AGENDA ITEM NUMBER: 3N

APPLICATION DETAILS

APPLICATION NO: 3/2010/0028

FULL APPLICATION DESCRIPTION: 34 NO. DWELLINGS, A 250 SQ. M. A1 RETAIL UNIT AND ANCILLARY PARKING PROVISION FOR THE ADJACENT PUBLIC HOUSE (THE ROSE AND CROWN) RESUBMISSION

NAME OF APPLICANT: MR T JACQUES
C/O ENGLAND & LYLE

ADDRESS: LAND AT ALBION TERRACE, WITTON PARK, BISHOP AUCKLAND, DL14 0EL

ELECTORAL DIVISION: WEST AUCKLAND
CASE OFFICER: Adrian Caines
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PLANNING CONSIDERATIONS AND ASSESSMENT

This is the second supplementary report to be read in conjunction with the information presented previously in the preceding supplementary report and the first committee report.

The application was deferred twice at the meetings held on 18 March 2010 and 22 July 2010 in order for officers to obtain additional information from the applicant in respect of proposed:

- Affordable housing provision
- Financial contribution in lieu of open space
- Sustainability

This information has now been provided.

In addition there are other issues to consider in terms of a change in circumstances as a result of the applications for housing now approved at the site on New Road and on the Lightfoot's Electricals site, which is a material consideration relevant to this application because both New Road and the Lightfoot sites are now able to better deliver the housing
numbers proposed on this site in sequentially preferable locations in Witton Park. The
development at New Road also seeks to assist the re-establishment of the existing village
shop. These issues are particularly important given the combined effect of a significant
number of dwellings on the capacity of services in Witton Park and the wider housing policy
and spatial objectives of the emerging County Durham Plan, which seek to focus major new
development around the main towns and villages so that residents have access to
employment and services, as well as to ensure existing services are supported.

Affordable Housing

This information remains the same as previously reported to the Committee on 22 July 2010.

PPS3 defines affordable housing as social rented and intermediate housing. It does not
include low cost housing as was originally suggested by the applicant in this application. At
the request of the Committee, Officers have sought further information on how this proposal
would incorporate PPS3 compliant affordable housing into the scheme.

Normally, for schemes over 15 dwellings on sites within the development limits of Bishop
Auckland and surrounding areas, having regard to PPS3 and The County Durham Strategic
Housing Market Assessment (SHMA), it would be appropriate for the Council to request
between 20 and 30% affordable housing. The application site is, however, outside the
development limits of Witton Park and therefore this target does not apply.

For sites outside the development limits, PPS3 does suggest that Local Planning Authorities
can consider the use of Rural Exception Policy to release normally unsuitable small sites
solely for affordable housing where it cannot be provided elsewhere. Such sites should
therefore comprise 100% affordable housing and there should not be other sequentially
preferable sites capable of accommodating that affordable housing elsewhere in the
settlement. Small in scale suggests a development of fewer than 10 dwellings.

The applicant has provided a statement offering only 25% affordable housing for the site,
potentially equating to just 8 dwellings out of 34. This means 26 of the dwellings would still
be open market housing outside the development limits, for which there would be no control
over affordability, and even if offered at low cost initially, there would be nothing preventing
resale at market prices.

As 25% affordable housing is the contribution that would normally be expected from a site
within the development limits, it is considered a wholly inadequate offer for this site and does
not therefore present the special justification that may be used to overcome the established
policies of restraint restricting new housing in the countryside.

Officers consider this proposal should comprise 100% affordable housing in line with PPS3,
but the total number of houses on the site should also be reduced from 34 to no more than
9, as PPS3 requires such proposals to be small in scale and Policy H16 of the Wear Valley
District Local Plan similarly defines such a scale for exceptions development in Weardale.

In addition, there is now permission for housing development on brownfield land within the
development limits of Witton Park at New Road (3/2010/0179), which has already secured
the same amount of affordable housing (25% of the scheme). This demonstrates that there
is another more sequentially preferable site where the affordable housing proposed in this
application can be accommodated and therefore there is no justification for considering
release of this greenfield land at this time under rural exception policy. There is also concern
that if this proposal is approved before the development at New Road is completed and
occupied, it could prejudice delivery of the affordable housing at the better site at New Road
because of the fragile housing market.
The level of affordable housing that has been offered is therefore not sufficient to alter the original recommendation for refusal of this proposal on the grounds of inappropriate development in the open countryside. The proposal remains contrary to policies H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007 and national planning guidance in PPS1, PPS3 and PPS7.

Sustainability

In accordance with PPS1, PPS3 and PPS22, a scheme should demonstrate commitment to sustainability, and the onus is on the applicant to explain how this might be achieved.

The applicant has now submitted some information on the sustainability principles to be incorporated into the detailed design scheme. The information suggests that typical features of insulation, air tightness, low energy materials, low water use and on site renewables could potentially be incorporated into the scheme, depending on viability (yet to be determined).

Overall, the applicant aims to meet level 3 of the Code for Sustainable Homes (CSH) for the housing element of the scheme.

This is however a greenfield site outside the development limits and therefore the applicant should be putting together an exceptional case to provide special justification for departing from established locational planning policies. Since 2010, level 3 of the CSH has been the standard, mandatory expectation for all major development schemes. The CSH goes up to level 6 (zero carbon) and it will be mandatory for all new housing development to meet level 6 by 2016. Most social housing is already expected to achieve level 4, and we have also already approved schemes at level 4. What the applicant is offering at just level 3 is therefore nothing other than what is normally expected, as was approved for the New Road site on brownfield land within the development limits of Witton Park.

