County Durham Settlement Study



IN AYCLIFFE



Planning Services

1no. bungalow (outline application – all matters reserved) including demolition of existing garages

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Comments

Date 17 November 2016

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03232/OUT
FULL APPLICATION DESCRIPTION:	2no. dwellings (Outline application – all matters reserved) including demolition of existing garages
NAME OF APPLICANT:	Livin
ADDRESS:	Land to the east of 10 Hatfield Road, Newton Aycliffe, Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Mark O’Sullivan, Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to 2no. blocks of terraced garages (11no. units in total), owned by Livin, located to the east of no.10 Hatfield Road, Newton Aycliffe. These garages are set back and accessed from Hatfield Road to the south, and surrounded to the north and east by open amenity space. To the south and west, properties on Hatfield Road are of 2 storey scale and terraced in nature.
2. The proposal seeks demolition of the garage blocks and erection of 2no. semi-detached 2 storey properties, to be managed by Livin as affordable rent or ownership. This is an outline application with all matters reserved, however an indicative site plan shows the potential development footprint and access from Hatfield Road.
3. The application is being reported to the Planning Committee at the request of Cllr Jed Hillary who raises concern over the loss of the garages which could result in the exacerbation of local parking issues.

PLANNING HISTORY

4. There is no relevant formal planning history relating to this particular parcel of land.

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 dependent.

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'. The following elements of the NPPF are considered relevant to this proposal;
7. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
8. *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.
9. *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.
10. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

11. The development plan is the Sedgefield Borough Local Plan saved policies:
12. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
13. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
14. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
15. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.

RELEVANT EMERGING POLICY:

The County Durham Plan

16. 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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Aycliffe Town Council* – Have made no comment on the application.

18. *Highway Authority* – No objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

19. *Arboriculture Section* – Confirms there is unlikely to be any major arboricultural impact. Conditions and informatives suggested relating to tree protection measures, future pruning works and excavation/storage of materials outside of the application site boundaries.

20. *Ecology Section* – No objections.

21. *Environmental Health (Noise)* – Have no comments other than recommendation that sensitive site operations are carried out during construction

22. *Environmental Health (Contaminated Land)* – Advise that given the potential for made ground / contamination on the site associated with the garages and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should be applied to any approval.

PUBLIC RESPONSES:

23. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. No comments have been received at the time of preparing this report.

APPLICANTS STATEMENT:

24. Over the last few weeks Livin have completed a series of both Health & Safety and stock condition surveys on its entire garage portfolio. This has assisted Livin's Asset Management team to identify which garages have a negative Net Present Value (NPV) and therefore lose money from its business plan. This information combined with the demand data has been used to categorised the garage stock from high (high demand and good condition) to low (no demand and poor condition). This data is being used to prioritise a programme of refurbishment and possible demolition. Other factors such as anti-social behaviour, vandalism, fly tipping, graffiti, etc. will also impact on the decision to retain or remove a garage block.

25. Prior to any investment in the garages, Livin consider if there is any future development potential of the site to meet a housing need in the community in terms of affordable rent

and/or affordable home ownership, hence applications for both Biscop Crescent and Hatfield Road. The provision of affordable housing is a key strategic issue for DCC.

26. Livin will consider the provision of in-curtilage parking for Livin tenants displaced from any demolitions, or if available relocation to an alternative garage site if it is proved that the garage is used for the use of a vehicle and not storage. Private owner occupiers who rent a garage will be offered alternative garage sites if available, however no in-curtilage parking could be offered as this would be against Livin's charitable objectives.
27. Should a decision be made to demolish a garage block and not redevelop that site, Livin would also have any hard standings removed to remove any long term maintenance liabilities. It would not be the intention to provide off street parking in this situation as again this would be an investment issue going forwards with no financial income being received to fund on-going repairs.

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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 at outline stage relate to the principle of development, highway safety, ecology and land contamination.

The principle of the development:

29. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. However, given the age of the Sedgefield Local Plan, its general housing policies are out of date and therefore carry little weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
30. The overarching principles of the NPPF seek to secure development in sustainable locations and one of the core land use principles is to encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
31. Newton Aycliffe is a Main Town, as identified in the County Durham Settlement Study. The application site lies in an established residential environment and has good links to the local amenities and services in the town. Two additional dwellings would make a meaningful contribution to housing supply and social objectives, and furthermore, the site constitutes brownfield land.
32. Visually, the existing garages do not contribute positively to the character and visual amenity of the area given their present condition and appearance, and they have been identified by the owner as uneconomical to repair in the context of their business plan. Although matters of design and the relationship with neighbouring properties would be subject to reserved matters approval it is likely that an acceptable development of semi-

detached two storey properties could be achieved that would sit comfortably in the context of the site and have acceptable relationships with neighbouring properties. As the garages are currently attached to the gable end of 10 Hatfield Way it would be appropriate to request details of the timing and appearance of the repairs to the gable end to ensure they are satisfactorily completed. Details of tree protection measures can be conditioned to protect the adjacent trees during demolition and construction.

33. The proposal would therefore deliver economic, social and environmental benefits and is wholly in accordance with the core principles of the NPPF. It should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Highway safety:

34. Saved policies H17 (A) and D3 of the Sedgefield Borough Local Plan, as well as NPPF Part 4 require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
35. The application has been called to Committee over concerns about potential displacement of parking onto the public highway as a result of the loss of the garages.
36. The garages are owned by Livin who have confirmed that only 6 of the 11 garages are presently rented out, and it likely that they are used for general storage rather than vehicles. Livin have their own policies for relocation of garage tenants to alternative sites if available, so it does not necessarily mean parking will be displaced onto the highway, especially if the garages are only used for storage.
37. However, even if the proposal does lead to 6 vehicles being displaced onto the surrounding highway, the Highway Authority is satisfied this would not be at a level that is detrimental to highway safety in the surrounding streets, and the proposed development itself does not raise any highway safety objections.
38. There is no conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and in accordance with NPPF paragraph 32, the residual cumulative impacts of the proposal on highway safety could not be classed as severe and therefore there are no justifiable reasons to refuse the proposal on highway safety grounds.

