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Michael Laing Chief Executive

15th January 2008

Dear Councillor,

I hereby give you Notice that a Special Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **WEDNESDAY 23rd JANUARY 2008** at **4.00 P.M.**

AGENDA

Page No.

1. Apologies for absence
2. To consider development control application 3/2007/0741 – 1 - 18
Development of 55 dwellings and re-provision of allotment gardens at Allotment Gardens, east of Station Road, Howden-Le-Wear, Crook for Wimpey.
3. To consider development control application 3/2006/0817 - Mixed 19 - 22
use regeneration, including residential, employment, retail and open spaces (resubmission) at Wolsingham Steelworks, Durham Road, Wolsingham, Bishop Auckland for H. J. Banks and Co Limited and Les Graham.

Yours faithfully

Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Mrs Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, Mowbray, Mews, Murphy*, Perkins, Seabury*, Taylor, Des Wilson and Zair.

*ex-officio, non-voting capacity.

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

TO: All other Members of the Council for information
Management Team

SPECIAL DEVELOPMENT CONTROL COMMITTEE

23RD JANUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0741 - DEVELOPMENT OF 55 DWELLINGS AND RE-PROVISION OF ALLOTMENT GARDENS AT ALLOTMENT GARDENS, EAST OF STATION ROAD, HOWDEN LE WEAR, CROOK FOR WIMPEY – 27.10.2007 - AMENDED 11.01.2008

description of site and proposals

1. Planning permission is requested for the erection of 55 dwellings on 1.7 hectares of land on the Allotment Gardens, east of Station Road, Howden le Wear.
2. The proposed development would consist of 3 and 4 bedroom detached, semi detached and terraced dwellings at a density of 32 dwellings per hectare. The scheme also consists of the erection of a communal garage block, and the relocation of the existing allotment gardens to the western side of the site to form a new facility 2996 sq. metres in area.
3. The development would consist of 32 three bedroom dwellings, and 23 four bedroom dwellings.
4. Part of the application site consists of existing allotment gardens east of Station Road. Within the area of the site to the west of the allotments are garages in varying states of repair and areas of hardstanding. The area of land not used as allotments appears as open scrub land and suffers from fly tipping. The application site is bounded to the north by Bridge Street and to the west by Railway Street. To the north of the site are the Green Tree Inn, and 3 linked dwellings. To the east of the site is Beechburn Beck with the Village Gate residential development beyond. To the south of the site is Howden Beck, with open agricultural land beyond. To the west of the site are residential units and Howden Village Hall.

planning history

5. The following planning history is considered relevant to this planning application:

- 3/2004/1062 Erection of 2.5 and 3 Storey Pending
Detached and Semi - Detached
Dwellings

planning policies

6. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 are relevant in the consideration of this application:

- GD1 General Development Criteria
- H3 Distribution of Development
- H22 Community Benefit
- H24 Residential Design Criteria
- RL2 Recreation and Leisure: Protection of Existing Provision
- RL5 Sport and Recreation Target
- RL9 Allotments
- T1 Highways (General Policy)

Also relevant are: North East Regional Spatial Strategy (May 2007), Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation, Planning Policy Guidance Note 13: Transport, Planning Policy Guidance Note 16: Archaeology and Planning, Planning Policy Guidance Note 17: Planning for Open Space, Sport, and Recreation, Planning Policy Statement 23: Planning and Pollution Control, Planning Policy Guidance Note 25: Development and Flood Risk .

consultations

7. Police Architectural Liaison Officer: Full report on file. The Architectural Liaison Officer states that the development should be attractive, safe and designed and built to a high quality. Advice has been offered under the following headings: entrance to development, landscaping, perimeter and dwelling boundaries, street lighting, natural surveillance, public access, car parking, security lighting, doors, windows, drainpipes and intruder alarms.

8. Northumbrian Water: No objection, but recommend the following condition:

CONDITION: Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: A public sewer/ sewer rising main/ water main cross the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicants cost.