The applicant has therefore failed to present any special case through sustainability for justification to allow building in the open countryside.

Financial Contribution in Lieu of Open Space

All new housing developments place demands on existing recreational and community facilities and therefore it is expected that developers contribute to the provision or maintenance of those facilities, either by new provision within the development or financial contribution.

In accordance with policy H22 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 a financial contribution towards community recreational facilities is required for all sites of 10 or more dwellings where provision is not made within the scheme. For this site, based on the cost of providing those facilities in the area, the financial contribution in lieu of on site provision has been calculated to be £18,900.

This applicant has now submitted heads of terms for a S106 agreeing to this. The Council would now be in a position to draw up a Section 106 should the Committee be minded to approve the application.

Other Material Considerations

When this application was first heard at Committee, Members stated they were not aware of any other alternative housing sites in Witton Park where new housing could be
accommodated because of the Village Green issues. Since then 25 dwellings have been approved in outline on land at New Road, and 6 dwellings approved in outline at the Lightfoot Electricals site.

There is also full planning permission for 5 dwellings immediately adjacent to the New Road site, still to be constructed, and 7 dwellings still under construction at New Road. This already equates to provision of 43 new dwellings in Witton Park (a village of less than 300 dwellings at present). If this proposal was approved as well, it would equate to approximately a 25% increase in the number of households in Witton Park through unplanned and uncoordinated windfall development. It would also be inevitable that if this site is released for housing, there would be desire for piecemeal development on the surrounding fields. This scale of increase to the size of a village should be considered through the proper channels of the local development framework which is currently being reviewed by the policy team in order to ensure growth in the county occurs in a planned, comprehensive and sustainable way where provision can be made for infrastructure and services to support the planned level of housing growth and prevent individual opportunistic proposals coming forward, which have no relationship with each other and the surrounding area.

In addition to the new houses approved, there are also currently 18 dwellings listed for sale on Rightmove.com within Witton Park itself - 9 of which are 3-bed, 1 is 5-bed and the rest 2-bed (Rightmove, 31.08.2010). The most expensive of those is £280,000 with 10 being £100,000 and under, and the average cost being £130,000. It is clear from this that there is still spare capacity of existing houses available at reasonable cost in Witton Park, and together with the 43 new dwellings still to be built and released, it cannot be said that this proposal would address a shortage and affordability of housing in Witton Park.

The dwellings approved on the brownfield sites at New Road and Lightfoots would significantly add to the type of properties already available in Witton Park without having to resort to the loss of a field in the countryside for additional dwellings, for which there appears to be no immediate demand given the number of houses already approved and for sale.

It is therefore considered that there is no overriding need to favourably consider housing development on this site for another 34 dwellings, as any current need for new housing in Witton Park, including affordable housing, can already be better met under the existing planning permissions. It would be contrary to basic planning principles to see a field lost to housing before the suitable available brownfield sites, on which housing is already approved, are fully developed and occupied. This is particularly the case in a fragile housing market where those better located developments could be at risk if this scheme went ahead first, as the housing demand does not seem to tally with the number of houses that could potentially be available.

In conclusion, in light of the better options which already exist for housing in Witton Park, and which are in accordance with planning policy, this proposal cannot be supported. The site was considered and rejected during the Strategic Housing Land Availability Assessment process for the LDF. These results were recently accepted by Cabinet. The applicant has subsequently failed to put forward an exceptional case to justify the proposal. In this respect, the inadequate level of affordable housing proposed and the nothing more than standard commitment to levels of sustainability cannot be regarded as special circumstances to overcome the strong policy presumption against this proposal.

In addition, there are too many houses squeezed into the site at around 54/hectare across the residential area; and the poor quality of the indicative car-dominated layout with its inward focused design, poor range of house types and the poor relationship with the linear character of the surrounding area, also render the proposal unacceptable, regardless of the principle. The proposal therefore remains contrary to policies GD1, H3, H24 and ENV1 of the
CONCLUSION

The application was initially recommended for refusal for the following reasons:

1. The proposal, by reason of being located on greenfield land outside the development limits of Witton Park, would be visually harmful to the rural setting of the village and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; policies 3 and 4 of the Regional Spatial Strategy 2008; and national planning guidance in PPS1, PPS3, PPS6, PPS7 and PPG13.

2. The proposal fails to demonstrate or consider how the future detailed development proposals will minimise energy consumption through construction, reduce the need for energy in the development and use energy more efficiently, including making provision for at least 10% of the energy requirements for the development being met by renewable technologies. This is contrary to RSS policy 38 and national planning guidance in PPS1 and PPS22.

The application was subsequently deferred at the request of the Committee for officers to seek additional information on affordable housing, sustainability and open space payment in order for Members to be able to make a more informed judgement. The application was deferred again because the applicant had still not provided the information requested by the Committee.

That information has now been submitted; however, the inadequate level of affordable housing proposed and the nothing more than standard commitment to levels of sustainability cannot be regarded as special circumstances to overcome the strong policy presumption already presented against this proposal, which is for development in the open countryside.

In addition, the unnecessarily large scale of the proposal (number of dwellings and size of the site) and poor quality of the indicative car-dominated layout with its inward focused design, poor range of house types and the poor relationship with the linear character of the surrounding area, also mean the proposal remains contrary to policies GD1, H3, H24 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and national planning guidance in PPS1, PPS3, PPS7 and PPG13.