Ecology:

39. As the proposal involves demolition, regard must be given to potential impacts on bats, a protected species.
40. In this case the garages are flat roofed and cold. As such, they do not represent suitable habitat for breeding or hibernating bats. The risk of disturbing bats or loss of habitat is therefore extremely low. The Ecology Section has considered the proposals and have no objection. There is no conflict with the requirements of the Habitat Regulations and Part 11 of the NPPF.

Contaminated Land:

41. Given the current use of the site for domestic garaging/storage it is very unlikely that there would be any significant ground contamination and therefore it would be appropriate to leave this matter to a condition, as recommended by the Contaminated Land Section.

CONCLUSION

42. The proposal represents a sustainable form of development that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. All detailed matters are reserved for future consideration, but it is likely that an acceptable bungalow development can be delivered on the site in keeping with the character of the area and without compromising highway safety, residential amenity and other interests in relation to ecology, and land contamination, subject to detailed consideration at reserved matters stage.
43. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

2778-D-00-003 A (Proposed site plan), received 06 October 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all 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 Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

5. No development, including demolition, shall commence until protective fencing has been placed around trees adjacent to the site, the details and position of which shall first have been submitted to and agreed in writing by the Local Planning Authority. The approved tree protection measures shall be retained throughout the construction period.

Reason: To ensure the nearby trees are appropriately protected during construction in the interests of the visual amenity of the area and to comply with policy D1 of the Sedgefield Borough Local Plan.

6. No development, including demolition, shall commence until details of the timing, method and finished appearance of repairs to the gable end of 10 Hatfield Road following the demolition of the garages 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 visual amenity of the area and to comply with policy D1 of the Sedgefield Borough Local Plan.

7. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

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) before development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

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 submitted to and approved in writing by the Local Planning Authority and thereafter 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.

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 minimized 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.

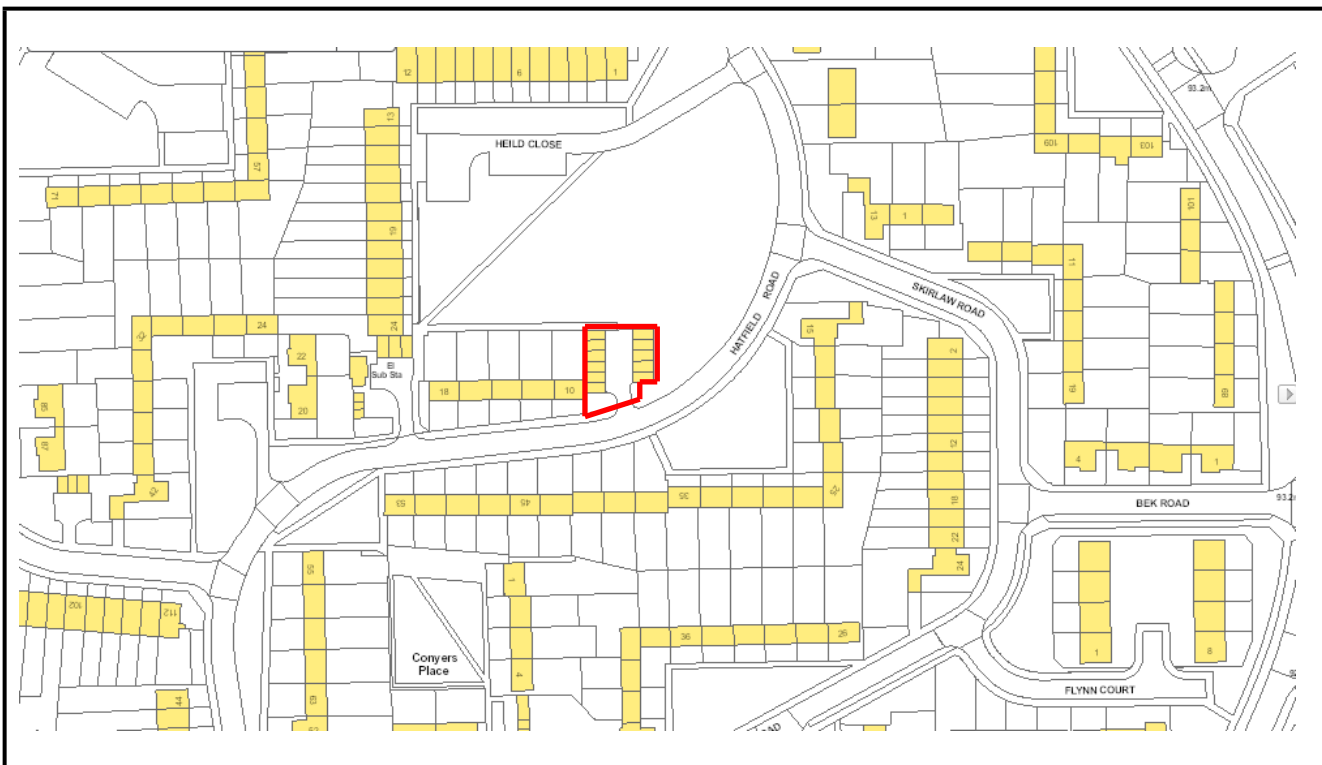
STATEMENT OF PROACTIVE ENGAGEMENT


The Local Planning Authority in arriving at its decision have, 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. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- Sedgefield Borough Local Plan
- Statutory response from the Highway Authority
- Internal responses from Ecology, Arboriculture, Environmental Health and Contaminated Land
- County Durham Settlement Study