9. Public Rights of Way officer: Footpath 181 runs adjacent the south west boundary of the site, but is outside the site boundary. I would expect it to be unaffected by the development, or use of it to access the site. The applicant must be aware of the following:
- No building materials must be stored on the right of way.
 - Vehicle movements must be arranged so as not to interfere with the public's use of the right of way.
 - The safety of members of the public must be ensured at all times.
 - No additional barriers must be placed across the right of way.
 - There must be no reduction in width of the right of way available for use by members of the public.
 - No damage or alteration must be caused to the surface of the right of way.
10. Butterfly Conservation: Object to this application on the grounds the site supports a species rich assemblage of butterflies. The area supports a diverse butterfly fauna primarily associated with grassland habitats. The larger part of the adjacent amenity grassland mentioned within the ecological survey as a possible respite for wildlife displaced from the existing site is allocated for the construction of a bypass. This does not mitigate the loss of the existing wildlife habitat.
11. Durham Bat Group: Bat feeding sites have no legal protection and so the developers have no legal obligation to offer any mitigation for the change. DBG propose that the developers may be encouraged to recognise the change they are making and include some positive mitigation in the form of bat roost sites in the new buildings.
12. CDE&TS (Highways): The submitted scheme is generally acceptable. However I consider that an adopted footway link shall be provided between plots 9 and 10 or 10 and 11. Such a link would halve the walking distance to Bridge Street.
13. Concerns have been raised that whilst some of the house types would have a garage plus a drive, others would have only a single parking space. Some additional parking should be provided for units 1- 4 and 13- 21 as the shortage of parking spaces for these properties may result in on street parking at the main access to the estate and on Bridge Street in the vicinity of plots 13- 18.

14. It will be necessary for the applicants to enter into an agreement under Section 38 of the Highways Act 1980 in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act to allow works within the existing highway to be carried out.
15. DCC Arboricultural Officer: Full report on file. Trees 5, 6, 7, 22, 23, 24, 28, 29, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, and 55 are worthy of being protected by a Tree Preservation Order (TPO) for aesthetic, environmental and future village enhancement and amenity. As a gesture of goodwill maybe a larger allotment could be offered with the benefit of assistance with a JCB to relocate these trees prior to the fences being erected.
- All arboricultural works to be carried out in accordance with BS3998 recommendations.
 - BS5837 Trees in relation Construction should be adhered to with regards to tree protection zones etc.
 - The information submitted is not totally in accordance with BS5837 recommendations. NHBC recommendations require to be adhered to with regards to foundation depth and design.
16. Natural England: Advises that the above proposal is unlikely to have an adverse effect in respect of species protected by law. We note that the report suggests that otters may be using Beechburn Beck as a corridor. If any footpath is proposed close to the banks of the Beck, Natural England would welcome a sensitive approach, both to the siting, and lighting of any such path.
17. Environment Agency: Full report on file. Suggest the following conditions;
- CONDITION:** No development approved by this planning permission shall be commenced until a water vole survey and assessment has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any recommendations and mitigation measures identified by the water vole assessment.
- REASON:** To ensure wildlife protection of water voles and their habitat which is protected under the Wildlife and Countryside Act 1981(amended).
- CONDITION:** Prior to the commencement of development approved by this planning permission (or such other date or stage in the development as may be agreed in writing by the local planning authority) a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include all of the following elements unless specifically excluded in writing by the local planning authority.

1. A desk study identifying;
 - all previous uses
 - potential contaminates associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination of the site
2. A site investigation scheme based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the off site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of works set out in (3) confirming the remediation measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON: To protect controlled waters from pollution.

CONDITION: If during development, contamination not previously identified is found to be present at the site no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

18. Campaign to Protect Rural England: Objects to the scheme as there would be a loss of open recreational space, and are concerned that the site is being overdeveloped.

officer analysis

19. The history of the application site dates back to 2004 when George Wimpey Ltd submitted an application for 41 dwellings on the allotment site (ref 3/2004/1062) with no proposal to replace the allotments. After discussions with the local planning authority to address issues with the layout and to satisfy the need for replacement allotments, in November

2005 George Wimpey Ltd entered into discussions with Durham County Council to purchase additional land. Between November 2005 and 1 October 2007 when this application was submitted, the applicant has been in dialogue with the local planning authority and stakeholders in respect of the submission of this application.

20. In line with the Wear Valley District Council Statement of Community Involvement (adopted August 2006), the applicant has been involved in a number of public consultation exercises.
21. The first public event occurred in July 2006 and was an informal drop in session which was attended by 50 people. A second event was held in August 2006 which was a formal presentation and question and answer session and was attended by approximately 60 people. Feedback was received and the applicants amended the scheme accordingly. The changes to the scheme were:
 - Site access relocated to Station Road
 - Increase in allotment re-provision
 - Amended frontage to building line
 - Units reduced to two storeys
 - Off street parking provision for Bridge Street provided
22. As such it is considered that the applicant has undertaken a comprehensive approach to community involvement in respect of the submission of the proposal, in accordance with guidance set out in the Wear Valley District Council Statement of Community Involvement (adopted August 2006).
23. The key issues for consideration are:
 - Principle of Development
 - Impact on Recreational Facilities
 - Design/ Layout
 - Impact on Existing Dwellings
 - Highways
 - Flood Risk
 - Sustainability
 - Impact on Protected Species
 - Impact on Archeology
 - Trees
 - Community Benefit