We also cannot ignore the inevitable knock on effect a favourable decision would have on the desire to develop the adjacent fields as well, and the negative impact this would have on delivering the spatial strategy of achieving sustainable patterns of development envisaged in the emerging County Durham Plan. It is reiterated again that this cumulative scale of increase to the size of a village should be considered through the Local Plan process and not left to developers to dictate such matters for their own private gain.

Reason 1 for refusal (above) therefore remains relevant.

RECOMMENDATION

That the application be REFUSED for the following reasons:

The proposal, by reason of its scale and density, as well as being located on greenfield land outside the development limits of Witton Park, would be visually harmful to the rural setting
of the village and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3, H24 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; and national planning guidance in PPS1, PPS3, PPS6, PPS7 and PPG13.

**BACKGROUND PAPERS**

- Submitted Application Forms and Plans
- Design and Access Statement and supporting information
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS7, PPG13, PPS22, PPS25
- Consultation Responses
- Public Consultation Responses
- Committee Reports
AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO: 3/2010/0028

FULL APPLICATION DESCRIPTION: 34 NO. DWELLINGS, A 250 SQ. M. A1 RETAIL UNIT AND ANCILLARY PARKING PROVISION FOR THE ADJACENT PUBLIC HOUSE (THE ROSE AND CROWN) RESUBMISSION

NAME OF APPLICANT: MR T JACQUES C/O ENGLAND & LYLE

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ELECTORAL DIVISION: WEST AUCKLAND ED

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PLANNING CONSIDERATIONS AND ASSESSMENT

The purpose of this supplementary report is to present additional information to be read in conjunction with the information presented previously in the main committee report. The application was deferred at the Committee on 18 March 2010 in order for officers to obtain additional information from the applicant in respect of proposed:

- Affordable housing provision
- Financial contribution in lieu of open space
- Sustainability

In addition there are other issues to raise in terms of a change in circumstances as a result of the applications for housing submitted at the site on New Road and on the Lightfoots Electricals site, which is a material consideration relevant to this application because both New Road and the Lightfoot sites are sequentially preferable alternative locations for housing in Witton Park. This is particularly important given the combined number of dwellings in the three applications under consideration and the potential effect of this number of dwellings on the capacity of services in Witton Park and the wider housing policy and spatial objectives of the region.
Affordable Housing

PPS3 defines affordable housing as social rented and intermediate housing. It does not include low cost housing as was originally suggested by the applicant in this application. At request of the Committee, Officers have sought further information on how this proposal would incorporate PPS3 compliant affordable housing into the scheme.

Normally, for schemes over 15 dwellings on sites within the development limits of Bishop Auckland and surrounding areas, having regard to PPS3 and The County Durham Strategic Housing Market Assessment (SHMA), it would be appropriate for the council to request between 20-30% affordable housing. The application site is however outside the development limits of Witton Park.

For sites outside the development limits, PPS3 does suggest that Local Planning Authorities can consider the use of Rural Exception Policy to release normally unsuitable small sites solely for affordable housing where it cannot be provided elsewhere. Such sites should therefore comprise 100% affordable housing and there should not be other sequentially preferable sites capable of accommodating that affordable housing elsewhere in the settlement.

Accordingly, as this application site is greenfield land outside the development limits of Witton Park, officers consider this proposal should comprise 100% affordable housing in line with PPS3. The applicant has provided a short statement offering just 25% affordable housing for the site, potentially equating to just 8 dwellings out of 34. This means 26 of the dwellings would still be open market housing outside the development limits, for which there would be no control over affordability, and even if offered at low cost initially, there would be nothing preventing resale at market prices.

As 25% affordable housing is the contribution that would normally be expected from a site within the development limits, it is considered a wholly inadequate offer for this site and does not therefore present the special justification that may be used to overcome the established policies of restraint restricting new housing in the countryside.

In addition, there is now a proposal under consideration at this committee for housing development on brownfield land within the development limits of Witton Park at New Road (3/2010/0179), which also includes an offer of 25% affordable housing. This demonstrates that there is another more sequentially preferable site available where the housing could be accommodated and therefore there is no justification for considering release of this greenfield land at this time under rural exception policy.

The level of affordable housing that has been offered is therefore not sufficient to alter the original recommendation for refusal of this proposal on the grounds of inappropriate development in the open countryside, contrary to policy H3 of the Wear Valley District Local plan as Amended by saved and Expired policies September 2007 and national planning guidance in PPS1, PPS3 and PPS7. The affordable housing can also be provided on a more sustainable site within the development limits.

Financial Contribution in Lieu of Open Space

All new housing developments place demands on existing recreational and community facilities and therefore it is expected that developers contribute to the provision or maintenance of those facilities, either by new provision within the development or financial contribution.
In accordance with policy H22 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 a financial contribution towards community recreational facilities is required for all sites of 10 or more dwellings, where provision is not made within the scheme. For this site, based on the cost of providing those facilities in the area, the financial contribution in lieu of on site provision has been calculated to be £18,900.

This requirement is accepted in principle by the applicant; however no draft S106 or even heads of terms has been submitted as requested by the committee.

Sustainability

At outline stage the sustainability of the scheme is a matter of principle to be considered in the same way as other key issues, for example highway safety, flooding etc. Just as officers would expect a scheme not to contribute to flooding in line with PPS25, it is still necessary for the applicant to demonstrate with sufficient information how the scheme would do so and similarly, the principle applies to sustainability. In accordance with PPS1, PPS3 and PPS22, a scheme should demonstrate commitment to sustainability; however, the onus is on the applicant to explain how this might be achieved in the detailed design and whether or not the site and development are capable of meeting the required standards for sustainability.