 <p>Planning Services</p>	<p>2no. dwellings (outline application – all matters reserved) including demolition of existing garages</p>	
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	<p>Date 17 November 2016</p>	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01450/OUT
FULL APPLICATION DESCRIPTION:	Resubmission of refused application DM/14/02318/OUT, proposed residential development with all matters reserved (indicative 34 dwellings).
NAME OF APPLICANT:	A Burnett
ADDRESS:	Land South Of Beacon Avenue, Beacon Lane, Sedgefield
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an undeveloped parcel of agricultural land measuring 1.45ha in area, located on the south eastern edge of Sedgefield. The site is triangular in shape and a level change is evident, with the gradient rising from the southern boundary with Stockton Road to the northern boundary of the site which borders Beacon Lane. Agricultural fields are located to the west of the site while residential properties are located to the east leading up to the edge of the Sedgefield Conservation Area, the boundary of which is located approx. 60m away. The site is enclosed by mature trees and vegetation of varying densities on all three sides, although views through to surrounding land to the east are achievable.

The Proposal

2. Outline planning permission is sought for the erection of up to 34 dwellings, with all matters reserved for future consideration. The scheme indicates that the dwellings would be a mix of semi-detached and detached houses arranged around a series of cul-de-sacs with areas of open space created. An upgraded vehicle access would be provided from an existing field access on Beacon Avenue and would involve the removal of a section of existing hedgerow to improve site visibility. The indicative layout shows that the vegetation to the southern boundary with Stockton Road would be reinforced. The applicant has confirmed a commitment to provide 10% affordable housing across the site.
3. The application is a resubmission of a previous refused scheme that was dismissed on appeal in April this year. Although the two applications are alike in terms of the proposed development this submission benefits from a proposed S106 legal agreement to secure a 10% affordable housing contribution, an open space

contribution if the necessary provision is not secured as part of any potential future reserved matters application and a 5m buffer around the site perimeter to address ecology requirements. (The indicative layout has also changed to reflect consultee responses as the application has progressed most notably indicating a 5m buffer around the perimeter of the site).

4. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

5. This is a resubmission of application (DM/14/02318/OUT) for 34 dwellings which was refused in May 2015. An appeal was later dismissed by the Planning Inspectorate in April 2016 on the grounds that there would be some localised harm to the character and appearance of the area and the proposal would not make suitable provision for affordable housing.
6. Since that appeal decision a hybrid application has been determined on land to the South of Eden Drive, which lies to the south of the application site. That application (DM/15/03808/OUT) for the erection of up to 220 dwellings(outline) and a further 80 dwellings(full) was refused by the Council in April 2016. This decision was challenged at appeal and was allowed in October 2016 by a planning inspector who did not consider that there would be any significant adverse impacts on the character, value and visual amenity of the area and that the proposed housing would represent sustainable development..
7. A further outline application on the field to the immediate east of this site for the erection of up to 150 dwellings was refused by the Council in February 2016. The grounds for refusal were that the development would cause significant adverse harm to the character of the local landscape through substantial and inappropriate incursion in to the surrounding countryside and less than significant harm to adjacent heritage assets. An appeal has been lodged with the Planning Inspectorate and a public inquiry is scheduled in the New Year.to consider the issues.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), 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.
9. 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'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity,

building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

12. *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.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
14. *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.
15. *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.
16. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *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.
18. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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>

19. Policy E1 (Maintenance of Landscape Character) Sets out that the council will seek to encourage the maintenance of distinctive landscape areas by resisting proposals that would damage the character and appearance of the River Wear Valley and requiring that landscaping features fit into a development proposal.
20. Saved Policy E4 (Green Wedges) Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.
21. Policy E11 (Safeguarding sites of Nature Conservation Interest) Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
22. Policy E15 (Safeguarding woodlands, trees and hedgerows) Sets out that the Council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
23. Policy E18 (Preservation and Enhancement of Conservation Areas) Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
24. Policy H8 (Residential Frameworks for larger villages) Outlines that within the residential framework of larger villages residential development will normally be approved.
25. Policy H19 (Provision of a range of house types and sizes including Affordable Housing) Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
26. Policy L1 (Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space) Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
27. Policy L2 (Open Space in New Housing Development) Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
28. Policy D1 (General Principles for the layout and design of new developments) Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
29. Policy D2 (Design for people) Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
30. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

31. Policy D5 (Layout of housing development) Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
32. Policy D8 (Planning for Community Benefit) Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

RELEVANT EMERGING POLICY

The County Durham Plan

33. 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.

Sedgefield Neighbourhood Plan

34. In September 2013 Sedgefield was granted approval for designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan has been submitted to the County Council and the submission consultation was completed on 29th March 2016. The Examination Report has now been delivered and it recommends deleting some of the policies in the plan as well as the retention of other subject to modification. Only limited weight may be attributed to these latter policies at this stage in accordance with national Planning Policy Guidance.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Sedgefield Town Council* - Sedgefield Town Council - Raise objections to the scheme advising that any development of the site would fundamentally change the historic entrance into the village altering its character and distinctiveness. The site has been used as agricultural land for generations and there is a significant height difference across the site. Any development would adversely affect the mature tree and hedging surrounding the development. The development would remove a valued greenfield site which forms a green corridor into the town and conservation area. The proposal would put pressure on water and sewage infrastructure as well as educational and health facilities. It is considered that the mediaeval rig and furrow that would be lost is a key part of the history and heritage of the town, while the potential impact on trees and vegetation would also affect the character of the area. Reference should be made to the emerging Sedgefield Neighbourhood Plan. Disappointment is expressed that this resubmission has been allowed to be made.