principle of development

24. There is a whole raft of local and regional policy reflecting the overarching objectives of national planning policy in PPS1, PPS3, and PPG13, which all seek to secure sustainable patterns of development by focusing new development on brownfield land within existing towns and villages to reduce the need to travel by private car to access employment, shops, community and leisure facilities. At local and regional level specifically, this is reflected in the sequential approach to development which is set out in RSS policies 3 and 5, as well as Wear Valley District Council's adopted local interpretation which limits new housing development to within the settlement limits of the main 'urban areas'. In Wear Valley District, these are defined as Bishop Auckland, West Auckland, St Helen's Auckland, Crook, Willington, Tow Law, Coundon, Stanhope and Wolsingham. This is in the interests of securing sustainable patterns of development.
25. Howden le Wear is therefore not one of the defined urban areas as identified under the Council's interpretation of policy 3 of the RSS. The Council's Annual Monitoring Report 2006/2007 indicates that the housing target for the district (2004-2021) has already been exceeded. The Council can demonstrate a supply of housing in the district which will be developed within the next 5 years to meet the requirements for 13 years. Residential development of the application site would further contribute to the housing oversupply and may prejudice future housing targets and the development of more sequentially preferable sites now and in the future. PPS3 states that in these circumstances where local planning authorities can demonstrate a 5 year housing supply, proposals for residential development should be considered against the likely impact/ contribution the proposed development would have on other policy objectives.
26. A large part of the application site is classified as greenfield land. It is important to note that the development of greenfield sites is not precluded by PPS3, which sets a minimum target of 60% of development on previously developed land where the Council can demonstrate these targets are being delivered. The Regional Spatial Strategy sets a target of 65% for County Durham (policy 30). As of yet, the Council has not satisfied this local target. BVPI 106 identifies that over the past 5 years approximately 62% of new dwellings have been built on previously developed land. So although the national target is being met, the local target established through the RSS is not being achieved. As the majority of the application site is greenfield land, due consideration should be given to the under performance against this local target.
27. As the site is predominantly greenfield in its nature and is outside the locally identified 'urban areas' the development of the site for residential development does not reflect sustainable patterns of development. Furthermore, there is no evidence provided to suggest that the proposal would provide a mix of housing to meet local needs, provide regenerative

benefits to Howden le Wear or support local services.

28. The locational strategy as set out in policies 5 to 8 of the draft RSS seeks to ensure growth is directed towards regeneration towns and rural service centres, in the interests of securing sustainable patterns of development. In other settlements new development should be to an acceptable scale, and meet local needs. It is considered that a development of this scale and nature in Howden le Wear does not satisfy these requirements.
29. The proposal does however seek to contribute towards rationalising the allotments and improving sports and recreation provision in the locality.
29. Policy RL2 'Recreation and Leisure: Protection of Existing Provision' of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states that "*Development which would result in the loss of public and private playing fields and allotments within or on the edge of the settlements will not be allowed unless (among other criteria) suitable replacement land can be provided for the type of recreational land lost to public use within... 800 metres for allotments.*" The new allotment provision would be on land adjacent to the existing allotments gardens. The proposal accords with policy RL2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
30. Policy RL5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states all new residential developments over 1 hectare in size should make available 1300 sq. metres of land on or off site for sporting or recreational use. The proposed development incorporates more than double the required provision (2996 sq. metres) set out by policy RL5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
31. Policy RL9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states that "*the Council will seek to achieve improvements to existing allotment areas, to control uses on such sites and to implement rationalisation of sites where no demand exists.*" It is apparent that the Local Authority has no ability to ensure the continued provision of allotments within Howden le Wear. As such a proposal which aims to remove underused or derelict allotments and provide new allotments is considered to be beneficial.
32. It is important to note that the existing allotment site is underused (the allotments have a vacancy rate of over 50%), at the request of the landowner the occupiers were given a notice by the Council to get off the land. This notice requested that the land be vacated by September 2005. There are 41 plots to the existing allotments, with less than half of the plots being occupied. The proposed scheme would provide 18 new allotment gardens. Soil would be transferred from the old allotments to the new allotments as far as practically possible. New sheds, greenhouses, and 4- 6 taps would be provided.