Despite requests for information to this effect, the applicant has refused to provide any further information other than agree to use of a standard condition requiring the development to meet a certain level of the Code for Sustainable Homes and to meet the requirement for 10% renewable energy. The applicant has not demonstrated whether these requirements could be met. As a minimum officers expected at least an amendment to the design and access statement to demonstrate commitment to these principles and explain what sustainability considerations would be applied to the detailed design proposal to meet the above standards.

Other Material Considerations

When this application was first heard at Committee, Members stated they were not aware of any other alternative housing sites in Witton Park where new housing could be accommodated because of the Village Green issues. Attention is therefore drawn to application 3/2010/0179 for 25 dwellings on land at New Road, Witton Park, and 3/2009/0569 for 6 dwellings at the Lightfoot Electricals site, which are also under consideration at this committee. There is also already planning permission for 5 dwellings immediately adjacent to the New Road site which would be integrated into the design of that proposal in addition to the 25 proposed. These are important material considerations given the total number of new dwellings proposed and particularly the similarities in application type, scale and planning gain between this proposal and that at New Road.

The site at New Road that has now come forward is brownfield land, is within the development limits, has better road access, and is well related to existing dwellings of the type proposed in both applications, unlike the problems already highlighted for this application in the main officer report. The overall merits of the New Road application are discussed in the relevant officer report, however the availability of that site and its ability to accommodate a major housing scheme on brownfield land within the development limits, together with the Lightfoots brownfield site, weighs heavily as a material consideration against favourable consideration of development on this greenfield application site.
It is therefore considered that there is no longer any overriding need to favourably consider housing development on this site, as any need for new housing in Witton Park, including affordable housing, could be better provided (subject to a suitable scheme) on alternative more sustainable brownfield sites within the village. From experience, decision makers should be aware now of the general problems associated with building large swathes of housing with no social and physical infrastructure to support those estates. Such developments often lead to social problems because there is nothing for young people to do; vacant properties bring anti-social problems; the increase in car journeys to access shops, schools, recreation and employment places pressure on road capacity and creates pollution from emissions. With the amount of housing proposed in Witton Park in the 3 applications at this committee, this must be a consideration.

The sites at New Road and Lightfoots Electricals are recommended for approval and would deliver around 36 new family dwellings, potentially including 7 affordable homes, on sites more suitable than this application site. As the Council’s Draft Settlement Study shows, Witton Park has a very poor range of local services resulting in it falling within the lowest scoring category of settlements in terms of sustainability. It is therefore officer opinion that in the interests of achieving sustainable mixed communities, there are not enough facilities or capacity for young people and families within Witton Park at this time to cope with a greater increase in population beyond the 31 new family dwellings recommended for approval at this committee.

This proposal for 34 dwellings, on top of the 31 recommended for approval, would equate to approximately a 25% increase in households in Witton Park. It is considered that this scale of windfall development would put undue pressure on existing local services in Witton Park and surrounding areas such as Escomb; and would result in a significant increase in car journeys on local roads to access services in the higher tier settlements, contrary to the aims of PPG13 to reduce car journeys. This cumulative scale of development is therefore considered to be unsustainable in Witton Park and more appropriate for higher tier settlements.

To further support this concern about the cumulative scale of proposed development, it should be borne in mind that there are still 8 newly constructed dwellings which remain empty in Witton Park and there are currently an additional 15 dwellings for sale within Witton Park - 7 of which are 3-bed and 1 is 5-bed (Rightmove, 07.07.2010). The most expensive of those 15 houses advertised for sale is £245,000 with 9 being £100,000 and under and the average cost being £123,000. It is clear from this that there is still spare capacity of existing houses available at reasonable cost in Witton Park. The proposed dwellings on the brownfield sites at New Road and Lightfoots would significantly add to the number and range of properties available in Witton Park without having to resort to the loss of a field in the countryside for additional dwellings, for which there may be no demand. It would be contrary to basic planning principles and generally a sad event to see a field lost to housing before suitable available brownfield sites were fully developed and occupied.

In conclusion, in light of the better sustainable options for housing in Witton Park this proposal cannot be supported. It is contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and national planning guidance in PPS1, PPS3, PPS7 and PPG13.

**CONCLUSION**

The application was initially recommended for refusal for the following reasons:
3. The proposal, by reason of being located on greenfield land outside the development limits of Witton Park, would be visually harmful to the rural setting of the village and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; policies 3 and 4 of the Regional Spatial Strategy 2008; and national planning guidance in PPS1, PPS3, PPS6, PPS7 and PPG13.

4. The proposal fails to demonstrate or consider how the future detailed development proposals will minimise energy consumption through construction, reduce the need for energy in the development and use energy more efficiently, including making provision for at least 10% of the energy requirements for the development being met by renewable technologies. This is contrary to RSS policy 38 and national planning guidance in PPS1 and PPS22.

The application was subsequently deferred at the request of the Committee for officers to seek additional information on affordable housing, sustainability and open space payment in order for Members to be able to make a more informed judgement.

In response to the Committee’s requests, the level of additional information submitted by the applicant has been very limited.