36. *Highways Authority* – Advise that although the development falls below the threshold requiring a formal Transport Statement, the submitted statement has been reviewed and is deemed to be acceptable in assessing the impact of the development. The proposed access, although indicative at this stage, along with the existing Beacon Lane/C38 junction is considered appropriate to serve the development. Subject to minor amendments to be secured in any reserved matter application, no objections are raised on highway safety grounds and it is advised that the surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development.
37. *Northumbrian Water* – Identifies that Sedgefield Sewage Treatment Works are nearing capacity with an approximate 300 dwelling headroom and therefore development needs to be co-ordinated so that capacity is not exceeded whilst investment works take place over the coming years. No objection is therefore raised in relation to capacity as in line with their statutory duties NWL would have to provide a connection to the sewage system.

INTERNAL CONSULTEE RESPONSES:

38. *Planning Policy* – Raise objections. It is considered that the scheme conflicts with the general aims of the SBLP as the site is outside the residential framework (policy H8) and within a designated green wedge (policy E4). Policy H8 is considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. The scheme has the potential to deliver benefits in social and economic terms through the delivery of new housing including affordable housing however the scheme would result in some localised harm to the character and appearance of the area in terms of landscape impact as per the previous Inspector's conclusions.
39. *Design and Historic Environment Section* – Raise objections. The proposed development site is considered to be an important green wedge marking the built settlement edge and transition to open countryside surrounding Sedgefield. The interaction between the historic built core of Sedgefield and the surrounding open countryside is considered to make a strong contribution to the setting and overall significance of the designated heritage asset. The proposed development of this site for housing has therefore been consistently assessed as resulting in less than substantial harm to the heritage asset which is the Sedgefield Conservation Area. The public benefits of the proposals should therefore be balanced against the impact on the designated heritage asset, as required by para 134 of the NPPF.
40. *Sustainability Officer* – Advises the application site has been subject to Sustainability Appraisal as part of the SHLAA process, and is not proposed to be allocated within the CDP. From a sustainability perspective the site was determined to have good social determinates, poor economic determinates and average environmental determinates culminating in a lower sustainability score. The significant adverse issues of loss of rig and furrow, impact upon Sedgefield Conservation Area and landscape adversely upon the sustainability credentials of the site. For this reason it is considered that development would not meet the presumption in favour of sustainable development. No information has been provided in terms of the energy performance of the dwellings and should planning permission be granted a condition requiring a scheme to embed sustainability and minimise carbon from construction should be incorporated in any consent.
41. *Landscape Section* – It is maintained that development of this site would have a significant adverse visual impact on the surrounding landscape and on the approach

to the village failing to comply with policies E1, E4 and D5 of the Local Plan and Part 11 of the NPPF.

42. *Arboricultural Officer* - The development will cause pressure to trees and hedgerows both during and post development. A full tree survey should be submitted in support of the application.
43. *Affordable Housing* – States that affordable housing requirement of 10% would be expected across the site
44. *Archaeology Section* – The site contains well preserved rig and furrow earthworks which are likely remnants of former medieval and post medieval townfields. The neighbouring fields to the east have been subject to archaeological investigation which have demonstrated there to be a significant prehistoric site. Upon review, and with knowledge of the features that exist in the field immediately adjacent to the development site it seems likely that anomalies on the submitted geophysical survey that may have been dismissed as non-archaeological are in fact likely to be archaeological. Notwithstanding this the heritage assets do not present an absolute constraint to development and if approved appropriate conditions could be imposed in accordance with the requirements of the NPPF.
45. *Drainage and Coastal Protection Section* – The content of the Flood Risk and Drainage Assessment is generally acceptable however sections of the report need to be developed further
46. *Ecology* - Recommends that the proposed mitigation strategy is updated to reflect the current proposal to ensure it remains relevant to this application. It is also recommended that further biodiversity improvements are incorporated into the overall plan.
47. *Environmental Health (Contaminated Land)* – Suggest a conditional approach to deal with any potential land contamination
48. *Environmental Health (noise)* – Offer no objections to the scheme but note the proximity of the houses to the road network. It is therefore considered that a noise survey is undertaken to establish the existing noise climate in order that the design of the housing can incorporate noise mitigation measures if required. It is also suggested that conditions be attached to any approval to control working hours on site and the burning of materials to protect the amenity of residents during the construction phase.
49. *School Organisational Manager* – Advises that no contributions are required for additional school places

PUBLIC RESPONSES:

50. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 94 properties have submitted letters of objection in relation to the issues which are summarised below.
 - The application was recently refused by the Planning Inspector and it is not considered that this submission addresses the previous reasons for refusal. Concern that the LPA has accepted a resubmission for essentially similar development so soon after the initial refusal and more generally that developers are allowed to keep resubmitting applications.

- The field is attractive and has a positive contribution to the character of the area, particularly on the approach into the village. Its loss would have an adverse impact. The field is also designated as green wedge and should be protected. Medieval rig and furrow is present in the field which contributes to its distinctiveness and should be protected.
- The Sedgefield Borough Local Plan does not permit development of this site. Any new housing should be limited in scale and provided in a controlled manner. The application should be considered against the backdrop of other housing sites put forward in the village which are currently being considered in addition to the recent approval nearby for a caravan park in excess of 300 units. There are other brownfield sites nearby that would be more suitable for redevelopment. There is no proven demand for the amount of housing proposed within the village. A significant influx of housing in the village will further impact on the already depressed housing market. It would also be contrary to the aims and intentions to the emerging Sedgefield Neighbourhood Local Plan.
- The scheme is considered to represent overdevelopment while concerns are raised on the potential impact on mature trees, that rear gardens would back onto the approach and that Sedgefield requires smaller starter homes or those which provide elderly provision.
- Concerns are raised over the capacity of the local road network and junction to accommodate the traffic generated by the additional dwellings and the resultant impact on parking pressures which are already strained.
- Insufficient infrastructure exists to support the additional housing development particularly in relation to the capacity of schools, medical services, sports facilities, water supply and drainage.