33. Even before the first application was submitted in 2004, the allotments had a vacancy rate of around 50%. Since 2004 the site has deteriorated and much of it is overgrown and derelict. The proposal to rationalize the allotment provision accords with policy RL9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
34. Considering the information above the principle of development of the site is finely balanced between the need to secure sustainable patterns of development and to rationalise the allotments in Howden le Wear.
35. The application site is predominantly greenfield land, with a small proportion of brownfield land located within the settlement limits of Howden le Wear as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007. The proposal accords with guidance set out in policies RL2, RL5 and RL9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 by providing new allotment provision within Howden le Wear, as well as contributing funds towards the provision of new recreational facilities within the Village.
36. However the proposal does not reflect the principles of sustainable development. Howden le Wear is not classified as an urban area as identified under the Council's interpretation of policies 3 and 5 of the draft RSS and the site is predominantly greenfield. Policy 30 of the draft RSS requires 65% of completions to be on previously development land, and over the past 5 year this has not been achieved. The scale of development is inappropriate and does not meet local need, contrary to policies 5 to 8 of the draft RSS. In addition, the Council's Annual Monitoring Report 2006/2007 indicates that the housing target for the district (2004-2021) has already been exceeded. The Council can demonstrate a housing land supply which is likely to be developed over the next 5 years to meet the national requirement for the district until 2020. It is considered that the non compliance of the site with the Council's interpretation of policy 3 of the draft RSS and conflict with policies 5 to 8 of the draft RSS outweigh the fact that the proposals accord with policies H3, RL2, RL5 and RL9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
37. As such the principle of residential development on the site cannot be supported.

impact on recreational facilities

38. The Council has undertaken a significant search of the surrounding area in which to relocate the existing allotments. A number of sites were identified in September 2005, but from discussions with the Allotment Society it was clear that a site within the vicinity of Bridge Street was preferred. The

applicant undertook to enter into discussions with Durham County Council to buy the land next to the existing allotments.

39. The proposal would contain 2996 sq. metres of new allotment provision. The applicant has stated that specification of the proposed allotment would be as follows:
- Perimeter fence of 2 metres in height(not closed boarded).
 - Ideally transfer soil from the existing allotments as far as practically possible (Subject to soil testing).
 - Fencing to divide the allotment boundaries to be 1 metre high post and rail.
 - Provision of sheds.
 - Provision of greenhouses.
40. The applicant has stated that the Allotment Association would divide up the allotments.
41. At present the allotment gardens are not in the ownership of the Council, and are therefore not considered to be a statutory provision. Ownership of the new allotment gardens would be passed to Wear Valley District Council in perpetuity. As stated above, the allotments are underused, with a vacancy rate of over 50%. It is considered that the provision of 2996 sq. metres of new allotment gardens would be sufficient to serve the demand in this area. It is considered that the proposal accords with guidance contained in policies RL2, RL5 and RL9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and guidance contained within PPG17: 'Planning for Open Space, Sport, and Recreation'.

impact on existing properties

42. To the east of the site are the existing properties at the Village Gate development. The proposed dwellings would be separated from the Village Gate development by an existing watercourse which would not be altered as part of the proposed development. There is a change in levels at this part of the site however the distance between the existing and proposed dwellings is far beyond that prescribed by the guidance contained in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
43. There are no existing dwellings to the south of the site, whilst the existing dwellings to the west of the site on the old Bridge Street Garage site would have a window to gable distance of approximately 14 metres from plot 13, which is 1 metre below the guidance contained within policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. It is considered that this would not be detrimental to the occupiers of either property.

design/layout

44. Internally, the plans have been amended so that the relationships between the plots broadly accord with guidance contained within policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 throughout the majority of the site although there are some relationships which would not meet with this standard. However, given that the development relates to new building works and that no existing occupants would be affected it is considered reasonable on this occasion to slightly relax these standards in order to achieve the density requirements set out in PPS3: Housing.
45. Overall the proposed layout satisfies the guidance contained in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within PPS3: Housing.

density

46. The density of the proposed scheme is approximately 32 dwellings per hectare (d.p.h.). This density is 2 d.p.h. greater than that prescribed by PPS3: Housing. As such the density of the proposed development is in accordance with guidance contained within PPS3: Housing.

highways

47. The County Highway Engineer has stated that further car parking spaces should be provided to plots 1-4 and 13- 21 as the shortage of parking spaces to these properties may result in on street parking at the main access to the estate. A condition could be imposed requiring two parking spaces to be provided to ensure the proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, and guidance contained within PPG13: Transport.

flood risk

48. The applicant has submitted a Flood Risk Assessment in accordance with PPG25 Development and Flood Risk. Two watercourses lie to the south of the site, Beechburn Beck runs parallel to the eastern boundary and Howden Beck runs from the west approximately south east through the lower section of the site. The northern part of the site lies within a Flood Zone 1, whilst the southern end of the site lies partially within a Flood Zone 3.
49. The developer has been in discussions with the Environment Agency in respect of flood risk on the site, and the plans have been amended accordingly. At the time of writing this report a revised response from the Environment Agency has not been received. Any further comments from the Environment Agency will be provided in a supplementary report.