An offer of just 25% affordable housing has been put forward (8 dwellings out of 34), which is considered to be wholly inadequate for a site located on greenfield land outside the settlement limits where planning policy in PPS3 justifies a requirement for 100% affordable housing on exception sites.

There has been informal acceptance of the requirement to pay £18,900 in lieu of on site play space provision, but no firm commitment in terms of submission of a S106 legal agreement or agreement on heads of terms.

The applicant is prepared to accept conditions requiring housing to be constructed to a certain level of the Code for Sustainable Homes and for 10% renewable energy, but no information has been submitted on the principles that will be followed in considering how this might be achieved in a detailed application.

It is therefore considered that the applicant has failed to demonstrate special justification to overcome the strong policy presumption already put forward against this proposal for development on greenfield land outside the development limits of Witton Park.

In addition, there exist now more sustainably located sites where 31 new dwellings could be better located in Witton Park to meet any local needs - the subject of applications 3/2010/0179 and 3/2009/0569, which are recommended for approval and therefore a material consideration. There are also new dwellings still empty and a range for sale at reasonable prices.

Notwithstanding the wider housing policy and spatial objectives of the region in terms of following a settlement hierarchy approach to housing location, Witton Park and the immediate surrounding area does not have the level of local services and infrastructure, as highlighted in the Draft Settlement Study, to potentially accommodate the cumulative amount of nearly 70 new family dwellings that are proposed in this application and that at New Road.
and the Lightfoot sites.

Given that the New Road and Lightfoots sites are recommended for approval at this committee and 5 dwellings are already approved next to New Road, it is considered that the sequentially favourable sites should take precedence over this site in any decision to allow new housing in Witton Park, as Witton Park cannot sustain all 70 new dwellings in a sustainable way.

**RECOMMENDATION**

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

The proposal, by reason of being located on greenfield land outside the development limits of Witton Park, would be visually harmful to the rural setting of the village and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; and national planning guidance in PPS1, PPS3, PPS6, PPS7 and PPG13.

**BACKGROUND PAPERS**

− Submitted Application Forms and Plans
− Design and Access Statement
− Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
− Planning Policy Statements/Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
− Consultation Responses
− Public Consultation Responses
− Committee Report
APPLICATION DETAILS

APPLICATION NO: 3/2010/0028
APPLICATION DESCRIPTION: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 34 NO. DWELLINGS, A 250 SQ.M. A1 RETAIL UNIT AND ANCILLARY PARKING PROVISION FOR THE ADJACENT PUBLIC HOUSE (THE ROSE AND CROWN) AT LAND AT ALBION TERRACE, WITTON PARK, BISHOP AUCKLAND, DL14 0EL (RESUBMISSION)

NAME OF APPLICANT: MR. T. JACQUES
C/O ENGLAND AND LYLE

ELECTORAL DIVISION: WEST AUCKLAND

CASE OFFICER: Adrian Caines
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DESCRIPTION OF THE SITE AND PROPOSALS

This is a resubmission of withdrawn application 3/2009/0280 for outline planning permission with all matters reserved (access, appearance, landscaping, layout and scale) for the erection of 34 No dwellings, an A1 retail unit and additional parking provision (18 spaces) for the Rose and Crown Public House. An indicative site layout has been provided to demonstrate how the development would fit the site. It is proposed to take vehicular access from Park Road at a point opposite the Rose and Crown Public House. The dwellings would be arranged around the north, east and south edges of the site with the retail unit and parking area in the centre and west.

The site is an agricultural field approximately 0.8 hectares in area and is greenfield land for planning purposes. It is also located outside the development limits of Witton Park and is therefore in the open countryside. Accordingly, the proposal is both a major scheme and a departure from the development plan and is therefore presented to the Planning Committee.

There are terraced dwellings lining Park Road to the north and west of the site, however, most of the site is surrounded by more agricultural fields. At present the site appears to be used for grazing horses. Historical maps show that in the past the land appears to have been used as allotment gardens. Those maps dating back to 1894 also show that there is no history of housing or other development on the land.
PLANNING HISTORY

Planning permission has previously been refused for residential development on the site:


Reasons for refusal:

1. The proposal would represent housing development in the countryside without agricultural or equivalent occupational justification and would therefore be contrary to the settlement strategy of the Durham County Structure Plan (Policy 12 and Policy 9).
2. The application site is in a visually isolated and prominent location unrelated to existing buildings, where a dwelling would be contrary to policy 106 of the approved Structure Plan.
3. The provision of a new individual residential access to the east side of Park Road would set an undesirable precedent and would be prejudicial to highway safety given the existing alignment, dimensions and use of the highway.

Application 3/2009/0280 was withdrawn after the applicant was advised that the proposal was recommended for refusal.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Climate Change – Sets out the Government’s overarching planning policies on the delivering of sustainable development through the planning system. The key principles include:

• protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
• ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
• ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities in locations with good access to jobs and key services for all members of the community.

Planning and Climate Change is a supplement to PPS1 and sets out how planning should contribute to reducing carbon emissions and stabilising climate change, and how planning can best support achievement of the zero-carbon targets by 2016. Key principles include paying attention to the location of major generators of travel and the potential to build into new and existing development more efficient means of energy supply and increasing contributions from renewable and low-carbon energy sources.

Planning Policy Statement 3 (PPS3) Housing – Sets out the delivery of the Government’s national housing objectives. New housing should be directed to sites within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield).
Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth – PPS4 brings together all of the Government’s key planning policies relating to the economy in both urban and rural areas into one single PPS. It emphasises support for sustainable economic growth but also sends an unambiguous message that applications which fail to adopt a sequential approach should be refused. The onus rests on the applicant to demonstrate compliance with the sequential approach, and to demonstrate they have shown sufficient ‘flexibility’ when considering sequentially preferable sites.

Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas - Sets out the Government's planning policies for rural areas. The key objectives are for continued protection of the open countryside and to promote more sustainable patterns of development by:

- focusing most development in, or next to, existing towns and villages;
- preventing urban sprawl;
- discouraging the development of ‘greenfield’ land.

New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. In particular, when considering housing, house in the countryside will not normally be permitted and regard must be given to national housing policy requirements (PPS3).

Planning Policy Guidance (PPG13) Transport - Aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.

Planning Policy Statement 22 (PPS22) Renewable Energy – Sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated into new developments.

Planning Policy Statement 25 (PPS25) Development and Flood Risk - Sets out government policies for development and flood risk. Flood risk should be considered at all stages in the planning process to avoid inappropriate development in areas at risk from flooding and to direct development away from areas of highest risk using a sequential approach. In addition to considering the risk of flooding, consideration has to be given to managing surface water to prevent flooding elsewhere. Surface water drainage should conform to the hierarchy of preference with first priority given to Sustainable Urban Drainage systems (SUDS).

Regional Policy:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic
development, retail growth, transport investment, the environment, minerals and waste treatment and disposal.

**Policy 3 Climate Change** – Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.

**Policy 4 Sequential Approach to Development** – Priority is given to previously developed land in the most sustainable locations, avoiding areas at risk from flooding. Sites should be selected in the following priority order:

Brownfield sites within urban areas.
Other suitable locations within urban areas not protected for environmental, heritage or recreational purposes.
Brownfield sites adjoining urban areas.
Brownfield sites in settlements outside urban areas.

Following this sequential approach, all suitable Priority 1 sites should be developed before Priority 2, 3 or 4 sites within urban areas are released for development. Any sites beyond those specified above will not be permitted.

**Policy 28 Gross and Net Dwelling Provision** – sets out the gross and net dwelling provision figures for the region in order to deliver and manage housing supply.

**Policy 38 Sustainable Construction** - Encourage and promote new development to achieve high energy efficiency, BREEAM rating and the Code for Sustainable Homes. Secure greater use of local renewable energy for all relevant developments (10 dwellings or 1000m² non-residential floorspace), particularly major retail, commercial and residential developments, to secure at least 10% of their energy supply from renewable sources.

**Policy 35 Flood Risk** – Managing the risk of flooding from surface water runoff.

*Members should be aware that the Rt Hon Eric Pickles MP (Secretary of State for Communities and Local Government) wrote to all Local Planning Authorities to abolish Regional Spatial Strategies. These policies therefore no longer apply.*

**LOCAL PLAN POLICY:**
The Local Plan is the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

**Policy GD1 General Development Criteria** – New development should be well designed, appropriate to the setting, not conflict with adjoining uses, have adequate drainage, be energy efficient, deter crime, protect and enhance the environment and biodiversity, not be within the floodplain, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network, and be well linked to public transport, pedestrian and cycle networks.

**Policy H3 Distribution of Development** – Identifies the settlement limits of the towns and villages within which new development should be directed.

**Policy ENV1 Protection of the Countryside** – Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or
Policy T1 Highways General Policy – Developments which generate additional traffic must provide adequate access, be accessible to public transport networks and not exceed the existing highway capacity.

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 online at:
http://www.gos.gov.uk/gone/planning/regional_planning for RSS policies
http://www2.sedgefield.gov.uk/planning/WVCindex.htm for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Northumbrian Water – Comments from previous application still relevant: A scheme for surface water disposal is required to ensure the discharge of surface water does not increase the risk of flooding from sewers. The surface water drainage solution should comply with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

Environment Agency – Object to the proposal as the Flood Risk Assessment is inadequate and does not provide a suitable basis for assessment of the flood risks arising from the development. Surface water runoff should be controlled as near to its source as possible through a sustainable drainage approach in accordance with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

The proposal should incorporate sustainable energy use/renewable energy generation principles in line with the RSS policies.

(This objection has now been withdrawn – see letter 18 March 2010)

INTERNAL CONSULTEE RESPONSES:

Highways – No objection. The amendments to provide 6 parking bays and dropped kerb footway crossings on Park Road would be sufficient to overcome the parking and visibility objections raised previously. The site must meet manual for Streets visibility requirements of 2.4m x 45m.

Planning Policy – Objection.

The site is unallocated greenfield land that is located outside of the existing residential framework for Witton Park. Sites located outside of residential frameworks are to be treated against ‘countryside’ policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary. The Planning Policy Team considers that there is significant conflict with the Wear Valley Local Plan element of the development plan.

Witton Park is not identified as a regeneration town and as part of the on-going production of the Core Strategy for County Durham (‘The County Durham Plan’); a ‘Settlement Study’ scores Witton Park in the lowest tier with a poor range of services. In view of this it is considered that permitting housing development of this scale on this site within Witton Park
is inconsistent with the RSS.

The Strategic Housing Land Assessment informs us that there are 1,134 homes which can potentially be delivered over the next 5 years. This is above the adjusted RSS requirement of 534 for the Wear Valley Area. Taking into account past performance, the Wear Valley area has the potential for an additional 600 deliverable units. This demonstrates that Wear Valley has a 5-year supply of deliverable sites when assessing future deliverable availability against future annual requirements. To that end, there is no deficiency in the housing land supply in Wear Valley and there is no need to release this land for housing at this time.