51. Sedgefield Civic Trust - Object to the application and consider the land of great historical importance being a non-designated heritage asset showing an ancient field system. The site borders the Conservation Area which is covered by an Article 4 Direction and is on the entrance to the village. The development of this site would cause a loss of public amenity and ruin the most prominent entrance into the village. The development does not meet policy E18 of the Sedgefield Borough Plan and threatens the village's heritage and the rural aspects of the conservation area. This application should not be seen in isolation with significant number of other applications for housing pending. Concerns are raised regarding the suitability of the access particularly in relation to emergency vehicle access to the remainder of the Beacon Lane Estate. Localised flooding issues are highlighted, while it is advised that there is insufficient sewerage capacity and low water pressure in the area. Further concerns are raised regarding the capacity of existing infrastructure to accommodate the development, including parking facilities, schools capacity while the layout would impact on existing trees and not provide an attractive frontage

52. One letter of support has also been received stating that more and much needed housing should be welcome in Sedgefield.

APPLICANT'S STATEMENT:

53. None received

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

PLANNING CONSIDERATIONS AND ASSESSMENT

54. 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 development, visual amenity and impact on the Conservation Area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

Principle of development

55. This application is a resubmission following a recent refusal by the local planning authority and a subsequent dismissal on appeal. The proposed scheme has not significantly changed rather it seeks to address points which were raised within the appeal decision such as providing a completed S106 legal agreement to secure affordable housing, open space provision and ecological mitigation.

56. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The SLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

57. Furthermore, paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.

58. The application site is located outside of the residential framework of Sedgefield, where saved policy H8 of the Sedgefield Borough Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing. The site is also designated a 'Green Wedge' where policy E4 seeks to prevent built development, other than in exceptional circumstances, such as for agricultural or essential sport and recreation facilities. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.

59. Durham County Council is currently unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need for housing is yet to be fully

tested. However, despite the lack of a 5 year supply, and the guidance at para 49 of NPPF, it is not the case that every housing site should be approved. Paragraph 14 of the NPPF makes it clear that there is a “presumption in favour of sustainable development”, not any development. This being the case the sustainability and suitability of the site in other ways still needs to be carefully assessed (as the contribution of 34 (indicative) units would not be overly significant in boosting housing supply if it is concluded that the other policy matters are material).

60. Whilst the scheme draws no support from Policy H8 this considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49 and the 5 year housing land situation described above, and DCC has concluded that it is only partially consistent with NPPF. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
61. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
62. It is noted that Green Wedges are not recognised within the NPPF as a method to safeguard land. However case law indicates that green wedges may be considered NPPF-compliant. The Inspector’s report for the previous appeal on this site noted that Policy E4 was broadly consistent with paragraphs 7 and 17 of the Framework. The general aims of Policy E4 are to maintain the distinction between countryside and built up areas, to maintain a link between the two and to provide a rural setting to development. Further its role as an area of ‘landscape value’ is expressly documented in the Inspector’s comments from the adoption of the SBLP. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological interests and soils. The Green Wedge can therefore be regarded as a “valued” landscape in the sense of paragraph 109. Although the Inspector who determined the Eden Drive appeal dismissed the application of para 109 in that instance it is considered that the sites materially differ. Whilst the current application site is valued locally by the community it also has landscape and historic interest arising from its position and appearance.
63. The County Durham Plan is at Issues and Options stage there are currently no up-to-date growth requirements identified for Sedgefield. In regards to the sustainability of the site. However some consideration has been given to this issue through the Strategic Housing Land Availability Assessment (SHLAA) as part of the evidence

base to the emerging Plan. Although this assessment carries no weight as a decision making tool, it does provide a broad assessment to the overall suitability of developing the site. In this instance the site has been identified as amber (unsuitable for development) due to it being regarded as an attractive area of pastoral farmland at the entrance to the village. On this basis there are concerns regarding its development and the impact on the landscape and the setting of the conservation area. While the site is within close proximity of the existing defined local centre and the appeal inspector concluded that the impacts on the character and appearance of the area would be localised these concerns remain.

64. A draft Sedgefield Neighbourhood Plan was submitted for examination however the Examiner's report recommends deletes some of the policies in the plan, including the Built up Area Boundary policy and references to a housing number ceiling of 300 units given they were deemed to be severely restrictive. The proposal site lies outside of the built up area boundary but given the findings of the examination report very limited weight can be given to this intended policy. General references to the maintenance of the Green Wedge would remain in the plan as recommended by the Examiner, however, there would now be no policy linkage in the Neighbourhood Plan. In effect, if amended as suggested in the Examiner's report, it would support the maintenance of the Green Wedge as it is set down in the SBLP.

65. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. It also requires that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing (3 units) which is a key aspect of government policy. The site is also in close proximity of the village centre where there are good range of services and amenities to serve future residents. However the promotion of growth and development should not be at the expense of other elements of sustainable development, this includes the protection of the rural landscape and open countryside and historic environment. These issues are considered below.