sustainability

50. PPS1, including the Climate Change Supplement, PPS3, and PPS22 all place an emphasis on achieving sustainable development. Climate change is high on the agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions and promote renewable energy and energy efficiency measures in new development. Given that the domestic dwelling stock currently accounts for around 27% of all CO2 emissions, the Government expects housing developers to meet their responsibilities in cutting household emissions. Accordingly, the Government now expects local authorities to implement prescriptive 'Merton Rule' policies to achieve targets ranging from 10% to 30% for on-site renewable energy production. This has been reflected in policies 39 and 40 of the Regional Spatial Strategy (RSS) which requires all major developments to achieve at least 10% of energy supply from renewable resources. This can be through a number of options appropriate to the site.
51. The proposed development is aiming to achieve the BREEAM EcoHomes "Very Good Rating". BREEAM sets the standard for best practice in sustainable design. It is an independent assessment of buildings against set criteria under the Code for Sustainable Buildings 2007 and provides an overall score which will fall within a band providing either a; PASS, GOOD, VERY GOOD or EXCELLENT rating. In order to achieve a BREEAM rating, development has to consider sustainability in areas such as materials and construction, energy efficiency and renewable energy supply.
52. No details have been supplied to show how this would be achieved. If the application is approved a condition is considered to be appropriate requiring details to demonstrate how energy efficiency is being 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. This would be in accordance with policies 39 and 40 of the Regional Spatial Strategy (RSS), and fully consistent with the key planning objectives of PPS1 and the Climate Change Supplement, PPS3 and PPS22.

impact on protected species

53. The proposal has demonstrated that subject to a water vole survey and assessment being submitted to and approved in writing by the local planning authority, the proposed development would not have a direct impact on protected species or their habitats, including bats, by the submission of an Ecological Survey.
54. A bat survey has been undertaken and no evidence of bat occupancy or potential roost sites were found. The development is considered to have a minor negative impact on bats at a site level, and a neutral impact in the wider context. Mitigation, compensation and the submission of an

application for a Natural England Licence in the respect of bats are not proposed.

55. In respect of badgers, the submitted survey shows no evidence of any badger occupation in the site.
56. In respect of breeding birds, a survey was undertaken. Whitethroat, robin, greenfinch, and feral pigeon were the only species found nesting in the site, but several other bird species were recorded carrying out activities that indicated nesting nearby. The development would completely change the habitats at the site, but nesting and feeding opportunities are likely to remain.
57. The Butterfly Conservation Group has objected to the proposal, on the grounds of the loss of the butterfly habitat. The Group has referred to the adjacent grassland being allocated for a bypass and so would not be available for butterflies displaced from the application site. The County Council no longer proposes to build a bypass. It is considered that the provision of the new allotments would provide a new wildlife habitat.
58. Natural England has not objected to the proposal. As such the proposal accords with the provisions of PPS9 Biodiversity and Geological Conservation.

impact on archaeology

59. The applicants have submitted an archaeological desk based assessment of the site. The report states that there is a low potential for the survival of as yet unknown archaeological remains within the proposed development area.
60. The applicant has provided the County Archaeology Officer with a copy of the archaeological desk based assessment. The County Archaeology Officer comments will be provided in a supplementary report to the Committee, as no comments in relation to the assessment have yet been received.

trees

61. The County Arboricultural Officer has been consulted on the proposal. He has surveyed the trees on the site, and has recommended that as a gesture of goodwill, a larger allotment site could be offered and with the assistance of a JCB trees could be relocated on it prior to the fences being erected. If planning permission is granted for the proposal a condition could be imposed requiring the implementation of the findings of the arboricultural survey submitted by the applicant.

community benefit

62. As stated above in 'Impact on recreational facilities', the scheme would provide a new allotment provision adjacent to the housing site. It is considered that the provision of 2996 sq. metres of new allotment gardens would be sufficient to serve the demand in this area. It is considered that the proposal accords with guidance contained in policies RL2, RL5 and RL9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and guidance contained within PPG17: 'Planning for Open Space, Sport, and Recreation'.
63. The applicants have agreed to enter into a Section 106 Agreement undertaking to make a financial contribution of £51,300 to the Council for the provision and maintenance of children's play space and recreation facilities in Howden le Wear. Subject to the completion of an Agreement the proposals would satisfy the requirements of policy RL5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/ observations