The Planning Policy Team therefore considers that the proposal does not perform well enough against with the objectives in PPS3 and the RSS to locate housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure

Low Carbon Officer – Objection. The application makes no reference to RSS Policy 38. At this stage a statement on the sustainability elements that will be incorporated in the development should be included. No indication is given if the developer is aiming to build to the Code for Sustainable Homes.

PUBLIC RESPONSES:

A site notice was posted, letters were sent to neighbours and the application was advertised in the local press. To date 2 No. observations have been received from members of the public. There has been one supporting observation and one objection. The main points of observation are summarised below:

Support:

- The village would benefit greatly from this type of development i.e. on the outskirts and would enhance entry of the village from New Road.

Objection:

- The site is outside the settlement limits of Witton Park and has been refused planning permission in the past for this reason.
- There is a brownfield site available for housing approximately 400 yards to the north.
- The site is used for grazing horses and there has been no fly tipping – the old baths are used as water troughs for the horses.
- Six parking bays may help parking on the bend but will add to the traffic up and down Park Road which is difficult to negotiate because of cars parked on both sides of the road.
- Public transport for potential occupiers is not convenient.
- The applicant’s community consultation has not been comprehensive.
- The shopping facility seems to be a way of getting around planning restrictions.
- There would be an environmental impact on the houses in Albion Terrace and Park Road.

APPLICANT’S STATEMENT

The application proposes a modern residential development incorporating a 250 sq.m. retail unit in a sustainable location just outside of a village identified as suitable for housing in the
The proposed development has the support of the local community, particularly the retail element of the scheme, and responds to the physical characteristics of the site. The scheme is considered to be complementary to the surrounding residential properties and we believe it will result in a successful development which will contribute to the area.

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 Crook Area Office.

PLANNING CONSIDERATIONS AND ASSESSMENT

The key issues for consideration are:

- The Effect on the Creation of Sustainable Patterns of Development in the Area
- The Effect on the Character of the Area
- Flood Risk and Drainage
- Sustainability

The Effect on the Creation of Sustainable Patterns of Development in the Area and Character of the Area

As this is an outline application the key issue for consideration is whether or not development of the site would be in accordance with the development plan, which comprises national planning policy, the North East of England Regional Spatial Strategy 2008 (RSS) and the Wear Valley District Local Plan (as amended by Saved and Expired Policies September 2007). The relevant policies are outlined in the policies section of this report.

The application site is an agricultural field, used for grazing horses, and located outside the development limits of Witton Park as defined in policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The application site is therefore greenfield land in the open countryside and the proposal is for open market housing and retail. Accordingly, both housing and retail development on the site would not meet any of the priority 1-4 categories set out in RSS Policy 4 Sequential Approach to Development and would be in direct conflict with the locational aims of PPS1, PPS3, PPS4, PPS7 and PPG13.

In addition, PPS3 requires Local Authorities to adopt a plan, monitor and manage approach to housing land release and to demonstrate a continuous 5 year housing supply to ensure the required level of housing is delivered. When a continuous 5 year housing supply can be demonstrated, there is no presumption to release windfall sites if it can be shown that the level of oversupply would be unacceptable.

There is already sufficient land with planning consent to satisfy the former district’s housing targets and therefore the Council can safely demonstrate a 5 year housing supply. In addition, the general downturn in housing starts and the apparent slow occupation of new dwellings in Witton Park, would be likely to render the over provision of housing land even more excessive and thus justify even greater restrictions on residential proposals failing to comply with the sequential approach in the RSS. Therefore, there is no justification to support development in this location beyond the existing defined development limits of Witton Park and at the scale proposed.
The applicant has also incorrectly made reference to the Second Round Growth Point bids as a potential reason for exceeding local housing targets. The “growth points”’ importance have been significantly scaled down now and they have yet to be finalised, and nevertheless, Witton Park has never been part of the “growth point” consideration. The latest approach is focusing more on the preparation of an Allocations Development Plan Document for the whole of the County, which has yet to be prepared and so the policies in the existing development plan must prevail.

The general benefits of small-scale, rural retail services are recognised, however, in accordance with PPS4, any proposed retail development would need to be suitably located on sequentially preferable sites within the development limits and supported by a sequential approach to site selection. The onus rests on the applicant to demonstrate compliance with the sequential approach. Such a sequential assessment has not been carried out and submitted, possibly because the application site being greenfield land outside the development limits is not an appropriate location and would more than likely fail the sequential test required by PPS4 and RSS policy 4.

The proposal therefore represents an unacceptable departure from the policies of the development plan and would fail to meet the most fundamental aims of these policies in seeking to focus new development in sustainable locations.

The effect on the Character of the Area

Notwithstanding the strong policy presumption against the proposal, the development would also represent a large urban encroachment into an area of countryside that has long contributed to the rural setting and character of the village, dating back over 100 years, including times when the land provided an important amenity resource as allotments.

While the site itself is somewhat unkempt at present in comparison to adjacent fields, it is well-greened in the summer and is certainly not what could be considered a blight on the setting of the village. It seems reasonable to suggest that the appearance could be easily improved by basic care and maintenance. If the field has in the past been neglected, it is only because the situation has been allowed to happen with basic maintenance not carried out when required. This should not be reason to allow development as it is a situation that could be all too easily repeated in the countryside and there are other planning powers to deal with untidy land.