Character, Landscape and Visual Impact

66. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Also to be considered is policy E4 of the local plan which seeks to safeguard green wedges that provide the setting to towns and villages. The previous appeal inspector found that this policy was broadly consistent with the paragraphs 7 and 17 of the NPPF which emphasise the need to protect and enhance the natural and built environment and to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

67. The landscape master plan submitted in support of this resubmission incorporates some design amendments which include a 5m buffer around the application boundary (secured through the S106 Agreement) and additional areas of public open space. The landscape section accept that there would be some merits in this amended design as it could in some cases reduce the potential conflicts with trees and the general prominence of development. As the application is for outline consent with all matters reserved it is not considered appropriate to focus in detail on the indicative layout. More generally however their initial objection to the scheme is maintained. The application site is a green field location and although the

surrounding landscape is not covered by any specific designation, other than a green wedge, the site is considered to positively and attractively contribute to the approach the village, helping to define its rural character. There is strong evidence of medieval rig and furrow which further adds to the landscape character and value of the field. The previous inspector for this site acknowledged that some harm would be caused to the character and appearance of the countryside through the loss of the field, with ridge and furrow earthworks, however he considered this harm would be relatively localised and limited.

68. Also of relevance to this application is the recent appeal approval at land to the south of Eden Drive (DM/15/03808/OUT). The inspector in this case found that although the appeal site had value it could not fall to be considered as a 'valued landscape' as per paragraph 109 of the NPPF. The site's inclusion within the green wedge as designated by policy E4 did not alter this conclusion. He acknowledged that *'The proposed development would have a profound effect on the character of the site but would not have any significant adverse effect on the character or visual amenity of the wider area. On this issue, despite the harm that would be caused to the character of the site, the development would not conflict with saved LP policies E4, H8 and D1'* (paragraph 26 of Land to the South of Eden Drive appeal).
69. The approval of the above appeal site does have implications in terms of the site currently under determination. The approved development would entail the loss of a significant proportion of the Green Wedge (approximately 75%) identified in the local plan and the remaining undeveloped section would lie along the historic southern approach to the village. This influences how its scale and its relationship with the surrounding countryside is perceived and understood. The Inspector in the previous appeal decision for this site found that that loss of the triangular field would cause some harm to the character and appearance of the countryside but would be viewed as more a rounding off the settlement edge. He also noted that a significant area of open agricultural land would remain between the site and the A689 leaving a visual green buffer and rural approach (paragraphs 9 and 10 of appeal decision APP/X1355/W/15/3134870). In light of the recent approval the significant areas of land previously identified would not now remain. An appeal decision is also now awaited for 150 dwellings on open countryside immediately to the east of the application site. The Inspector referring to the land south of Eden Drive clearly identified that harm would be caused to the character of the appeal site as a result of the development. Furthermore, in the context of that approval it is difficult to conclude other than that these proposals would be in substantive conflict with E4; the cumulative effect of that development with this proposal would be to make that policy functionally redundant.
70. Notwithstanding the conclusions of the Inspector at the land south of Eden Drive Policy E4 retains some weight in relation to the application site. In this respect, it is considered that the development would undermine the purpose of E4 to provide a setting for Sedgefield. The site is particularly noticeable on leaving or entering Sedgefield along Stockton Road and whilst it is not formally designated as such it does have a landscape value which has arguably increased in light of the recent appeal decision. This field forms the western most edge of the penetration of the countryside into the village in this area, and this land that incorporates medieval rig and furrow resonant of its agricultural past, forms part of an attractive entrance to the village and its historic core and makes a valuable contribution to its character and The effect of the proposals on the character of the local landscape is considered to have a significant adverse effect which needs to be afforded weight in the planning balance. It is therefore still maintained that development of this site would have a significant adverse visual impact on the surrounding landscape and on the approach

to the village and fail to comply with policies E1, E4 and D5 of the Local Plan and Part 11 of the NPPF.

Heritage Impact

71. The LPA sought to assert through the previous planning refusal that the development would unreasonably and unacceptably alter the character and setting of the settlement Sedgefield and the Sedgefield Conservation Area contrary to both local and national policies. However the Inspector in considering this issue concluded that there would not be any harm to significance or setting of the conservation area.
72. Since this appeal decision The Sedgefield Conservation Area Character Appraisal (SCACA) has been formally approved (by the Head of Planning and Assets on 3rd May 2016). This is not an adopted Supplementary Planning Document (SPD) but is considered to contribute to the evidence base for decision making. The Historic England guidance on Conservation Area Designation, Appraisal and Management published in February 2016 states that, "Planning inspectors have accepted appraisals as material considerations of considerable weight in appeals whether or not they have been adopted as SPD." This document was not available to the Appeal Inspector however it is appropriate for the LPA to revisit the issue of heritage impact as part of this resubmission.
73. The Sedgefield Conservation Area was designated in May 1971 and was amended in August 1993 and again in May 2016. The special significance of the Sedgefield Conservation Area is derived primarily from its high quality collection of historic buildings including key listed landmark buildings, the attractive tree lined routes through the conservation area, and the legibility of the historic core of the settlement despite later expansion. The Inspector having visited the site did not disagree with the Council's assessment regarding the significance of the asset.
74. Sections 7 and 12 of the National Planning Policy Framework and saved policies D1, D2, D3, D5 and E18 seek to preserve the historic environment, particularly the character and appearance of Conservation Areas and should therefore be considered relevant to this application
75. The application site is a defined Green Wedge on the edge of Sedgefield, which is partially within the current settlement boundary and partially within the countryside. The site has never been developed upon and acts as a green buffer at the edge of the town, close to the historic core. This is particularly evident in panoramic views from St Edmunds Church gathered as part of the ongoing Zone of Visual Influence (ZVI) Assessment of development sites around Sedgefield which has helped to inform the amended SCACA. The importance of the transition between the historic built edge of Sedgefield and the open countryside was specifically highlighted
- "The tree lined view out of the conservation area moving eastwards along Stockton Road is significant, emphasising the rural location of the settlement and announcing the end of the historic built core and transition to open countryside"*
76. The proposed development site is considered to be an important part of the Green Wedge marking the built settlement edge and transition to open countryside surrounding Sedgefield. The interaction between the historic built core of Sedgefield and the surrounding open countryside is considered to make a strong contribution to the setting and overall significance of the designated heritage asset. The proposed development of this site for housing has therefore been consistently assessed as resulting in less than substantial harm to the conservation area. The public benefits

of the proposals should therefore be balanced against the impact on the designated heritage asset, as required by para 134 of the NPPF.