64. The occupiers of surrounding properties have been notified in writing and a site notice has also been posted. The application has also been advertised in the press.
65. 337 letters of objection and a petition containing 491 signatures have been received, with approximately 10% of the letters received from members of the public who live outside Howden le Wear. One letter of support has been received. The details of the letters of objection are set out below:
- a) Congestion/ extra traffic will make our roads dangerous.
 - b) Stress will be put on our already run down existing amenities.
 - c) Damage to our green areas within the village resulting in the destruction of wildlife.
 - d) The scheme will take away our village green which has been used for over 30 years for people to walk their dogs and where children play.
 - e) We object to the siting of the access road.
 - f) I object to the proximity, height and elevation detail of the properties facing onto the road.
 - g) The land is not identified for residential development.
 - h) Government policy is to build on brownfield sites. Allotments are clearly designated as greenfield sites.
 - i) It is difficult to accept that there is demand for new housing in the village.
 - j) There have been no new employment opportunities in the village.
 - k) The housing types proposed will lead to a significant increase in car use.

- l) The character of the village is disappearing.
- m) The application offers no provision of new community facilities.

response to objections

66. The following points are made in response to the issues raised above:

- a) The County Highways Engineer has not objected to the proposal.
- b) It is considered that the proposal would support the existing facilities within Howden le Wear.
- c) The new allotment provision will provide a new wildlife habitat. Natural England has stated that the proposal is unlikely to have an adverse effect in respect of species protected by law.
- d) It is considered that sufficient open space would be retained within Howden le Wear after this development has been implemented.
- e) The County Highways Engineer has not objected to the proposal.
- f) It is considered that the proposal is a well designed modern development, and is in keeping with the character of the village.
- g) Agreed. The plot of land has no allocation as identified on the Adopted Proposals Maps of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
- h) Agreed. However, the development of greenfield sites is not precluded by PPS3, which sets a minimum target of 60% of development on previously developed land, whilst the RSS sets a target of 65% of development on brownfield land. The RSS target is not being achieved.
- i) Demand is not a matter which can be controlled through the planning process.
- j) Howden le Wear is not identified as a sustainable location for new residential growth as is set out in the Council's sequential search.
- k) Whilst it is acknowledged that the development may result in an increase in traffic in the village, it is considered by the Highways Authority that this increase would not have a detrimental impact upon the road network. Furthermore Howden le Wear has good public transport links.
- l) It is considered that this proposal would not be detrimental to the character of the village.
- m) The application would provide 2996 sq. metres of new allotment provision, and the applicants have agreed to enter into a Section 106 Agreement undertaking to make a financial contribution of £51,300 to the Council for the provision and maintenance of children's play space and recreation facilities in Howden le Wear.

conclusion and reasons for refusal

1. Although the proposal accords with policies RL2, RL5, RL9, GD1, H3, H22, H24 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, the proposal is considered to be contrary to the Council's sequential approach to development, and policies 3 to 8 and 30 of the draft Regional Spatial Strategy as:
 1. The application site is predominantly greenfield land. In the past 5 years 62% of dwellings in the district have been provided on brownfield land. Approval of the application would prejudice the Council's aim of achieving 65% of residential development on brownfield land.
 2. The proposed development would result in the development of a predominantly greenfield site within Howden le Wear which is not recognised as an 'urban area' under the Council's interpretation of policies 3 and 5 of the draft Regional Spatial Strategy, and as such the principle of residential development on this scale cannot be supported on the site.
 3. The locational strategy as set out in policies 5 to 8 of the draft RSS seeks to ensure growth is directed towards regeneration towns and rural service centres, in the interests of securing sustainable patterns of development. In other settlements new development should be to an acceptable scale, and meet local needs. It is considered that a development of this scale and nature in Howden le Wear does not satisfy these requirements.

RECOMMENDED

That planning permission is **REFUSED** for the following reasons;

1. The application site is predominantly greenfield land. Policy 30 of the draft Regional Spatial Strategy sets a target for 65% of development in County Durham to be on brownfield land. BVPI 106 identifies that over the past 5 years a figure of 62% of new dwellings in the district have been provided on brownfield land. Approval of this application would prejudice the Council's aim of achieving 65% of residential development on brownfield land. As such the proposal would undermine the aims of the draft Regional Spatial Strategy in respect of development on previously developed land.
2. Howden le Wear is not recognised as an 'urban area' under the Council's interpretation of policies 3 and 5 of the draft Regional Spatial Strategy. The application site is predominantly greenfield land. The proposal therefore does not reflect sustainable patterns of development. Development of this scale should be directed towards settlements which have the infrastructure and services to accommodate it. There are a number of sequentially preferable sites within the urban areas identified by the local planning

authority, the development of which would be prejudiced should this application be approved. The proposal conflicts with policies 3 and 5 of the draft Regional Spatial Strategy.