It is appreciated that all matters are reserved for future detailed approval however; the indicative layout submitted inspires no confidence that a suitable high quality scheme could be achieved. The large-scale encroachment of development in this location as proposed in the indicative layout would be at odds with the existing linear character of development along Park Road. The failure to consider replicating the frontage character of Park Road in the design considerations would also represent an inward looking development divorced from its surroundings if carried through to detailed design stage. This together with what could end up being a totally car dominated development, particularly with the amount of parking that is envisaged to take place on the site, for the retail store and outside all the dwellings, indicates that little consideration or commitment has been given to achieving a quality public realm, nor a seamless integration with the surrounding area.

The visual impact of housing on the site in terms of harm to the character of the countryside and rural setting of the village is therefore also considered unacceptable; contrary to policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired
Sufficient consideration has been given to overcoming objections to the proposal on highway safety grounds by proposing removal of on-street parking near the proposed site entrance.

**Flood Risk and Drainage**

The site does not fall within a floodplain; however because of the scale of development proposed and gradient of the land, it is appropriate for consideration to be given to managing surface water runoff to prevent flooding elsewhere and within the site. This is in accordance with RSS policy 35 and PPS25: Development and Flood Risk.

A Flood Risk Assessment (FRA) has been submitted, however, the Environment Agency considers that the assessment is inadequate and does not provide a suitable basis for assessment of the flood risks from the development. In particular it is considered that the FRA fails to demonstrate satisfactory surface water management. There is no assessment of the feasibility of the use of soakaways and no confirmation that there is sufficient capacity to discharge to a culverted watercourse.

It is therefore considered that it has not been successfully demonstrated that the proposed development would not increase the risk of flooding to surrounding areas, or be safe from the effects of surface water flooding itself. This is contrary to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, RSS policy 35 and the precautionary approach in PPS25: Development and Flood Risk.

*(This issue was addressed before the committee and the Environment Agency has withdrawn their objection. This is no longer a reason for refusal.)*

**Sustainability**

Sustainability is the overarching theme of all relevant planning policies and the Council has a statutory requirement to reduce carbon emissions. The requirement to achieve zero carbon homes is less than 6 years away – nearly the life time of planning permissions being granted at present. PPS1 Climate Change Supplement states that the planning system needs to support the delivery of the timetable for reducing carbon emissions from domestic and non-domestic buildings. To this effect, RSS policy 38 specifically requires all major developments to secure at least 10% of their energy supply from renewable sources and to achieve an appropriate Code for Sustainable Homes rating. These principles are supported in PPS1 and PPS22.

The proposal makes no reference or commitment to how the detailed scheme would contribute to sustainable development or reduction in carbon emissions. Although in outline, consideration should be given at the outset to how the detailed design scheme will incorporate sustainability measures through construction, reducing the need for energy in the development and feasibility for use of renewable energy systems to achieve the 10% requirement for renewables.

The matter is one of principle, as important as any of the other key issues in this report, and should be considered/committed to at the outset so the local planning authority can properly assess whether the requirements can be achieved. It is too late to consider these issues at reserved matters stage as all issues of principle should already have been agreed at outline stage and therefore it cannot just be left to a condition. Similarly, as with matters of flood risk,
contamination etc, the details should have been provided up front to allow proper assessment before consent may be granted. A renewables feasibility study and the code for sustainable homes pre-assessment are types of assessments intended for this purpose as they establish the principles by which the scheme will be designed to and shows the likely rating the scheme will achieve at formal assessment.

Without any commitment from the applicant towards the reduction in carbon emissions and how the 10% requirement for renewables could be met on site, the proposal is contrary to the aims of PPS1, PPS22 and RSS policies 3 and 38.

**CONCLUSION**

The application site is greenfield land in the open countryside. Accordingly, both housing and retail development on the site would not meet any of the priority 1-4 categories set out in RSS Policy 4 Sequential Approach to Development and would represent visually harmful urban encroachment into the countryside. This would be in direct conflict with the locational aims of PPS1, PPS3, PPS4, PPS7 and PPG13, which seek to achieve sustainable patterns of development and managed housing release by directing new development to sequentially preferable sites within the development limits of identified urban areas in accordance with the RSS.

The submitted Flood Risk Assessment fails to adequately consider the management of surface water runoff in and around the site to prevent flooding. It therefore cannot be safely concluded that the development would not be vulnerable to, or increase the risk of surface water flooding to surrounding areas.

The proposal fails to consider or commit to how future development of the site would contribute to the local and national aims to minimise energy consumption and make use of renewable energy in accordance with the requirements of RSS policy 38 and national planning guidance in PPS1.

**RECOMMENDATION**

That the application be REFUSED for the following reasons:

1. The proposal, by reason of being located on greenfield land outside the development limits of Witton Park, would be visually harmful to the rural setting of the village and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; policies 3 and 4 of the Regional Spatial Strategy 2008; and national planning guidance in PPS1, PPS3, PPS6, PPS7 and PPG13.

2. The proposal fails to demonstrate or consider how the future detailed development proposals will minimise energy consumption through construction, reduce the need for energy in the development and use energy more efficiently, including making provision for at least 10% of the energy requirements for the development being met by renewable technologies. This is contrary to RSS policy 38 and national planning guidance in PPS1 and PPS22.
BACKGROUND PAPERS

Submitted Application Forms, Plans and Supporting Statements
Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
Planning Policy Statements/Guidance
Consultation Responses
Public Consultation Responses