77. This transitional space and rural nature of the views out of the conservation area is specifically highlighted in the Conservation Area Appraisal. Its review has increased understanding of the special nature of the Sedgefield Conservation Area and the elements which contribute to its overall character, appearance and significance, information which was not available to the previous Inspector. He assessed the impact upon the designated conservation area and emphasised the views of the site from within the centre of the conservation area boundary and general awareness of the site. However no reference was made to the approaching views to the conservation area or interrelationship between the surrounding landscape and the historic settlement. The detailed assessment which has since been undertaken highlights the importance of this interrelationship, and is supported by photographic evidence gathered through a more recent ZVI assessment of the proposed housing sites around Sedgefield. This approach which also examines the important contribution to views out from the edge of the conservation area across to the open countryside rather than one solely and focussed only upon the limited visibility of the proposed development site from within the heart of the conservation area would be in accordance with The Historic England best practice note on Setting of Heritage Assets published in March 2015 that seeks to clarify the range of elements which are deemed to contribute to the setting of a heritage asset.

78. On this basis the Design and Conservation section would reiterate previous concerns relating to the principle of development on this site which would result in less than substantial harm to the setting of the Sedgefield Conservation Area contrary to policies D1, D2, D3, D5 and E18 of the Sedgefield Local Plan and Parts 7 and 12 of the NPPF.

79. Notwithstanding the aforementioned assessment there are general concerns about the indicative layout. It is acknowledged that this is an outline application with all matters reserved. As such the final layout would be subject to further detailed review should the application be approved. There are a number of mature trees which are of amenity value and contribute to the setting of the conservation area. Although a 5m buffer zone has been indicated there are concerns that these trees will come under pressure as a result of this development and indeed in the future as the properties are occupied. Furthermore, the areas of public open space that have been indicated on the plan could be better designed so that one larger and more valuable area of open space could be provided. Finally, the existing properties on Stockton Road positively address the street frontage in keeping with the character of the surrounding area. In light of this it is considered that the orientation of some of the plots within this scheme could be revisited.

Access and Highway Safety

80. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the capacity of the existing road network and accessibility for emergency vehicles to access the site.

81. Although indicative at this stage, it is proposed that the existing field onto Beacon Lane would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is also indicated that the dwellings would be arranged

around a series of cul sacs. Subject to minor amendments the indicative layout is considered to be generally acceptable and such revisions could be agreed as part of any future reserved matters application.

82. Although the proposal falls below the thresholds requiring a Transport Statement, the applicant has submitted a statement in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme advising that the surrounding road network and the adjacent junction could adequately accommodate the likely traffic generated from the development.
83. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding the access, highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

84. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. Given the proximity of the houses to the road network it is recommended that a noise survey is undertaken to establish the existing noise climate in order that the design of the housing can incorporate noise mitigation measures if required. Subject to suppressing dust and controlling working hours through the construction phase no objections are offered by the Council's Environmental Health Unit.
85. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2040sqm across the scheme. The indicative layout indicates that the scheme incorporates such provision, in line with policy L2. Whilst a more beneficial consolidation of the proposed areas of open space across the site could be achieved as this application is outline with all matters reserved including layout there would be a further opportunity to consider this. There is also provision within the S106 to secure a financial contribution in lieu of open space should an acceptable layout not be forthcoming at the reserved matters stage.
86. The Contaminated Land Officer has assessed the available information and the historical maps. It is noted that this development constitutes a change of use to a more sensitive land use therefore a contaminated land condition should apply.

Ecology

87. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential risk of the development on protected species, namely bats. This report identifies that a bat roost was discovered in Tree 3, a mature ash, therefore it is important that this tree is retained as well as any associated flight paths are retained.
88. The Ecology Section recommends that the proposed mitigation strategy is updated to reflect the current proposal to ensure it remains relevant to this application. It is also recommended that further biodiversity improvements are incorporated into the

overall plan. Given this is an outline application they are content to see such matters conditioned. Furthermore, although the application is for outline consent and the site plan at this stage is just indicative the S106 Agreement secures a 5m buffer zone around the development to aid the protection of the identified ecological interests. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Flooding and drainage

89. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
90. In terms of the disposal of foul water, Northumbrian Water have identified that Sedgfield Sewage Treatment Works are nearing capacity with an approximate 300 dwelling headroom. Development therefore needs to be co-ordinated so that capacity is not exceeded whilst investment works take place over the coming years. No objection is therefore raised in relation to capacity as in line with their statutory duties NWL would have to provide a connection to the sewage system.
91. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered the content of the Flood Risk and Drainage Assessment the Council's Drainage Officer has raised no objection to the scheme as the content of the report is generally acceptable. Sections of it do need to be developed further however this can be subject to condition.

Other Issues

92. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey which has not identified any heritage assets apart from the rig and furrow. The archaeological section is also aware that the neighbouring fields to the east have been subject to archaeological investigation which have demonstrated there to be a significant prehistoric site. Upon review, and with knowledge of the features that exist in the field immediately adjacent to the development site it seems likely that anomalies in the geophysical survey that may have been dismissed as non-archaeological are in fact likely to be archaeological. Notwithstanding this the heritage assets are unlikely to be of greater than local or regional significance and as such do not present an absolute constraint to development. If the application is approved, in accordance with paragraph 141 of the NPPF, a condition to secure a scheme of archaeological work to investigate and record the potential prehistoric remains is required.
93. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to

produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

94. A significant number of objections have been received from local residents in addition to the Parish Council which have been addressed within the report.