3. The locational strategy as set out in policies 5 to 8 of the draft RSS seeks to ensure growth is directed towards regeneration towns and rural service centres, in the interests of securing sustainable patterns of development. In other settlements new development should be to an acceptable scale, and meet local needs. It is considered that a development of this scale and nature in Howden le Wear does not satisfy these requirements.

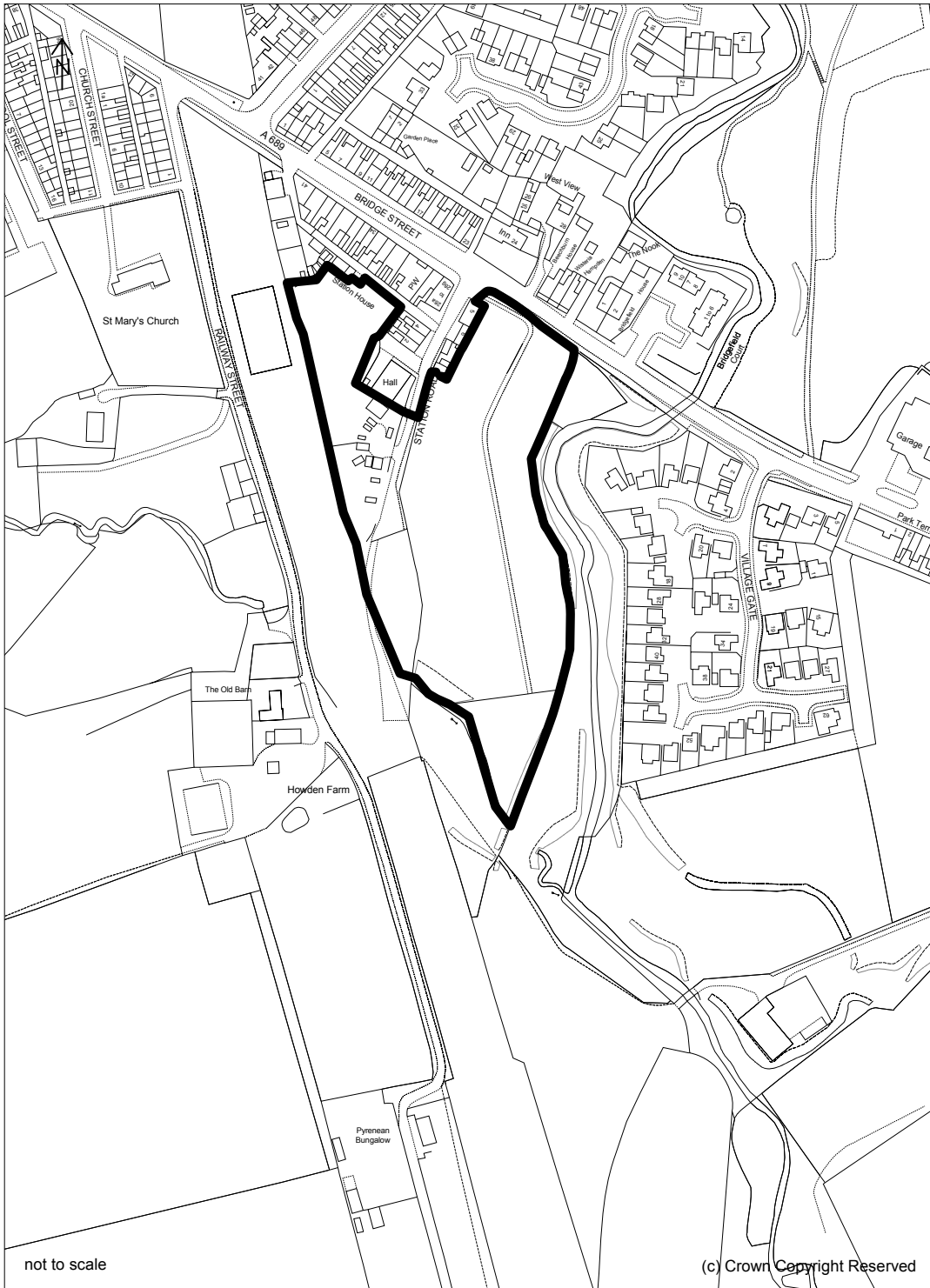
background information

Application files, Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, North East Regional Spatial Strategy (May 2007), Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation, Planning Policy Guidance Note 13: Transport, Planning Policy Guidance Note 16: Archaeology and Planning, Planning Policy Guidance Note 17: Planning for Open Space, Sport, and Recreation, Planning Policy Statement 23: Planning and Pollution Control, Planning Policy Guidance Note 25: Development and Flood Risk .