The Planning Balance

95. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.

96. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the benefits of the additional housing supply albeit relatively modest in addition to the affordable housing contribution. It is also accepted that the site is relatively close and well related to existing facilities within Sedgefield and that further work to produce an appropriate housing layout could be undertaken at the reserved matters stage.

97. Nevertheless it is still considered that whilst the impacts of the development would be local in extent there would be adverse impacts on the character of the landscape on the key approach to the village and the less than substantial harm to the significance of Sedgefield Conservation Area. Recent appeal decisions and studies have not diminished these concerns and in many respects have served to highlight the relative importance and the sensitivity of the site within the local landscape.

CONCLUSION

98. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

99. In this instance it is accepted that the development would provide public benefits, the most significant of which, would be the boost that the proposal would provide to housing supply, including a mix of both market and affordable homes.

100. However, it is considered that the adverse impacts of the incursion into the countryside with significant adverse effects on the character of the local landscape together with the less than substantial harm to the significance of Sedgefield Conservation Area significantly and demonstrably outweigh the public benefits.

101. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the limited benefits of the scheme. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

The Local Planning Authority considers that the proposed development, as a result of its siting in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Sedgefield and the Sedgefield Conservation Area, contrary to

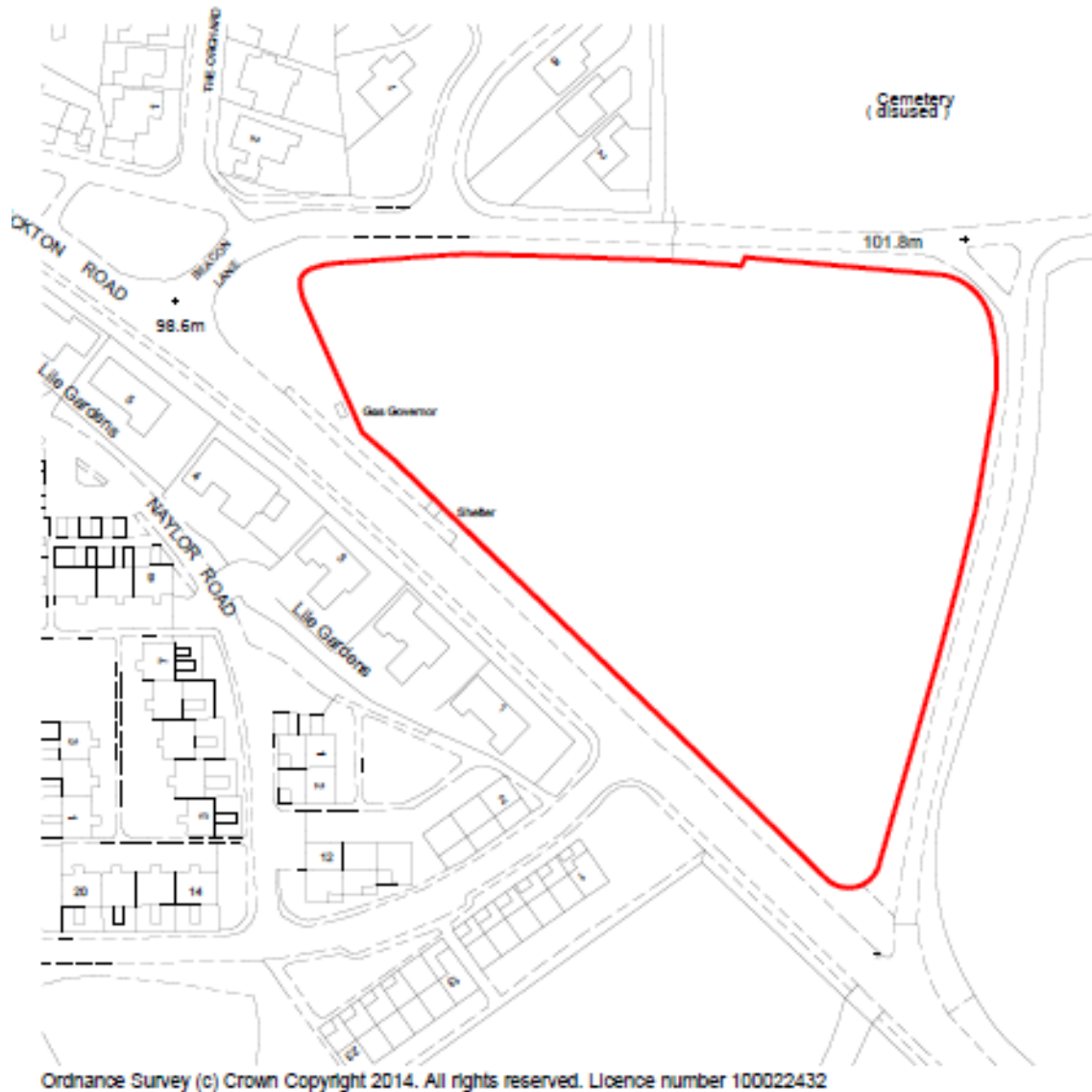
policies E4 and E18, and D1 of the Sedgefield Borough Local Plan, and paragraphs 7, 17 and parts 11 and 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.).

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Sedgefield Neighbourhood Plan
- The Sedgefield Conservation Area Character Appraisal
- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

**Resubmission of refused application DM/14/02318/OUT, proposed residential development with all matters reserved (indicative 34 dwellings).
A Burnett
Land South Of Beacon Avenue,
Beacon Lane, Sedgefield
Sedgefield
Ref: DM/16/01450/OUT**

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Date
17th November 2016

Scale
Not to scale

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