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explanation			

Officer responsible for the report Robert Hope Strategic Director for Environment and Regeneration Ext 264	Author of the report Adam Williamson Planning Officer Ext 495
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3/2007/0741 - DEVELOPMENT OF 55 DWELLINGS AND RE-PROVISION OF ALLOTMENT GARDENS AT ALLOTMENT GARDENS, EAST OF STATION ROAD, HOWDEN LE WEAR, CROOK FOR WIMPEY – 27.10.2007 - AMENDED 11.01.2008



SPECIAL DEVELOPMENT CONTROL COMMITTEE

23rd JANUARY 2008

Report of the Strategic Director for Environment and Regeneration

3/2006/0817- MIXED USE REGENERATION, INCLUDING RESIDENTIAL, EMPLOYMENT, RETAIL AND OPEN SPACES (RESUBMISSION) AT WOLSINGHAM STEELWORKS, DURHAM ROAD, WOLSINGHAM, BISHOP AUCKLAND FOR H. J. BANKS AND CO. LIMITED AND LES GRAHAM - 07.11.2006

1. Members will recall that planning consent was previously granted, subject to the signing of a Section 106 Agreement for the above development. At the Development Control Committee meeting of the 3rd July 2007 it was requested that details of the legal agreement be reported to Members before the agreement is signed by the Council.
2. I have listed below each issue to be included in the Section 106 Agreement as specified in the original Committee report and described what it is proposed.
 - **The mechanism to transfer deliver the employment element which shall include a minimum of 1,400ft² (Approx 15,000ft²) Use Class B2 floorspace and 1,600m² Use Class B1 floorspace (Approx 17,200ft²)**
3. As part of the legal agreement, the developers of the land will have to comply with the following.
 - (i) *alongside the reserved matters submission a detailed layout which shows how the Employment Land will be arranged shall be submitted to the local planning authority for approval. The scheme shall also demonstrate how the proposed access road can link into possible future development on land to the east of the application site.*
 - (ii) *a serviced, accessed site (or sites) for the Employment Land shall be constructed prior to the completion of the tenth dwelling.*
 - (iii) *details of a marketing exercise of the Employment Land shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the serviced, accessed site(s) being provided. The land shall be marketed at a rate to be agreed in writing by the District Valuer.*

- **Details and plans of the proposed phasing of the housing development**

The legal agreement restricts the developer to building no more than 50 dwellings per annum.

- **The timetable, handover dates and tenure of the proposed 20% affordable housing**

7. It has now been agreed between both parties that this matter may be controlled by a suitably worded planning condition. The proposed condition is given below:

No residential development pursuant to this planning permission, other than remediation, demolition or the provision of infrastructure, shall commence until a scheme for the provision of affordable housing ("The Affordable Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing Scheme shall include the following components:

- (i) The identification as part of the reserved matters submission of land and buildings for the provision of affordable housing units, which shall be based on the principle of spreading the affordable homes across the residential development.*
- (ii) A total proportion of affordable home numbers being 20% of the total number of homes proposed on the site.*
- (iii) A broad mix of housing unit types and sizes reflecting the profile of local housing need and recognising the characteristics of the site and the proposed development.*
- (iv) Details of the mix of rented and shared ownership tenures within the scheme. Details of the shared ownership units must be supported by a market assessment to illustrate that the discount proposed will ensure that the units themselves are truly 'affordable' and evidence to show how these units will be held as affordable housing in perpetuity.*

- **On site landscaping and maintenance agreement**

8. It is considered that the reserved matters submission will address this issue as the landscaping scheme is yet to be prepared. Again a suitably worded condition can be imposed to address this matter. The suggested condition is set out below:

No residential development pursuant to this planning permission, other than remediation, demolition or the provision of infrastructure, shall commence until a scheme for the provision of on site landscaping including a maintenance agreement has been submitted to and approved in writing by the Local Planning Authority.

- **Off site play and recreation provision/ maintenance**

9. The terms set out in the legal agreement are contained below:

One Hundred and Eight Thousand pounds (£108,000) as a contribution towards off-site play and sports facilities within (Wolsingham) the need for which will arise from the Development which amount the Council hereby agrees to accept.

RECOMMENDATION: That the above proposals detailed in the report be **AGREED** so that the Section 106 Agreement can be signed and a planning consent issued.

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Jeremy Good
Senior Planning Officer
Ext 220

3/2006/0817- MIXED USE REGENERATION, INCLUDING RESIDENTIAL, EMPLOYMENT, RETAIL AND OPEN SPACES (RESUBMISSION) AT WOLSINGHAM STEELWORKS, DURHAM ROAD, WOLSINGHAM, BISHOP AUCKLAND FOR H. J. BANKS AND CO. LIMITED AND LES GRAHAM - 07.11.2006

